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Role of Supreme Court in Environmental Protection

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Abstract

Ensuring access to quality of life, right to life and a freedom to live in a healthy environment to the citizen is one of the fundamental responsibilities of a welfare state. The purpose of this paper to outline the role of Supreme Court in developing and enhancing the laws which help the nation to protect the environment and provide better life to the upcoming generation. Further the paper will analyse how an Indian Judiciary play a role in proving a better environment, how PIL helps the NGOs and litigants to put their words before the judiciary to protect the environment. This paper also a study of the concept of sustainable development and contribution of Indian Supreme Court in establishing the norms for the government to protect the nation.

Keywords: *Parenting Styles, Parent Adult-Child relationship, Parenting styles affecting Adolescents Anxiety*

Introduction

Due to the requirement for industrial expansion and political unrest, environmental conservation was not a priority in India throughout the post-independence era. After independence, creating markets, industries, and new jobs for the populace was of utmost importance. The Bhopal Gas tragedy, however, made environmental preservation a top focus. Following this catastrophe, both judicial activity and the scope of environmental law in the nation expand.

People started to show some concern when the first environmental protection act was passed in 1986. Implementing the conclusions made at the United Nations Conference on the Human Environments was the primary goal of the act. The Act serves as a safeguard for the environment against emerging industries and urbanization. Before this 1986 law, a significant piece of legislation was passed just two years after the Stockholm Conference in 1974. To put the recommendations made at the conference into practice, the Indian Parliament implements significant changes in the domain of environmental management. Around this time, the 42nd Constitutional Amendment added the environment to the DPSP and gave environmental protection constitutional legitimacy. The State and the Citizen are both required by Article 48A and Article 51A(g) of the Constitution to conserve and maintain the environment. Courts have utilised these clauses a lot to support and create a legally binding. When the first environmental protection act was approved in 1986, people began to express some concern.

Following these declarations, the Supreme Court further affirmed in truly clear terms the Fundamental Right to a Clean Environment under Article 21 of the Constitution. The Indian court has also been crucial in helping to interpret the law in a way that promotes sustainable development.[1]

Environmental law is a recent subject of international law. Even before the Stockholm conference, India made a national note in the IV Five Year Plan (1969–1974) on the importance of incorporating environmental considerations into planning. The harmony between man and nature was acknowledged in the IV plan paper. Such planning is only feasible when all environmental issues have been thoroughly evaluated. There are some situations where prompt and appropriate environmental advice might have aided in project design and changed harmful environmental effects that result in resource loss. As a high-level advisory body to the government, a national council on environment planning and coordination was established.[2] Environment-related matters were handled by this committee.[3]

The right to live in a sanitary environment is not a fresh invention of India's higher court. The legal system in general and the judiciary in particular have defended the right for more than a century or so. The Indian Constitution will not accept any violations of the right to live in a clean and healthy environment, which has become a basic right in the current industrialization period. The High Court and Supreme Court of India first saw this right as a fundamental one in the latter part of the 1980s.People had already been enjoying this right prior to the 1980s, though not as a basic one; rather, it was a right that was enforced by the courts in accordance with several laws, such as the Law of Torts, the Indian Penal Code, the Civil Procedure Code, the Criminal Procedure Code, etc. Environmental rights are seen as next generation rights in this developing nation/world.

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[1] *Paramjit S. Jaswal, Directive Principles Jurisprudence And Socio-Economic Justice in India, 543(1996). See also, Paramjit S. Jaswal and Nishtha Jaswal, Human Rights and The Law, 172-180 (1996).*

[2] *Environmental Protection: Issues and problems", Vol. I in Paras Divan and Peeyushi Divan (eds.) Environment Administration Law and Judicial Attitude, op. cit, p.14*

[3] *Vanangamudi, P, Approach of the supreme court to industrial relations and environmental protection (2015)< http://hdl.handle.net/10603/37611> last access on 10/08/2018*

(a) Environment:

Environment refers to physical surroundings. It contains almost everything. It can be characterized as anything that is viewed as including our shared physical environs, such as the air, space, land, water, plants, and wildlife. It is described as the "Aggregate of all the External Conditions and Influences Affecting the Life and Development of an Organism" in the Webster Dictionary.

The 1986 Environmental Protection Act Environment is defined in Section 2(a) as: "water, air, and land, and the interactions among and between water, air, and land, and with humans, other living things, plants, microorganisms, and property."

(b) Environmental Protection:

Environmental Protection is a practice of protecting the environment from individual, group, government and activities engaged in develop the nation. Its objective to conserve and safeguard the natural resources from the pressure of over consumption, population growth and technology due to which the biophysical environment is being degraded.

Since 1960s, environmental movement have created more awareness of multiple environmental problems. There is disagreement on the extent of the environmental impact of human activity, so protection measures are occasionally debated.

(c) Sustainable Development:

Sustainable Development (SD) is an example of economic development wherein asset use means to address human issues while protecting the climate so these necessities can be met in the present, yet additionally for a long time into the future in some cases educated as Mythical person Climate, Nearby individuals, Future. In 1987, the Unified Countries delivered the Brundtland Report, which included what is currently quite possibly of the most generally perceived definition: "Reasonable advancement is improvement that addresses the issues of the present without compromising the capacity of people in the future to meet their own needs."

Role Of Indian Judiciary in Development Of Environment Jurisprudence:

The "Supreme Court of India," which has frequently backed judicial activism in India, has also been referred to as the "Supreme Court for Indians," according to Professor Upendra Baxi. The judiciary has actively contributed to the strengthening of the fundamental rights guaranteed by the Constitution by the use of its activism and the authority bestowed upon it. The 42nd Constitutional Amendment Act of 1972 was sparked by the Stockholm Conference on Human Environment, which also strengthened India's environmental law system. The state and its citizens now have additional environmental obligations under Article 51A(g) of this amendment (Article 48A). Although Articles 48A and 51(A)(g) of the Constitution are enabling in nature and not inherently legally obligatory, the Indian courts have frequently understood these provisions to be such. These ideas have also been utilised by the courts to develop and support a fundamental environmental right that is legally required as part of the right to life under Article 21. The

Supreme Court mentioned numerous international statutes, including the International Labor Organization Asbestos Convention of 1986,[4] the Universal Declaration of Human Rights of 1948, and the International Covenant on Economic, Social, and Cultural Rights of 1966, in Asbestos Industries Case No. The court in this case addressed concerns over the occupational health risks faced by workers in the asbestos sectors. The court determined that these workers' right to health constitutes a fundamental right under article 21 and gave specific instructions to the authorities. India, a signatory to the Ramsar Convention on Wetlands of 1971, is obligated to support the conservation of wetlands, according to the Calcutta High Court in Calcutta Wetland Case.[5]

The Supreme Court has interpreted the right to life and personal liberty to include the right to wholesome environment. The Court through its various judgments has held that Sustainable Development and the mandate of right to life includes right to clean environment, drinking water and pollution-free atmosphere. In Vellore Citizens Welfare Forum vs. Union of India: elaborately discussed the concept of sustainable development' which has been accepted as part of the law of the land. In the decision of the Supreme Court in Narmada Bachao Andolan v. Union of India wherein it was observed that "Sustainable development means what type or extent of development can take place, which can be sustained by nature/ecology with or without mitigation." In this context, development primarily meant material or economic progress. Mr. M. C. Mehta brought a unique and historic case before the Supreme Court of India for including instruction of environmental awareness as a compulsory subject in schools throughout the country.

Case Brief:

Vellore Citizens Welfare Forums vs Union of India:[6]

As far as I can see, the Environment Act provides useful provisions for limiting pollution. I acknowledge that the major objective for the Act is to provide power or authority under Section 3(3) of the Act with sufficient force to regulate pollution and safeguard the environment. It is unfortunate that no authority has been formed by the Central Government to yet. The work that is needed to be completed by an expert under Section 3(3) read with other sections of the Act is being completed by the Apex Court and other Courts around the country.

The moment for the Central Government to realize its responsibility and statutory requirement to safeguard the nation's debasing environment has already passed. If the conditions in the five regions of Tamil Nadu where tanneries operate are allowed to continue, all streams/waterways will be contaminated, underground waters will be contaminated, horticultural grounds will become desolate, and the residents of the territory will be exposed to genuine infections.

As a result, it is critical for this Court to direct the Central Government to act quickly in accordance with the requirements of the Environment Act. The Constitution and legislative provisions protect an

[4] *Consumer Education and Research Centre & ors. v. UON & Ors. (1995) 3 SCC 42*
[5] *People United For Better Living In Calcutta v. East Kolkata Wetlands Management Authority, AIR 1993 Cal 215.*
[6] *Vellore Citizens' Welfare Forum v. Union of India (1996) 5 SCC 647*

individual's right to natural air, clean water, and a pollution-free environment; nevertheless, the root of the privilege is the basic custom-based law right to a clean environment. In the five districts of Tamil Nadu, there are about 900 tanneries in operation. Some of them may have implemented essential pollution control measures at this time, but they have been polluting the environment for more than ten years and, in any case, for a longer duration. This Court has established in several requests that these tanneries are required to pay a pollution fine. Polluters must reimburse those who have been harmed, as well as cover the costs of restoring the degraded environment.

Narmada Bachao Andolan v. Union of India:[7]

A public interest prosecution was started against the Sardar Sarovar Venture which comprised of the development of a huge dam on the Narmada waterway. The request affirmed that the venture would prompt natural annihilation. For this situation, the High Court adjusted the formative goals and presented another aspect in the 'preparatory standard' via understanding. The Court expressed that supportable improvement implies what type or degree of advancement can occur which can be supported commonly or biology regardless of alleviation. It was held that the development of dams brings about a difference in climate yet won't be a natural catastrophe as battled. Hence, the development of a dam was permitted.

Why Sustainable Development Is Important?

Origin of concept of Sustainable Development:

The concept of sustainable development is not a new concept. It came to be known as early as in 1972 in the Stockholm declaration. It had been stated in the declaration that: “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 wellbeing and he bears a solemn responsibility to protect and improve the environment for present and future generation.” But the concept was given a definite shape in a report by World Commission on Environment, which was chaired by the then Norway Prime Minister, Ms. G. H. Brundtland. The report was popularly known as “Brundtland Report” which had been further discussed under agenda 21 of UN Conference on Environment and Development held in June 1992 at Rio de Janeiro, Brazil. At the World Summit on sustainable development in Johannesburg, the world community agreed that poverty eradication and access to clean energy have to go hand in hand. At the Summit, the European Union took the initiative to form a group of like-minded countries which are willing to agree on timetables and targets for increasing the use of renewable energies. India was also invited by some European countries to join this initiative.

Various principles of 'Sustainable Development:

Some of the basic principles of 'Sustainable Development' as described in 'Brundtland report' are as follows: -

[7] *AIR 2000 SC 3751*

(a) Inter-Generational Equity: The principle talks about the right of every generation to get benefit from the natural resources. Principle 3 of the Rio declaration states that: "The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations." The main object behind the principle is to ensure that the present generation should not abuse the non-renewable resources so as to deprive the future generation of its benefit.

(b) The Precautionary Principle: This principle has widely been recognized as the most important principle of 'Sustainable Development'. Principle 15 the Rio declaration states that: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. "in other words it means i) Environmental measures by the state government and the local authority must anticipate, prevent and attack the causes of environmental degradation. ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not used as a reason for postponing measures to prevent environmental degradation. iii) The 'onus of proof' is on the actor or the developer to proof that his action is environmentally benign.

(c) Polluter Pays Principle: Principle 16 of the Rio declaration states that: "National authorities should endeavor to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment." It is quite obvious that the object of the above principle was to make the polluter liable not only for the compensation to the victims but also for the cost of restoring of environmental degradation. Once the actor is proved to be guilty, only that individual is liable to compensate his act irrelevant of the fact that whether he's involved in development process or not. Sustainable development is a pattern of resource use that aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for the future generations. The term was used by the Brundtland Commission which coined, what has become the most often quoted definition of sustainable development as development that “meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Concept Of PIL and Its Importance In Protecting The Environment:

The introduction of Public Interest Litigation and the loosening of the customary standing procedure in court have been the most significant procedural innovations for environmental law (PIL). Due to the

perception that it was a means of defending personal interests, litigation in India was in its most basic form up to the early 1970s. During this time, the sole party who felt harmed had the right to initiate and maintain a legal proceeding. With the efforts of Justices P.N. Bhagwati and VSR. Krishna Iger, the situation completely changed in the 1980s, and attempts were made to include larger topics that affected the general public as a whole. The scope and reach of PIL were broadened in the 1980s from the initial concerns about prisoner rights to others like bonded labor, child labor, and inmates of different asylums. These new issues included ensuring the rights of the poor to education, shelter, and other necessities, combating sexual harassment of women at work, preventing corruption in public offices, holding public servants accountable, and using public funds for development activities. But there are several reasons why the Court's approach to considering PILs for environmental protection is important.

First, before the notion of PIL emerged, remedies for cases of public nuisance were available under criminal law laws included in the Indian Penal Code, civil law remedies under the law of torts, and sections of the Criminal Procedure Code, including other pollution. However, it was difficult to get the Court's attention on environmental issues due to a lack of public awareness of these issues and a lack of familiarity with environmental legislation. Once more, there was nothing in the environmental framework that allowed the third party to request assistance from if the party wasn't directly impacted by environmental issues, the court. Therefore, the traditional notion of locus standi had been the strongest obstacle in the way of legal action for environmental justice. Previously, when a third party sought relief from an injury they had not actually sustained, the appellate Court rejected the action because it concentrated on the petitioner's identity rather than the petition's intended target. However, the Court's perspective has now shifted, and it has been decided that any member of the public with a strong enough interest may be permitted to start a legal proceeding to establish diffused and meta individual rights. Environmental litigation typically involves numerous parties that have been harmed by pollution. The question of who should alert the court to such circumstances where no specific personal injury has been noted thus arises. The Court has emphasised that in certain circumstances, any member of the public with a strong enough interest may be permitted to start a legal proceeding to establish dispersed and meta-individual rights in environmental issues. Beginning with the Dehradun Lime Stone Quarrying Case in 1983 and continuing with the Ganga Water Pollution Case, Delhi Vehicular Pollution Case, Oleum Gas Leak Case, Tehri Dam Case, Narmada Dam Case, Coastal Management Case, industrial pollution in Patancheru Case, and T.N. Godavarman Case, all of them were brought to the Court's attention through PILs.

In order to ensure the implementation of statutory acts and constitutional provisions aimed at the protection of the environment and enforcement of fundamental rights, non-governmental organizations (NGOs) and environmental activists have brought these cases on behalf of other people and groups or the general public. According to case reports from the Indian Supreme Court, out of 104 environmental cases that were brought before the court between 1980 and 2000, were brought by people who weren't directly impacted by the issue, and 28 were brought by non- governmental organisations (NGOs) on behalf of those who were. This implies that The PIL's instrument has given the third party a chance to speak on behalf of the impacted individuals and the ecosystem as a whole. In order to hear environmental issues, the Court has also demonstrated a readiness to change the rules of the game when necessary. For instance,

the Court has decided to regard a certain case as a representative action and made decisions that are applicable to the entire class where there are a variety of offenders. In one case involving significant pollution of the Ganga River, the Court published newspaper announcements inviting all parties—including local officials and affected industries—to enter appearances. 22 The Kanpur tanneries were the target of this petition. All industrialists, municipal corporations, and town municipal councils in India with authority over the regions through which the river flows, however, were summoned by the court to appear before it. Similar to this, T.N. God Varman Tirumala filed a writ suit with the Supreme Court of India in 1995 to prevent illicit wood activities from destroying the Nilgiris forest land. The God Varman case was broadened by the court from a matter of stopping unlawful activities in one forest to a reformation of the nation's forest policy. The Court's strategy for handling environmental lawsuits through third party representation has had such a favourable effect that it has fundamentally changed both the form and content of environmental jurisprudence in India. For those who sustain severe injuries as a result of environmental contamination, turning to the legal system is an expensive exercise.

Even if the aggrieved party seeks judicial relief, the Court can only resolve disagreements between the appellant party and the polluter; other aggrieved parties' rights are left unresolved. Only if the remedies benefit individuals who are not parties to the dispute can judicially remedies for environmental ills produce positive effects. The Court has tried to uphold people's rights by considering petitions from various NGOs and public-spirited individuals on behalf of the underprivileged and disadvantaged sections of society in order to determine compensation and offer other remedies to those who have been harmed. Allowing third parties to notify the court of environmental issues has a significant impact on inanimate things, who are unable to speak for themselves during the litigation process. Environmentalists and concerned NGOs have used the PIL as a tool to convey the voice of inanimate items. The polluter has been asked to make reparations for the harm done to the environment's natural components and to return it to its pre-pollution state. Despite the foregoing progressive implications of the PIL idea for environmental law, several practical challenges and limitations have resulted from the judicial consideration of PILs involving environmental issues in recent years.

A detailed examination of the history of environmental litigation reveals that there have been an abundance of PILs on environmental matters since the liberalization of the locus standi concept. 23 PILs are being submitted with little to no preparation, taking advantage of the Court's inability to observe minutiae. By submitting complaints without the necessary supporting evidence, actions are started. It is anticipated that the Court would take care of everything after a petition is filed. The main issue, however, is that the Court spends the majority of its time, effort, and resources gathering data on the multifaceted elements of environmental issues. As a result, the justice delivery system is under a lot of strain, and cracks are starting to show. The Court has expressed its frustration at having jurisdiction over every conceivable public interest problem when, in the majority of cases, compliance with local level decisions would have avoided the flurry of litigation at the highest level. As early as 1980, in the Ratnam Municipal Council case, the Court upholding the Sub-Divisional Magistrate's orders, expressed that if the Municipal Council had used half of its litigious zeal to clean up the streets and comply with the local level orders, the civic issues would have long since been resolved. Aside from this, the purpose of the PIL was to address public

interest. However, there are some worrying and new developments. The PIL approach is one of the most important ones getting more customized, unique, and attention-seeking. There have been situations where they have identified with the character of a judge or a litigant. When the judge before whom the case is posted determines its conclusion, it is a farce of justice. Without a doubt, the personalities of the judge and the litigant, as well as their ardent devotion to social justice and environmental conservation, have greatly influenced the development of the jurisprudence on the topic. However, in the absence of such care and dedication, the system is susceptible to many whims and fancies that could impair the administration of justice. Additionally, what was formerly thought to as a cheap and quick method of dispute resolution has occasionally taken longer than a decade to be resolved. The God Varman case is a great illustration of the Court being preoccupied with the issue for more than ten years, and its final decision is still far from being reached. The case, which began in 1996 as a petition asking the Supreme Court to intervene to prevent the illegal logging of Nilgiris forest land, has grown to enormous proportions and become embroiled in debates over interfering with administrative procedures, traditional methods of managing forests, and the failure to recognize the rights of forest dwellers. 24 getting more customized, unique, and attention-seeking. There have been situations where they have identified with the character of a judge or a litigant. 26 When the judge before whom the case is posted determines its conclusion, it is a farce of justice. Without a doubt, the personalities of the judge and the litigant, as well as their ardent devotion to social justice and environmental conservation, have greatly influenced the development of the jurisprudence on the topic. However, in the absence of such care and dedication, the system is susceptible to many whims and fancies that could impair the administration of justice. Additionally, what was formerly thought to as a cheap and quick method of dispute resolution has occasionally taken longer than a decade to be resolved. The God Varman case is a great illustration of the Court being preoccupied with the issue for more than ten years, and its final decision is still far from being reached. The case, which began in 1996 as a petition asking the Supreme Court to intervene to prevent the illegal logging of Nilgiris forest land, has grown to enormous proportions and become embroiled in debates over interfering with administrative procedures, traditional methods of managing forests, and the failure to recognize the rights of forest dwellers. The Court's inconsistent attitude to accepting and rejecting PILs is another obvious cause for worry. A good example in this perspective is the judiciary's prudence in handling environmental lawsuits, especially those involving difficult infrastructure projects. In cases of this sort, the Court has not only rejected PILs but also made unnecessary and unjustified comments on PIL abuse. For instance, the court denied Narmada Bachoo Angolan’s request to provide any arguments regarding the benefits and drawbacks of major dams in the case of Narmada Bachoo Angolan vs Union of India27.The majority of the succeeding judges permitted the government to build the dam without conducting a comprehensive environmental impact assessment, which was required even by the government's own rules and notifications, despite Justice S.P. Bharuch’s dissenting opinion that the Sardar Sarovar Project was moving forward without a thorough environmental appraisal. A conditional permission issued in 1987 was contested in 1994, according to the majority opinion, and the arguments regarding the height of the 25 At this late date, it is not able to handle concerns like the dam, the degree of submersion, environmental evaluations and clearing, hydrology, and seismicity outside of the implementation of relief and rehabilitation. The Supreme Court's ruling in the PILs challenging the construction of the Tehri Dam and

the construction of the power plant at Dahanu Taluka in Maharashtra, where the government's own expert committee had given an elaborate report pointing out a number of violations of the conditions on which environmental clearance to the projects had been given by the Ministry of Environment and Forests, also demonstrated the subordination of environmental interests to the cause of development. As a result of the nature of environmental lawsuits opposing infrastructure projects, the court decided that the government, not the courts, should settle disputes relating to the necessity and utility of any development project. The Court even ruled that the petitioner should be held accountable for the damages brought on by the project's delay if a project is delayed due to a public interest petition that is later dismissed. Any temporary injunction that prevents the project from moving forward, according to the Court, "shall reimburse all costs to the public in case finally the litigation instituted by such an individual or group fails.". The Court has kept a distance with regard to litigation against public infrastructure projects since the 1990s, in contrast to the use of discretionary power in considering PILs on environmental concerns in the 1980s. Those who care about the environment and view the Court as their final line of defense are very concerned about the Court's inconsistent stance.

Conclusion & Suggestion

Conclusion

The application of novel approaches to settle environmental disputes and carry out court decisions clearly deviates from the Court's customary adjudication duty, according to an analysis of the consequences of the Supreme Court's innovations for environmental jurisprudence. While procedural innovations have expanded the reach of environmental justice by recognising citizens' rights to a healthy environment, considering petitions on behalf of impacted individuals and inanimate objects, and using their creative thinking, judges have redefined the role of the court in the decision-making process by applying environmental principles and broadening the reach of environmental justice. The Supreme Court's creative strategies have attempted to halt the dysfunctional trend of other organs and enable the efficient enforcement of environmental legislation in light of the crisis within the administration and legislature in carrying out their constitutional tasks.The Supreme Court has occasionally overstepped its bounds and begun meddling in the most fundamental aspects of environmental management in the process of reminding other institutions of their Constitutional obligations and upholding citizens' fundamental rights. Since 1980, the Supreme Court has arbitrated more than 100 environmental matters, consistently managing and resolving environmental disputes and increasing the nation's reliance on the Court for environmental protection. The fact that the Supreme Court's orders are not being closely followed and that the legislative and executive branches' responsibilities in relation to environmental issues are ambiguous have made this dependence on a judicial institution that has already gone beyond the scope of its authority even more problematic. with its involvement in the process of implementing environmental policy and interpretation. The analysis of environmental cases reveals that the implementing agencies have not consistently cooperated in order to carry out the Court's directives. Additionally, it has been noted that the majority of the novel approaches the Court adopted have not yet institutionalised themselves or had a sustained impact on the development of environmental jurisprudence. How long will the Supreme Court

continue to oversee the application of its rulings in this circumstance? What would happen if the implementing agencies and people defy Court orders for the protection of citizens as hostility to judicial interference in the business of other organs grows environment? Whether the Court can safeguard the environment through innovations in the face of strong opposition from the implementing agency or whether it can continue to interfere in the absence of widespread support is still an open question. More crucially, it is still to be seen if the public's belief in the Court's efforts to safeguard the environment through novel means will be vindicated. It is to the credit of Indian courts, especially the higher judiciary, that the country has made a truly vociferous march toward environmental preservation. It wouldn't be overstating things to claim that India's environment law has evolved alongside the country's legal system's expansion and development. A sub-continental nation-state with the second-largest population in the world, the majority of whom live in illiteracy and poverty, and striking cultural, economic, and ethnic variety presents difficulties to government that are truly unique. Extensive fundamental rights are provided by the written Constitution that the people themselves created when they gained independence, but securing these rights has not been simple. The courts became the only remaining bulwark of the people's rights and liberties as a result of numerous political changes. An activist judiciary was at work throughout the post-emergency era, especially in the 1980s, and this was also the time when fresh and noteworthy innovations in environment law occurred. The emphasis switched from the traditional strategy of prosecuting environmental offences as criminal offences and/or civil wrongs to the strategy of treating environmental issues as a component of the fundamental rights guaranteed by the written Constitution. 68 Environmental law is a recent subject of international law. Even before the Stockholm conference, India made a national note in the IV Five Year Plan (1969–1974) on the importance of incorporating environmental considerations into planning. The harmony between man and nature was acknowledged in the IV plan paper. Such planning is only feasible when all environmental issues have been thoroughly evaluated. There are some situations where prompt and appropriate environmental advice might have aided in project design and changed harmful environmental effects that result in resource loss. As a high-level advisory body to the government, a national council on environment planning and coordination was established. Environment-related matters were handled by this committee. The right to live in a sanitary environment is not a fresh invention of India's higher court. The legal system in general and the judiciary in particular have defended the right for more than a century or so. The Indian Constitution will not accept any violations of the right to live in a clean and healthy environment, which has become a basic right in the current industrialization period. The High Court and Supreme Court of India first saw this right as a fundamental one in the latter part of the 1980s.People had already been enjoying this right prior to the 1980s, though not as a basic one; rather, it was a right that was enforced by the courts in accordance with several laws, such as the Law of Torts, the Indian Penal Code, the Civil Procedure Code, the Criminal Procedure Code, etc. Environmental rights are seen as third generation rights in the modern, developing legal world. The drawn-out sustainability of the environment is essential to mankind's endurance. Regardless, we should moderate our biological system and natural surroundings to support life on the blue planet, especially human life. The ongoing speed of how much annihilation is considerably more noteworthy than the capacity of environments to recuperate or mend, and this should be switched as fast as achievable. We ought to change to green substitutes if we have any desire to restore the climate and

convey things ahead to ordinary since anthropogenic exercises are weakening the [8] Environmental Protection: Issues and problems

Microorganisms furthermore, plants, among other organic apparatuses and elements, can help with the reclamation of dirtied biological systems what's more, the decrease of the impacts of an Earth-wide temperature boost what's more, environmental change. Manageability is the trendy expression of the day, and on the off chance that we don't get to work and begin focusing right away, things can escape hand. Utilizing harmless to the ecosystem and low-input biotechnological advancements, a large number of the issues featured and found in this study can be settled. We have simply started to scratch the surface, further work and study are important. The Earth is different and, in spite of huge obliteration, the greater part of it is as yet intact making it conceivable to address natural difficulties with bleeding edge biotechnology advances and techniques. The third generation right to development has been made possible by the human rights-cantered environmental law doctrine. As a result, the law in India has developed to better the quality of each person's life. The way the fundamental rights provisions are interpreted and applied in conjunction with the Directive Principles of State Policy and Fundamental Duties to provide substantive remedy is in fact a novel strategy. A puritan could view such a strategy as deviating from accepted legal principles, but the exigency of the situation has justified it. There are important challenges that need to be addressed with the turn of the millennium and the globalisation that is happening in many spheres of society. Because fields like biotechnology are developing so swiftly, legal systems around the world must quickly catch up with the developments that are occurring. The Indian courts' dynamism is a desirable strategy. The strategy used by Indian courts to provide meaningful relief and remedy to its citizens, who make up a sizeable fraction of the global population and live in a nation with some incredibly diverse ecosystems, should be taken into consideration and applied. The Supreme Court currently expands the numerous legal requirements relating to the protection of the environment, according to our analysis of the aforementioned judgments. In cases when there is a lack of legislation, the justice system attempts to fill in the gaps. The new breakthroughs and advances brought about by judicial activism in India provide up a wide range of options for aiding the nation. Given the unique character of environmental rights and the fact that the loss of natural resources cannot be replaced, Indian courts are very aware of and circumspect about them. There are certain suggestions that should be taken into account. A legislation cannot be effective and successful unless it is implemented effectively, and for its implementation, public knowledge is a necessary requirement. Therefore, it is crucial that the proper awareness exists. The Apex Tribunal in the matter of M.C. Mehta vs. Union of India. In this case, the court mandated that the Union Government send orders to all state and union governments requiring that all theatres display at least two slides as a condition of their licences. In the middle of each show, environmental messages are presented. In its 186th Report, the Indian Law Commission also included a suggestion for the creation of the Court of Environmental. Therefore, it is important to increase the judiciary's capabilities by creating distinct

[8] *Environmental Protection: Issues and problems", Vol. I in Paras Divan and Peeyushi Divan (eds.) Environment Administration Law and Judicial Attitude, op. cit, p.14*

environmental courts, each with a professional judge to oversee environmental disputes and crimes, so that the judiciary can carry out its duties more effectively.[9]

Suggestion:

In this sense, the judiciary makes an effort to close any gaps left by the law's opacity. These recent innovations and advances in India brought about by judicial activism bring up a wide range of potential aid options. Given that the loss of natural resources cannot be replaced, Indian courts are very aware of and circumspect about the particular character of environmental rights. There are certain suggestions that should be taken into acco

[9] *Vanangamudi, P, Approach of the supreme court to industrial relations and environmental protection (2015)< http://hdl.handle.net/10603/37611> last access on 10/08/2018*