

## A STUDY ON CONSTITUTIONAL PERSPECTIVE AND ENVIRONMENTAL PROTECTION IN INDIA

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### Abstract

The environment encompasses everything that surrounds and has an impact on living things. Our environment is made up of the air, water, and land that surrounds us and has a direct impact on us. The present research explores the history of environmental protection in India because it is said that Indian culture is built on environmental preservation. The Constitution of India lays an obligation on the State as well as its citizens to protect and develop the environment. Environmental issues in India have been examined in this paper, along with the constitutional provisions for environmental protection in India that are highlighted in detail. In addition, there has been extensive observation made in the current paper regarding India's judicial approach as well as the government schemes for environmental protection. The paper also discusses the many environmental protection measures, as there is no other way to preserve and safeguard the ecosystem but to educate everyone on its importance. It can be concluded that the environment is something that everyone owns, influences, and values thus it is crucial for everyone to understand how their actions have an impact on the environment.

**Keywords:** *Constitution, Earth, Environmental protection, Government schemes, Judicial approach.*

### INTRODUCTION

Environmental protection is a component of our cultural traditions and ideals, and a healthy environment is crucial to a welfare state. One of the foremost reasons for any country's overall development is environmental protection. Enhancing and preserving the quality of the environment is called environmental protection. It should be highlighted that judicial activism for environmental protection is commendable.

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Around 35 years ago, on June 5, 1972, the Stockholm Conference brought environmental issues to global prominence. Until now, the 5th of June has been designated as World Environment Day throughout the world. Extra effective technology is needed to boost the economy, yet the harm that some industrial activities due to the environment is inversely correlated with technological advancement. Industrialization, globalization, and the development of all tools for a better life should aim on a healthy environment. According to the Preamble of the Constitution of India, the country's legal system is socialist in nature, prioritizing solving societal issues before solving personal ones. The country's highest priority in this situation is the well-being of the public.

The Constitution of India contains specific provisions for environmental protection in the Directive Principles of State Policy, in the Fundamental duties as well as in the Fundamental Rights part. The absence of a specific article acknowledging the fundamental right to a healthy and clean environment in the Constitution is partly the result of recent judicial activism. The 42nd Amendment to the Constitution was adopted by the Indian government in 1976 as a result of the Stockholm Conference, rising environmental awareness, and the international campaign for environmental preservation in the 1970s.<sup>1</sup> The Constitution was amended to include explicit environmental protection clauses and the 42nd Amendment expanded the Directive Principles of State Policy by adding Article 48-A.

The Supreme Court of India held in *M.C. Mehta v. Union of India*<sup>2</sup> that pursuant to Article 51A(g), the Central Government is required to adopt mandatory instruction of lessons on protection and improvement of the natural environment for at least one hour per week in all the country's educational institutions. The Supreme Court asked the Central Government to get textbooks on the subject and distribute them free of charge to educational institutions.

With the intention of protecting and enhancing the environment, the Environment (Protection) Act was passed in 1986. It enables the Central Government to create agencies under section 3(3) of the Environment Protection Act with the responsibility of preventing environmental pollution in all of its forms and addressing particular environmental issues that are unique to certain regions of the nation.<sup>3</sup> Hence, environmental protection is critical for a variety of reasons, including reducing pollution in the air, water, and land, making it simpler to safeguard natural resources for future generations, ensuring biodiversity protection, implementing sustainable development, and so on.

#### **ENVIRONMENT PROTECTION HISTORY IN INDIA**

The idea of environmental conservation is a long-standing one that has been ingrained in Indian culture from the beginning of time. Understanding the current legal framework for environmental preservation and resource conservation requires an understanding of earlier Indian environmental traditions and practices. To instill a sense of devotion in people, our Vedas idealized every component of nature as gods and goddesses, including the sun, water, rivers, animals, etc. Four stages have been identified in the development of environmental protection:

- I. **Indian policies in ancient times:** It might be argued that environmental awareness existed even in the pre-Vedic Indian Valley Civilization, which inhabited northern India approximately 5,000 years ago wherein archaeological evidence has been used to obtain all this information. Building dwellings, streets, wells, and other structures demonstrates a concern for hygiene and sanitation. The Vedic civilization placed a strong emphasis on cleanliness. There are numerous directions for using water to maintain its cleanliness in the *Charak Samhita*, a medical science text written between 900 and 600 BC. Environmental ethics of nature protection were not only applicable to the common man but also the rulers and monarchs as they were outlined in the *Arthashastra*, an ancient text on statecraft,

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<sup>1</sup> *Constitutional Provisions for the Protection of Environment*, GeeksforGeeks, <https://www.geeksforgeeks.org/constitutional-provisions-for-the-protection-of-environment/> (last visited 09 Mar.2022)

<sup>2</sup> 1983 1 SCC 471.

<sup>3</sup> ENVIRONMENT PROTECTION, Ministry of Environment, Forest and Climate Change, Government of India, <https://moef.gov.in/en/rules-and-regulations/environment-protection/> / (last visited 09 Mar., 2022)

economic policy, and military strategy.<sup>4</sup> Several punishments were recommended for cutting trees, harming forests, and killing animals.

II. **Indian policies in the medieval period:** The Mughal emperors regarded forests merely as hunting grounds. Muslim rulers dominated historic India's history, and it was only under the Mughal Emperor Akbar that environmental law significantly advanced. Except for the rulers, no one else was allowed to do shikar or go hunting during Akbar's reign. Yet, because the monarchs were solely concerned with war, the spread of religion, and empire building, no significant measures were made throughout the medieval era to prevent environmental protection and resource conservation.<sup>5</sup> There was no prohibition on cutting other trees, hunting animals, etc., other than "royal trees" that benefited from patronage and were not allowed to be cut without payment. Throughout this time, the size of the forests gradually decreased.

III. **British policies in India:** The Merchant Shipping Act of 1858 addressed the prevention of oil pollution of the sea. "*The Fisheries Act of 1897, The Bengal Smoke Nuisance Act of 1905, The Bombay Smoke Nuisance Act of 1912.*" These are some of the important laws for environmental protection that were introduced. The Shore Nuisance (Bombay and Kolaba) Act of 1853 put limitations on the fouling of seawater.<sup>6</sup>

IV. **Policies enacted upon independence:** Environmentalism and the prevention and control of pollution were not covered by the 1950-adopted Indian Constitution. The Stockholm Declaration of 1972 drew the Indian government's attention to the border viewpoint of environmental preservation. In India, the Central Government passed extensive (special) environmental legislation as follows:

- The Ministry of Environment and Forests (MoEF) was established in 1985 after the National Council for Environmental Policy and Planning was established in 1972.
- Modern, logical wildlife management was the goal of the Wildlife (Protection) Act of 1972.
- In order to act as protectors for the pollution control and prevention efforts, the Water (Prevention and Control of Pollution) Act of 1974 calls for the setting up of pollution control boards at the federal level and in each state.
- The 1980 Act of Forest (Conservation) Act sought to prevent deforestation, divert forest area away from forestry, and advance social forestry.
- With the use of pollution control boards, the Air (Prevention and Control of Pollution) Act of 1981 sought to reduce air pollution.
- The Environment (Protection) Act of 1986 is a piece of legislation that tries to close legal gaps and gives the country a singular focus on environmental protection.
- The Public Liability Insurance Act of 1991 mandates insurance in order to help anyone harmed by mishaps that occur when handling any hazardous product by providing them with instant relief.
- The Biological Diversity Act, passed in 2002, is a significant piece of law that is intended to safeguard the biodiversity in the area around communities.<sup>7</sup>

The 2006 policy of National Environment Policy has its goals in the preservation of important ecological environmental resources, intergenerational equity, the security of poor people's livelihoods, the incorporation of environmental issues into economic and social development, the efficient use of environmental resources, and the implementation of strategies for environmental protection.

## **CONSTITUTIONAL PROVISIONS FOR THE ENVIRONMENTAL PROTECTION IN INDIA**

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<sup>4</sup>Yashwanth A.S, *History of Environmental Protection in India*, Social Laws Today, <https://sociallawstoday.com/history-of-environmental-protection-in-india/> / (last visited 09 Mar.2022)

<sup>5</sup>*Id.* at 6.

<sup>6</sup> Suhani Gupta, *Environmental protection in India*, Law Bhoomi, [https://lawbhoomi.com/environmental-protection-in-india/#History\\_of\\_environmental\\_protection](https://lawbhoomi.com/environmental-protection-in-india/#History_of_environmental_protection) / (last visited 09 Mar.2022)

<sup>7</sup>History of Environmental Protection, *supra* note 6, at 9.

The Indian Constitution is a live, breathing document that changes and develops throughout time. The Constitution's special provisions relating to environmental protection are a direct result of the fundamental law of the land's capacity for development and its tendency to change over time. Our constitution's preamble guarantees the socialist social structure and human dignity wherein this has a built-in decent level of living and a clean environment. Environment is defined as including water, air, and land as well as the relationships that occur between these elements and with people, other living things, plants, microorganisms, and property in the Environment (Protection) Act of 1986.<sup>8</sup>

According to Indian Constitution's Article 19(1)(g), citizens have the fundamental right to engage in any profession or conduct any business in any region of the nation with a few reasonable constraints. In *Cooverjee B. Bharucha v. Excise Commissioner*<sup>9</sup>, the Supreme Court gave environmental preservation the advantage over trade freedom. So, a citizen cannot engage in such trade or economic operations if they are harmful to the general public's health.

No one should be deprived of his life or personal liberty unless in compliance with the method prescribed by law, according to Article 21. The right to an environment free from the fear of disease and infection is inherently guaranteed by this legislation, the court has held on numerous cases. The Supreme Court ruled in 1988's Dehradun Quarrying Case of *Rural Litigation and Entitlement Kendra vs. State*<sup>10</sup> that the right to a healthy environment follows naturally from article 21. In addition, the Supreme Court determined that the right to clean water and air under Article 21 is a basic right in *Subhash Kumar v. the State of Bihar*.<sup>11</sup>

Every individual, even those who are not Indian citizens, is guaranteed the freedom to profess and practice their faith under Article 25 of the Constitution of India, and religious denominations are given specific protection under Article 26. Every person may use either, if they abide by the relevant provisions of the corresponding part of the Constitution regarding public morality, health, and order.<sup>12</sup> Although the individual has the right to exercise these liberties, doing so must not infringe on other's rights, particularly the right to be left alone to go about their business. In accordance with the Indian Constitution's Directive Principles of State Policy, a welfare state is intended to be built. A welfare state also includes a healthy environment as one of its components. According to Article 47, the State's primary obligations include boosting the level of nutrition, raising the standard of living for its citizens, and enhancing public health. The conservation and enhancement of the environment, without which public health cannot be guaranteed, is also a part of improving public health. The organization of agriculture and animal husbandry is covered by Article 48 of the Indian Constitution. The State is instructed to take action to modernize and scientifically organize agricultural and animal husbandry. It should, in particular, adopt measures to protect and advance breeds and outlaw the killing of cows, calves, and other milch and draught animals.

The State shall attempt to maintain and improve the environment and to safeguard the forests and wildlife of the country, this Indian Constitution's Article 48-A states. By implementing various measures, the State was required by this article to safeguard the environment from contamination. Every citizen in India has an obligation to conserve the environment, according to the Indian Constitution's part on fundamental duties. "Every citizen of India shall have the duty to safeguard and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living beings," states Article 51-A (g). Similar to Article 48A, this article only differs in that it is the responsibility of citizens to maintain the environment, whereas Article 48A is the responsibility of the State. According to

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<sup>8</sup> Pooja P. Vardhan, *Environment Protection under Constitutional Framework of India*, Press Information Bureau Government of India, <https://pib.gov.in/newsite/printrelease.aspx?relid=105411> (last visited 10 Mar., 2022)

<sup>9</sup> 1954 AIR 220, 1954 SCR 873

<sup>10</sup> AIR 1988 SC 2187

<sup>11</sup> 1991 AIR 420, 1991 SCR (1) 5

<sup>12</sup> Mr. Sandip B. Satbhai, Right to Health in India-A Study of Constitutional and Judicial Attitude, Academia, [https://www.academia.edu/7692842/Right\\_to\\_Health\\_in\\_India\\_A\\_Study\\_of\\_Constitutional\\_and\\_Judicial\\_Attitude](https://www.academia.edu/7692842/Right_to_Health_in_India_A_Study_of_Constitutional_and_Judicial_Attitude) (last visited 10 Mar.2022)

this Article, since nature provides us with an environment free of pollution, it is our responsibility to both conserve and enhance the environment. The right to live in a pollution-free environment was implicitly treated by the Supreme Court in *M.C. Mehta v. Union of India*<sup>13</sup> as a component of the fundamental right to life under Article 21 of the constitution.

According to Article 253, Parliament has the authority to enact any law for the country as a whole or for any specific region in order to carry out any treaties, agreements, or conventions with other nations. Simply put, this article contends that in the years following the 1972 Stockholm Conference, Parliament has the authority to pass laws pertaining to any issues related to the protection of the natural environment. This is supported by the application of Article 253 by Parliament to pass the Air Act and the Environment Act. To put into effect the conclusions made during the Stockholm Conference, these Acts were passed.<sup>14</sup> The constitution gives Panchayats authority to act locally and in villages to conserve soil, manage water resources, manage forestry, protect the environment, and promote ecological principles.

### **ENVIRONMENTAL ISSUES IN INDIA**

The environment has experienced fundamental alterations as a result of the rapid advances in engineering and industry.

**Ozone Layer Depletion and Global Warming:** The atmosphere has a layer that shields the planet from dangerous ultraviolet (UV rays) radiation. Between 97% and 99% of the sun's dangerous UV radiation can be absorbed by the ozone layer. The excessive emission of chlorine and bromine from man-made substances like CFCs is the primary contributor to the ozone layer's depletion. Chlorofluorocarbons (CFCs), halons, methyl chloroform (CH<sub>3</sub>CL<sub>3</sub>), carbon tetrachloride i.e., CCL<sub>4</sub>, hydrochlorofluorocarbons (HCFCs), and methyl bromide all contribute to the ozone layer's depletion.<sup>15</sup> The long-term implications of global warming include the melting of glaciers, climatic changes, sickness, and an increase in the frequency of storms.

**Pollution:** The majority of people are aware of what pollution is, but we are not yet prepared to deal with its severe repercussions. Pollution includes light, optical, point, and diffusion sources in addition to water, dust, and noise. Every sort of pollution is primarily the fault of people and their behaviour. The main sources of water pollution are marine pollutants, urban effluents, and petroleum springs. Industrial waste is the primary cause of soil and water contamination.

**Water:** Given our reliance on water and how important it is to our relationship with the environment, water pollution is undoubtedly a major concern. The destruction of our water resources kills both people and marine life, and it puts an enormous financial burden on businesses and governments. We are endangering the most priceless resource our world has to offer through oil spills, deadly chemical leaks, and an abundance of plastic waste entering our waterways. Education is the answer to this. We can work together to repair the harm caused by humans if we are aware of the causes and consequences of water contamination.<sup>16</sup>

**Climate Change:** Today, climate change is not just a natural phenomenon. The immediate repercussions of human behavior's negative effects are to blame for these disturbances. The greenhouse effect, urban heat islands, coal mining, and other negative effects of climate change are only a few. One of them is the

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<sup>13</sup> AIR 1987 SC 1086.

<sup>14</sup> Annapurna Pattnaik, Constitutional Provisions for the Protection and Conservation of Environment with Important Caselaws, International Journal of Scientific Research in Science and Technology IJSRST, [https://www.academia.edu/37114811/Constitutional\\_Provisions\\_for\\_the\\_Protection\\_and\\_Conservation\\_of\\_Environment\\_with\\_Important\\_Caselaws](https://www.academia.edu/37114811/Constitutional_Provisions_for_the_Protection_and_Conservation_of_Environment_with_Important_Caselaws) (last visited 11 Mar.2022)

<sup>15</sup> 9 Environmental Issues Earth is Facing in 2022, Eurovision, <https://eurovision.com/environmental-issues/> (last visited 11 Mar.2022)

<sup>16</sup> What Are the Top 5 Environmental Concerns of 2022, ENVIROTECH online, <https://www.envirotech-online.com/news/environmental-laboratory/7/international-environmental-technology/what-are-the-top-5-environmental-concerns-of-2022/57664> (last visited 11 Mar.2022)

melting of the polar ice caps, another is the rise of new diseases, and a third is the permanent suppression of a certain plant's growth that is essential to human survival.<sup>17</sup>

**Acid Rain and deforestation:** Simply put, acid rain occurs when contaminants in the environment combine with rain. Acid rain can take the form of rain, snow, fog, or dry earth matter. The general health, forests, marine life, architecture, and buildings can all be severely harmed by acid rain. Deforestation is the process of permanently removing the forest cover from a piece of land so that it can be used for industrial, commercial, or residential reasons. Over 20 million acres (8 million hectares) of forest are lost each year, according to the Food and Agricultural Organization of the United Nations (FAO).<sup>18</sup> Deforestation have disastrous long-term impacts on the ecosystem, flooding, increasing global warming, climatic imbalance, deforestation, and other serious environmental problems.

**Loss of Biodiversity:** The Himalayas, Western Ghats, Sundaland (including the Nicobar Islands), and Indo-Burma region are the four main biodiversity hotspots in the country, which are areas with high concentrations of vulnerable plant and animal species. According to 2021 research from the Centre for Science and Environment (CSE), with the latter region being by far the worst affected, India has already lost approximately 90% of the territory under the four hotspots. 16% of India's freshwater fish, mollusks, dragonflies, damselflies, and aquatic plants are endangered due to water contamination, and the country's freshwater biodiversity has decreased by 84%, according to the WWF and the Zoological Society of London (ZSL).<sup>19</sup> Determining to stop and reverse deforestation should be a top goal for India, given the devastating effects these actions have on biodiversity.

#### **JUDICIAL APPROACH FOR THE ENVIRONMENTAL PROTECTION IN INDIA**

There have been several environmental protection-related court decisions and regulations over the years, both small-scale and significant. Because of its practical and realistic outlook, the judiciary has been able to interpret Article 21's right to life and personal liberty to include the right to live in a clean environment. The most notable aspect of this enlargement of Article 21 is that by using the magic wand of judicial activism, many of the non-justiciable Directive Principles enshrined in Part-IV of the constitution have now been revived as enforceable fundamental rights.

Environmental litigation increased dramatically as a result of Public Interest Litigation under Articles 32 and 226 of the Indian Constitution. The Supreme Court has made significant environmental decisions in instances involving the closure of limestone quarries in the Dehradun region, the installation of safeguards at a chlorine factory in Delhi, *M.C. Mehta v. Union of India*,<sup>20</sup> and other issues. The court noted that "the Precautionary Principle" as well as "the Polluter Pays Principle" are crucial components of "Sustainable Development" in *Vellore Citizens Welfare Forum vs. Government of India*.<sup>21</sup>

Society is polluted by excessive noise. The right to a decent environment and the right to live in peace are guaranteed under Article 19 (1) (a) of the Indian Constitution when read in conjunction with Article 21. The Kerala High Court ruled in *PA Jacob v. The Superintendent of Police Kottayam*,<sup>22</sup> that using loudspeakers or sound amplifiers is not protected by article 19 (1)(a) of the constitution. As a result, Article 19 (1) (a) of the constitution allows for the control of noise pollution brought on by loudspeakers.

In *M.C. Mehta v. Union of India 1988*, the supreme court instructed the national and state governments, as well as numerous municipal organizations and boards operating under various statutes, to take the necessary precautions to avoid and manage water pollution. The doctrine of public trust was discussed in *Association for Environmental Protection v. State of Kerala AIR 2013*, and it mandates that

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<sup>17</sup> 9 Environmental Issues Earth, *supra* note 17, at 19.

<sup>18</sup> 9 Environmental Issues Earth, *supra* note 17, at 20.

<sup>19</sup> 5 Biggest Environmental Issues in India in 2022, Track2Training, <https://track2training.com/2022/02/24/5-biggest-environmental-issues-in-india-in-2022/> (last visited 11 Mar.2022)

<sup>20</sup> AIR 1988 SC 1037.

<sup>21</sup> (1996) 5 SCC 647).

<sup>22</sup> AIR 1993 Ker 1.

the government protect resources for the benefit of the general populace rather than allowing their use for private ownership or commercial exploitation to sate the greed of the few.

The Supreme Court of India ruled in *M.C. Mehta Union India*<sup>23</sup> that Article 21 of the Constitution, which is a fundamental right under Part III of the Constitution, covers and protects the citizens' health and their right to life, and that all buses running in Delhi must switch to C.N.G. fuel mode. As a result, it would supersede all statutory provisions, including the Motor Vehicles Act. In this decision, the court emphasised that the requirements of the Environment (Protection) Act, 1986 are in addition to those set forth in the Motor Vehicles Act and do not supersede them.

The Supreme Court of India ruled in the case of *Murli S. Deora v. Union of India*<sup>24</sup> that non-smokers only develop lung cancer or heart problems because they must enter public spaces. Without any legal procedure, it is indirectly taking his life. Smoking is harmful to health and can have an impact on smoker's health, but there is no reason why passive smoker's health should also be negatively impacted. The Court stated that there is no justification for making non-smokers and passive smokers into helpless victims of air pollution in any situation.

The supreme court mandated the closure of limestone quarries in the Dehra Dun-Mussoorie Region in *Ratlam Municipality v. Vardhichand*.<sup>25</sup> The court acknowledged that the closure of limestone quarries would put a strain on the economy, but it pointed out that this is the cost of defending the public's right to live in a healthy environment with little disruption of the ecological balance, without avoidable risk to themselves and their cattle, homes, and agricultural land, and without excessive harm to the air, water, and environment.

In the case *M.C. Mehta v. Kamal Nath*<sup>26</sup> the petitioner argued that anyone who interferes with the ecological balance or the gifts of nature including rivers, woods, air, and water would be breaching a fundamental basic right protected by Article 21 of the Constitution. The Supreme Court agreed with the petitioner's argument and decided that any disruption of the fundamental elements of the environment i.e., air, water, and soil that are required for "life" would be dangerous to "life" as defined by Article 21 of the Constitution. After its ruling that it was an article 21 violation, the court went on to note that the public trust doctrine and the polluter pays principle also apply in these situations.

In *M.C. Mehta v. Union of India*,<sup>27</sup> a suit was brought to stop the Taj Mahal from deteriorating because of pollution from coal-using establishments via trapezium. In response to violations of Articles 21, 48A, 51A, and 47 of the Constitution, the Apex Court issued directives to 292 industries in Agra to switch over to natural gas as their industrial fuel within a set time frame or cease operating with coal or coke and to petition for relocation or cease operations altogether.

The Supreme Court ruled in *Corporation of Greater Mumbai v. Kohinoor CTNL Infrastructure Co. Pvt. Ltd.*<sup>28</sup> that the right to a clean, healthy environment is a component of Article 21-guaranteed right to life and personal liberty.

#### **GOVERNMENT SCHEMES FOR THE ENVIRONMENTAL PROTECTION IN INDIA**

The schemes for environmental protection in India taken by the Government of India are as follows:

**NamamiGange Programme:** The premier "NamamiGange" initiative, which unifies the efforts to clean and safeguard the Ganga River in a comprehensive manner, was authorized by the Union Cabinet, which is presided over by Prime Minister Shri Narendra Modi. The government is emphasizing the involvement of those who live along the river's banks to achieve durable benefits, signaling a significant change in execution. The program focuses on incorporating the States and grassroots institutions like Urban Local Bodies and Panchayati Raj Institutions in implementation, drawing on the lessons learned from the previous implementation. The National Mission for Clean Ganga (NMCG) and its state equivalent

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<sup>23</sup> AIR 2001 SC 1948.

<sup>24</sup> AIR 2002 SC 40.

<sup>25</sup> AIR 1980 SC 1622

<sup>26</sup> AIR 2000 SC 1997

<sup>27</sup> AIR 1997 SC 734

<sup>28</sup> (2014) 4 SCC 538

organisations, State Program Management Groups, would carry out the initiative (SPMGs).<sup>29</sup> Moreover, NMCG will open field offices where required.

**Green Skill Development Programme:** Jobs that safeguard ecosystems and biodiversity, conserve energy, and cut down on waste and pollution are among the vocations that require green talents to help maintain or restore environmental quality for a sustainable future. To achieve the Nationally Determined Contributions (NDCs), Sustainable Development Goals (SDGs), National Biodiversity Targets (NBTs), and Waste Management Regulations, the program aims to create green-trained professionals with technical expertise and a dedication to sustainable development.<sup>30</sup>

**Swachh Bharat Abhiyan:** The Swachh Bharat Mission was established by the Indian Prime Minister on October 2, 2014, to speed up efforts to attain universal sanitation coverage and to place sanitation front and centre. By building nearly 100 million toilets in rural India, the project aims to have all villages, Gram Panchayats, Districts, States, and Union Territories declare themselves “open-defecation free” (ODF) by 2 October 2019, the 150th anniversary of Mahatma Gandhi’s birth. Activities for ODF Plus under Phase II of the Swachh Bharat Mission (Grameen) will emphasize interventions for the secure management of solid and liquid waste in communities while reinforcing ODF behaviors.<sup>31</sup>

**Toilets before temples:** In 2013, when seeking for the position of Prime Minister, Narendra Modi spoke to over 7,000 students in Delhi and stated that he wanted to construct toilets before temples. *Pehle shauchalaya, phirdevalaya* quickly gained national attention after that. Since October 2, 2014, 32 states or union territories have been proclaimed open defecation-free as a result of the Swachh Bharat Mission, which the government claims has resulted in the construction of nearly nine crore household toilets.<sup>32</sup>

**Atal Bhujal Yojana (Atal Jal):** Through the active participation of local communities and stakeholders, this programme aims to manage groundwater sustainably through the confluence of several existing programme. To maintain the long-term sustainability of groundwater resources, this will guarantee that the funding allotted by the Central and State governments are wisely utilised in the Scheme area. The Scheme’s primary goal is to enhance groundwater resource management in specific water-stressed regions in the states of Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, as well as Uttar Pradesh.<sup>33</sup>

**Compensatory Afforestation Fund Act (CAMPA):** The Indian government created a well-defined CAMPA Act to make up for the lost forestland and ensure sustainability. A State Compensatory Afforestation Fund is established under the Public Account of each state, and the National Compensatory Afforestation Fund is established under the Public Account of India. By solely using the CAMPA money for their intended purposes, the proposed goal of the Act must be achieved.<sup>34</sup> Only initiatives aimed towards conserving wildlife and reforestation should effectively utilise it.

**Nagar Van Scheme:** The objectives of this programme are to improve the urban ecosystem, raise public knowledge of forests, and safeguard the environment. The idea under the United Nations Environment Programme is upon which the scheme is built. Shri Prakash Javadekar, minister of the Union Ministry of Environment, Forests and Climate Change (MoEFCC), announced the programme. The ecosystem of

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<sup>29</sup>NamamiGange Programme, india.gov.in national portal of india, <https://www.india.gov.in/spotlight/namami-gange-programme#tab=tab-1> (last visited 12 Mar.,2022)

<sup>30</sup> Green Skill Development Programme, Ministry of Environment, Forest and Climate Change, Government of India <http://gsdp-envis.gov.in/> (last visited 12 Mar.,2022)

<sup>31</sup> Swachh Bharat Mission Grameen, Department of Drinking Water and Sanitation, Ministry of Jal Shakti, Government of India, <https://swachhbharatmission.gov.in/sbmcms/index.htm> (last visited 12 Mar.,2022)

<sup>32</sup>Tenzin Norzom, These 5 initiatives by the Modi government are a step towards a green India, YOURSTORY, <https://yourstory.com/2019/08/modi-government-initiatives-environment-schemes-green-india> (last visited 12 Mar.,2022)

<sup>33</sup> Atal Bhujal Yojana (Atal Jal), Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti, Government of India, <https://ataljal.mowr.gov.in/> (last visited 12 Mar.,2022)

<sup>34</sup> The Compensatory Afforestation Fund Act, 2016, (India)



cities will be revived as a result.<sup>35</sup> Moreover, it will aid in lowering carbon dioxide (CO<sub>2</sub>). The growth of biodiversity will benefit as well.

**Jal Jeevan Mission:** By 2024, it is the goal of this project to give every home in rural India with access to safe and sufficient drinking water through individual household tap connections. The programme will also incorporate source sustainability measures as requirements, such as water saving, rainwater collection, and recharge and reuse through grey water management. A crucial element of the Jal Jeevan Mission would be substantial information, education, and communication.<sup>36</sup> It will be focused on a community-based approach to water. A crucial element of the Jal Jeevan Mission would be substantial information, education, and communication. It will be focused on a community-based approach to water.

**National Clean Air Programme:** A nationwide policy known as the National Clean Air Programme (NCAP) aims to lower air pollution levels both at the regional and urban levels. By 2024, it is intended to reduce the concentration of PM<sub>2.5</sub> and PM<sub>10</sub> by 20–30%. The goal of NCAP is to ensure the strict implementation of mitigation measures for the prevention, control, and abatement of air pollution. It also aims to expand and develop a nationwide network of efficient and effective ambient air quality monitoring stations in order to create a comprehensive and trustworthy database as well as to increase public understanding of issues around air pollution and capacity-building strategies that include public outreach programs and data dissemination for inclusive public engagement.<sup>37</sup>

These above-mentioned are some of the schemes taken by the government for the protection of the environment.

#### **VARIOUS MEASURES TO PROTECT THE ENVIRONMENT**

The various measures to protect the environment are:

- **Reforestation:** Trees are crucial for reforestation. They capture water, serve as a habitat for numerous other living species, and have a significant impact on air purification. The more trees we have, the cleaner the air is and the less likely we are to experience water issues. In the woodlands, animals have their own habitats.
- **Reduce chemical use in factories and adopt green technologies:** The goal should be to green up factories. Increase the use of non-hazardous, ecologically friendly gases. One strategy is to use wind energy. Solar power is another viable option. Using renewable energy will lessen the use of dangerous chemicals. Because there are fewer chemicals, there is also less waste. not just the manufacturers, but also the agricultural industry. Most pesticides and fertilizers used in agriculture end up in bodies of water. It is crucial to utilize a quantity that is safe and appropriate.
- **Use public transportation or share your vehicle:** Its critical to reduce the number of cars on the road because they contribute significantly to air pollution. Individuals can decide to take public transportation more frequently. Instead of having a car for each member of the family, families can share cars or, where practical, utilize bicycles.<sup>38</sup> In an effort to save the planet, several organizations across the globe are planting trees.
- **Sustainable:** Being sustainable is making every effort to cut down on or completely avoid waste and to use the environment in a sustainable manner. Sustainability is using fewer natural resources to lessen the likelihood that they will run out. Some sustainable practises include using more fluorescent lighting, rechargeable batteries, renewable energy sources, and sustainable shopping bags.

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<sup>35</sup> Nagar Van Scheme, GovInfo.me, <https://govinfo.me/nagar-van-scheme/> (last visited 12 Mar.2022)

<sup>36</sup> Jal Jeevan Mission, Department of Drinking Water and Sanitation, Ministry of Jal Shakti, <https://jaljeevanmission.gov.in/> (last visited 12 Mar.2022)

<sup>37</sup> National Clean Air Programme (NCAP), Ministry of Environment, Forest and Climate Change, Government of India, <https://moef.gov.in/en/wed-2019-2/national-clean-air-programme-ncap/> (last visited 12 Mar.,2022)

<sup>38</sup><https://importantindia.com/23737/environmental-protection/#:~:text=How%20to%20protect%20the%20environment%3F%201%20Reforestation.%20Trees,sustainable.%20...%207%20Plant%20trees%20along%20sea-beach.%20> (last visited 12 Mar.,2022)

- **At the seashore, plant trees:** Seashores are bear-infested low-lying regions. The environment will be greatly enhanced by the planting of trees in these locations.<sup>39</sup> They can act as air cleansers and lessen the likelihood that hazardous trash will end up in the ocean and sea. They will also prevent dunes, which is another objective.
- **Reduce your water usage:** One of the simplest methods to safeguard the environment at home is to conserve water. Consider all the times you consume water both inside and outside of your home, and then make any necessary improvements. For instance, to water plants and other things, collect and use rainwater.
- **Emissions reduction:** The ozone layer is steadily being damaged by the release of dangerous CFCs and greenhouse gases. Global warming is a result of the mining, processing, and burning of coal and petroleum. We must take specific actions to minimize the burning of fossil fuels. The governments of various nations must tightly regulate any other operations that release CFCs. These dangerous fumes are released by several household devices and appliances; thus, production must end immediately.
- **Avoid the use of plastics:** Polymers should be avoided since they cannot biodegrade. A manufactured plastic object that was discarded on the ground will persist for thousands of years. It most likely won't ever break down. Currently, billions of tons of plastic are just laying around, contaminating the earth's soil. We continue to produce countless billions of tons more.<sup>40</sup> Several nations with responsible leaders are trying to reduce the use of plastic, but that won't be sufficient. The use and production of plastics must be opposed by everyone on the planet.
- **Minimize your printing and paper usage:** Limit the amount of paper you print and use because the manufacture of paper releases harmful greenhouse gases into the atmosphere. Use only the necessary amount of toilet paper, paper towels, and napkins to complete the task at hand. Seek for paper goods composed of 80–100% recycled paper. When possible, avoid printing out paper as well.<sup>41</sup> When printing a paper, think about whether emailing it or making a digital file might be more appropriate.

## CONCLUSION

All citizens in India must be aware of all the Constitutional provisions pertaining to environmental protection. There needs to be widespread awareness of the need to safeguard the environment. Regarding this issue of environmental protection, the Supreme Court of India ruled in *M.C. Mehta v. Union of India* (1983) that educational institutions across the nation should begin requiring the teaching of lessons on environmental conservation and improvement. So, it is crucial to educate everyone about environmental issues to raise awareness of those environmental components with which they are so closely related. It is obvious that the Indian judicial system has utilized strong constitutional law provisions to safeguard the environment. Initiating an afforestation effort, preventing unwelcome and excessive crop burning, and using public transportation like buses, trains, metros, etc. instead of driving a personal vehicle can help minimize the pollution that is getting worse. It is everyone's essential responsibility to conserve the biotic and abiotic elements of the ecosystem to maintain the balance between human growth and the environment. Youth participation in environmental campaigns has increased over the years, which is a positive indicator. Consequently, it can be concluded that understanding the fundamentals of the environment is essential if we all want to live in a clean, healthier, safe, as well as sustainable environment for a very long time and seek to leave a clean, aesthetically protected earth to our future generations.

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<sup>39</sup>*Id.* at 40.

<sup>40</sup><https://www.womanofstyleandsubstance.com/5-key-measures-to-protect-the-environment/#:~:text=5%20Key%20Measures%20to%20Protect%20the%20Environment%201,and%20cities.%20..%205%20System%20of%20Lockdowns%20> (last visited 12 Mar.2022)

<sup>41</sup> <https://www.wikihow.com/Help-Save-the-Environment> (last visited 12 Mar.,2022)