



Environment and Sustainable Development: Legislative and Judicial Framework

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Abstract

Environmental issues have become global concern for survival. The issue of environmental pollution can be dated back to the development of life on Earth. Science and technology, industrial growth, and exploitative resource consumption have brought about devastating environmental impacts in places across the world. Technological advancements have resulted in growing human needs for natural resources leading to enormous burden on them. There is close relationship between Environment and life.

Humans naturally endeavours to improve quality of life but this can be done only if environment and development go together. Therefore, there is need for mutual adjustment between development and environment. India is one of the few countries with elaborate provisions for the environment protection and sustainable development in the legal framework. Some significant acts have been make known to in the Indian Legal system such as The National Green Tribunal Act 2010; The Air (Prevention and Control of Pollution) Act, 1981; The Water (Prevention and Control of Pollution) Act, 1974; The Environment Protection Act, 1986; The Hazardous Waste Management Regulations, etc. However, these laws are facing a severe problem of implementation at the ground level, making many questions such as the effectiveness and seriousness of environmental laws in the country. Although already the Indian Constitution added the “right to live in a healthy environment” under Article 21 explicitly. The “polluter pays principle” and “Precautionary Principles” have been employed by the Indian Judiciary as component principles of sustainable development. The paper brings out the approach of Indian Judiciary and legislative framework in balancing the economic centric approach and the environment centric approach in a harmonious manner so as to achieve sustainable development.

Key words: Development, Environment, Industrial growth, Sustainable development, Technology etc.

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“Earth, provides enough to satisfy every man’s needs, but not every man’s greed”

Mahatma Gandhi

1.INTRODUCTION

Presently the concept of environment has not only changed but has changed also to the extent that various new problems have raised with environment. The impact of knowledge and new technology and various developments make it harder to discover the correct association with environment. In order to preserve the natural world and living harmony with nature, the sustainable development is the guiding principle for the well-being of existing and future generations. For economic progress of country, a priority has been given to industrial development but at the same time environment cannot be ignored. Such evolution, however, brings

a lot of ecological problems. Environmental pollution caused by harmful industries presents potential challenge to life and the harmony between human being and nature.

It is true that industrial growth should not be at the cost of environment, but at the same time, an opportunity for economic development should not be deprived.¹ Hence, there is always a struggle between industrial development and protection of environment. There is need to maintain balance between development and environment, therefore, becomes imminent. 'Environmental technology' or 'Green Technology' is to save the natural environment and natural resources, and by shortening the negative effects of human environment. Sustainable development is the essential of environmental technologies, when applying sustainable development as a solution for environment problems, the solutions must be "socially reasonable", "economically viable" and "environmentally sound".²

In a developing country like India, condition of miserable poverty, where lack of awareness among peoples relating to socio-economic and ecological problems, the judiciary has played vital role in the protection of peoples right against the anti-people order by maintaining confidence in people as a whole, for as rightly said by Justice Lodha "Judiciary exists for the people and not vice-versa".

2.ENVIRONMENT: Meaning and Definition

The term 'environment' signifies to the natural situation in which we are living. Environment can be well-defined as all the living and non-living elements and their effects that influence human life. "It comprises the interlinkage between the living components, like plants, animals, birds, etc. and other components like land, air, water, etc. that co-exist to form this natural-setting". The nature is primary name of environment. Environment is only a compressed and common-sense name of nature. The nature is a system; environment is process. Nature is cause; environment is instrumentality for that cause to bring effects. Environment exhibits the plan and the interconnection of cause and effect involved in the system.³

The Environment Protection Act 1986 defines the Environment as "water, air, and land as well as the relationships that exist between them and other living things, including humans, plants, microorganisms, living things, and property."⁴

The environment encompasses the external physical and biological framework within which humans and other organisms coexist. This intricate system comprises numerous interdependent elements. Typically, these elements encompass various facets: the geological composition including rocks, minerals, soil, and water bodies; the landscape and its current as well as potential flora; the diversity of fauna and the opportunities for livestock rearing; and the prevailing climatic conditions.⁵

During Vedic Period, the utmost aim of life of human-being has to live in harmony with Environment.⁶ Saints have revealed that "God sleeps in minerals, wakes in animal, thinks in man." Further the works of Vedic times reaches that all the beings and plants belong only to the God. It is true that injury to any elements of nature is a injury to the lord. Therefore, the entire environment was held in the maximum appreciation as if it represented the almighty god.⁷

Environment Issues in India

In India, issues like population growth, poverty, urbanization, industrial development, and deforestation etc are held responsible for spoiling the environment. Few of the environmental issues are as follow:

1. Degrading Air Quality
2. Environmental deterioration
3. Injury to Biodiversity

¹ Dharmendra S. Sengar, *Environmental Law* 5 (PHI Learning pvt Ltd, New Delhi, 2009)

² Arvind Kumar P. Myatra, *A Modern Book On Basic Environmental Law*, 5 (Cyber Tech Publications, New Delhi, 2014)

³ R G Chaturvedi, *Ancient Law Of Enviornment*, 14 (Universal law publishing Co. New Delhi, 2010)

⁴ The Environment Protection Act (Act No. 29 of 1986) Section 2 (a)

⁵ Kailash Thakur, *Environmental protection law and policy in India* 1 (Deep & Deep Publications Pvt Ltd. New Delhi 2017)

⁶ Sweta Deshpande, "Environment and Sustainable Development: An Analysis" 83, *Indian Socio-Legal Journal*, 34,(2008)

⁷ Ashok Desai, *Environment Jurisprudence*, 5 (Vikas Publishing House Pvt. Ltd. New Delhi:, 1998)

4. Urbanization in the Himalayas
5. Loss of toughness in Ecosystems
6. Absence of Waste Management projects
7. Diminution of natural resources
8. Water Scarceness
9. E-waste management

Here are more matters that needs to be talked to preserve a sustainable environment so as to guarantee economic development. The economic growth had a alarming consequences for the worldwide environment. Water scarcity, shrinking of ozone layer, air contamination, harm of forests and biodiversity, loss of different plants and animal species, harm to sea life, soil erosion and water pollution have happened at an alarming degree. After realising the importance of environmental differences, difficulties created by them and their impact on humans, flour and fauna, quality of life, developmental problems and changes in productiveness, the concept of ecology acquired importance in past few years. Now there is realisation that the ecology had to be protected for the benefit of lifecycle in general.

3. CONCEPT OF SUSTAINABLE DEVELOPMENT:

“Sustainable Development is the development that meets the needs of the existing generation without compromising with the wants of upcoming generations” According the Brundtland Commission in its report “Our Common Future” in 1987. It demands for a determined effort to shape a comprehensive, supportable, and strong environment for the people, animals plants and the planet.

According to J. Kuldip Singh, “sustainable development is a balancing concept between ecology and development”. According to Meinhard Schroeder, that “the natural resources such as, forests, seabed etc. are not the fruits of the labour of present generation and thus, these resources can be exploited only with adequate consideration of the “rights” of the future generations.”⁸

The few of the features of sustainable development are as :

1. Rise in per capita income
2. Sensible use of natural resources
3. Conserving the natural resources for future generations

On today's sphere, development can no longer follow the outdated pathway of emphasising heavy industry while paying slight attention to the neighbouring environment, sustainable development is the slogan of the present.⁹

The term sustainable development used interchangeable with “ecologically sustainable”, or “Environmentally sound development”. Sustainable development policy seeks to transform the nature of economic growth rather than to limit the growth.¹⁰ The current growing theories make it apparent that environment sustainability is actually mismatched with continuous economic growth in the awake of limited resources. Failure to attain environmental sustainability can even hinder attainment of continuing economic progress. Sustainable development is well-defined by the Brundtland report as “Development which combat the needs of the existing without compromising the wants of upcoming generations to meet their own needs.” This description provides that future generations must at least get as much as resources to meet their needs but the question is how to determine whether a generation is living behind adequate resources for their successor.

The Environment protection and socio-economic progress are equally important to sustainable development, which is founded on the Rio Principles. To achieve such development, we have adopted the global programme, Agenda21, and the Rio Declaration, to which we confirm universal assurance. The Rio Summit was a substantial innovation which set a new strategy for Sustainable Development.¹¹

⁸ Vijay Kumar Tiwari, *A Textbook on Environmental Studies*, 335 (Himalya Publishing House, Mumbai 2010)

⁹ Kk Jayashankar & Phillip Johnson, *Environmental Law*, 206 (Pacific Books International, Delhi, 2011)

¹⁰ Sc Tripathi, *Environmental Law*, 1 (Central Law Publication, Allahabad 2017)

¹¹ Encyclopedia On Environment Protection And Pollution Laws, 1163 (Vol-1, Delhi Law House Delhi 2009)

The fast unification of markets, movement of capital and substantial rises in investment movements all over the world have opened new tasks and openings for the hunt of sustainable development.¹² Poverty eradication, varying consumption, making pattern and protecting and handling the natural resources base for financial progress are main purposes of and indispensable requirements for sustainable development.¹³ “Our ‘rich diversity’, which is our strength, will be used in sustainable manner for the success of the common aim of sustainable development”.¹⁴

In order to attain sustainable development and environment protection, constitute an integral part of development and it cannot be put in isolation. Harmony, progress and environment are mutually interdependent on each other and inseparable. Today world facing with a continuance of discrepancies between and within Nations, poverty, hunger, ill health, illiteracy, and worsening of ecology on which we are dependent. However, preservation of environment and economic development concerns a more attention which will lead to proper managed ecosystem and also the fulfilment of basic needs with more prosperous future.

3.1 Origin and Development of Sustainable development:

The idea of 'Sustainable Development' is not a new concept. The concept had come to be known in 1972 in Stockholm Declaration. The declaration provides that¹⁵ "Man has the basic human right to freedom, equality and right to life, pollution free environment of a quality that allows a life of dignity and bears a sincere duty to protect and improve and preserve the environment for present-day and future generation". But a definite shape was given to the concept in a statement by World Commission on environment, known as 'our common future'. The Commission, presided by the Norway Prime Minister, Ms. G.H. Brundtland defines 'Sustainable Development' as¹⁶ “Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs”. However, the idea came into existence in the United Nations Conference on Environment and Development was held in Rio De Janeiro in 1992, acknowledged the need of sustainable development in order to deal with vital challenges that were to be met.

Sustainable development is significant because it fights with the environmental issues while fronting the challenge of economic evolution. Sustainable development preserves the need to leave enough natural resources for the upcoming generations, it also suggests good cooperation among citizens, this activity proves that establishments in healthcare systems, large- and small-scale industries, all classes of businesses and other livelihoods can harmonize their power and resources that will be gainful to the economical, societal and physical environment in which we are living.

3.2 Goals and Principles of Sustainable Development

The ‘Brundtland Commission Report’, had received support as of all over the world, few of its ideologies highlight the doctrine of sustainable development, in Rio De Janeiro in 1992 and Agenda 21.¹⁷ The 2030 Agenda for Sustainable Development, unanimously embraced by all United Nations Member States in 2015, offers a collective roadmap for fostering peace and prosperity for both humanity and the planet, both now and in the future. Central to this agenda are the 17 Sustainable Development Goals (SDGs), which represent a pressing call to action for every country, regardless of their level of development, to engage in a global partnership. These goals underscore the imperative need to simultaneously combat poverty and other forms of deprivation alongside efforts to enhance health and education, diminish inequality, and stimulate economic advancement – all while addressing the challenges posed by climate change and endeavoring to conserve our oceans and forests.¹⁸ These Agenda emphasizes a holistic approach to achieving sustainable development for all. The main aim of sustainable development is to balance among peoples, resources, various aspects of environment and development. These goals are:

¹² Id at 1164

¹³ Ibid

¹⁴ Ibid

¹⁵ U.N International Conference On Human Environment, (June 5-16-1972)

¹⁶ World Commission On Environment And Development (WCED)

¹⁷ <https://sustainabledevelopment.un.org/content/documents/15836India.pdf>

¹⁸ <https://sdgs.un.org/goals>

1. Eradication of poverty
2. Zero hunger
3. Good Health and wellbeing
4. To provide for quality education.
5. To attain gender equality
6. Clean water and sanitation
7. Provide affordable and clean energy
8. Decent work and economic growth for all.
9. Industrial and innovative infrastructure
10. Aim to reduce inequality
11. Ensuring sustainable cities and communities for all
12. Responsible consumption and production
13. Step to be taken to battle with climate action
14. Strengthening the partnership for sustainable development.
15. Conserving life below the water.
16. To protect, restore and promote life on the land.
17. Peace, justice and strong institutions

Few chief principles of sustainable development are as:

1. Inter-generational equity
2. Preservation of natural resources
3. Environment safety
4. Eradication of poverty
5. Precautionary Principal
6. Principle of Public Trust
7. Polluter Pay Principle
8. The Principle of liability to cooperation.

4.LEGISLATIVE FRAMEWORK RELATED TO ENVIRONMENT PROTECTION AND SUSTAINABLE DEVELOPMENT IN INDIA

Environment is a natural gift to human beings. Man has to live with nature. Nature is called the life supporting and self-sustaining system. With the progress of civilization man had to interact more with nature, such interaction upset the balance of nature, causing the loss of self-sustaining mechanism of nature. As a result of this various kinds of measures came into existence.¹⁹ The Constitution of India is one of the largest Constitution of the world which included specific provisions dealing with environment protection and preservation under fundamental Rights²⁰, Fundamental Duties²¹ and Directive Principles of State Policy.²² Article 32 and 226 of the Indian Constitution empower the Supreme Court of India and High Courts respectively time to time issue directions, orders or Writs in the form of 'Habeas Corpus', 'Mandamus', 'Prohibition', 'Que Warranto' and 'Certiorari'. The Writ of Mandamus, Prohibition and Certiorari are commonly resorted to environment matters.

So laws are enacted to protect and preserve environment and to develop sustainable growth. Legislative activism is responsible for passing large number of laws. In India we have a detailed provision for the environment protection in its legal framework. Some important laws related with sustainable development as the medium to check the protection and gift to forthcoming generation which are as follows:

Water Prevention and Control of Pollution Act, 1974: This Act prevents the release of pollutants into water bodies and imposes penalties. Centre body to manage this act is CPCB. The act aims to provide for the prevention and control of water pollution and maintaining or restoring of wholesomeness of water

¹⁹ G.Indira Priya Darsini And K.Uma Devi, *Environmental Law And Sustainable Development*,131 (Regal Publications, New Delhi 2013)

²⁰ The Constitution of India, art.21

²¹ The Constitution of India, art. 51A(g)

²² The Constitution of India, art. 48-A

establishing Boards for the Prevention and Control of Water Pollution for carrying out these purposes and conferring on and assigning powers to such Boards.

The Air (Prevention and Control of Pollution) Act, 1981: To improve the quality of air standard in India this Air Act 1981 was passed as a need of the hour. The Act constitute boards at the centre and state level by authorizing to declare any areas within the limit of state as pollution control area, it also limits some air pollutant and implement rules and regulation and laws connected with air quality.

The Environment Protection Act, 1986: The Environment (Protection) Act was a unique legislative step to protect and preserve the environment through involvements such as set standards for emissions; regulating place of manufacturing plants; and managing of hazardous wastes. The Central Government under the act is permissible to necessitate measures compulsory to look and improve the quality of environment by setting a standard for release and discharges of pollution within the atmosphere by an industry. The Central Government issues time to time notifications under the Act for the protection of Environment.

Environmental protection is an indispensable component of the sustainable development paradigm; the two are inherently intertwined. Development endeavors derive significant impetus from initiatives aimed at safeguarding the environment. The Environment (Protection) Act of 1986 stands as a cornerstone for regulating developmental undertakings and shielding the environment from unethical exploitation. Aligned with the pivotal resolutions established at the UN Conference on Human Environment, the objectives of this act underscore the commitment to both sustainable development and environmental preservation. Thus, the symbiotic relationship between the two is evident; progress in one realm is unattainable without due regard for the other.

In *Citizen, Consumer and Civic Action Group v. Union of India*²³ the Court held for progress in the society a balance is required between environment protection and development activities for sustainable development. The prosperity of the society depends upon development but not at the cost of environment. Similarly the protection of environment is required but not at the cost of the development of the society. The development and environment protection should be protected and regulated for better future. Hence the stability has to be achieved and administrative actions should be in accordance with each other and not against each other.

The National Green Tribunal Act, 2010: National Green Tribunal was constituted under the Act for the effective and speedy disposal of cases relating to Environmental issues. This Act empowers to National Green Tribunal regarding environmental protection and preservation of forests and compensation for damages caused to environment. The National Green Tribunal Act give effect to the promise made in Rio declaration.

The National Environment Appellate Authority Act, 1997: This is another landmark regulation that came into being to tighten the safeguards with respect to limit of areas for industrial action under the Environment (Protection) Act.

Biological Diversity Act, 2002: The major law enacted for the conservation of biological diversity. The objective of Act is to conserve biological diversity, sustainable use of biological resources, matters connected or incidental.

Hazardous Wastes (Management, Handling and Transboundary) Rules, 2008, Different guidelines are laid down for storing ,import and making and re-cycling or re-use of hazardous waste and for safe and environmentally sound handling hazardous or dangerous wastes generated in the establishment.

Biomedical Waste (Management and Handling) Rules, 1998: The central govt notified the right disposal of biomedical waste generated from hospitals, clinics, veterinary institutions or other institutes dealing with biomedical waste. These rules impose obligation

²³ A.I.R. 2002 Mad.298

upon these institutions to take steps for proper disposal of waste without any adverse effect on environment, animals and Human being.

Municipal Solid Wastes (Management and Handling) Rules, 2000:

The priority of these rules is to enable municipal authority to dispose municipal solid waste in very green and scientific manner so as to not affect the human being, natural resources, flora and fauna etc.

Atomic energy (Safe Disposal of Radioactive Wastes) Rules, 1987,:

The Central Government has issued Atomic Energy Rules, GSR-125, 1987. The objective behind these rules is to monitor safe disposal waste related with atomic science and radioactive waste.

5.ROLE OF JUDICIARY IN ENVIRONMENT PROTECTION viz-a-viz SUSTAINABLE DEVELOPMENT

The Supreme Court of India is considered as Guardian of Fundamental Rights because as a central body is responsible for protecting citizens right. The Supreme Court has raised the 'healthy environment' to the position as a fundamental right under Article 21 of Indian Constitution by making environmental jurisprudence meaningful with the adoption of different principles like "Sustainable development", "polluter pays", "public trust doctrine", "precautionary principle" and "intergenerational equity".

Nowadays Environmental degradation is a serious problem. Judiciary has played a significant role in reform of this problem. The growth of a society lies in economic growth and monetary stability. But industrialization is conflicting with protection of environment. Their harmonization is a major challenge before the judiciary. The judicial system always, in different pronouncements,²⁴ hold views that there will be adverse impact on the country's economy and social condition, if industries are ordered to close down. Different consequences like unemployment and poverty may wipe the country and lead towards degeneration and destruction. At the same period, polluting industries threaten the environment also. Hence, the judiciary hold its views that the pollution limit should be in the sustainable manner of the environment. In *Subhash Kumar vs. State of Bihar*,²⁵ Supreme Court construed the fundamental right given under Article 21 of Indian Constitution, held that, "right to life include right to healthy environment, which means right to enjoy pollution free environment. In number of cases judiciary recognise the right to healthy environment as included in fundamental right to life". In "*Vellore Citizens Welfare Forum v. Union of India*",²⁶ the Supreme Court was opined that, the old concept that development and ecosystem are divergent to each other, is no longer adequate, sustainable development is the right answer. Sustainable Development is to satisfy the need of present without negotiating the needs of future generation. The doctrine of Sustainable development harmonizes the balance between ecology and development".

"In *Rural Litigation and Entitlement Kendra Dehradun vs. State of Uttar Pradesh*, which is also known as Doon valley case²⁷ The Supreme Court after examination ordered the stopping of mining work in hilly areas and held that: mining work undoubtedly cause suffering to them, but it is a cost that has to be paid for protection and safeguarding the rights of the persons to live in healthy environment with nominal disturbance of ecological balance".

However, in 1991, in the *Rural Litigation and Entitlement Kendra vs. State of U.P.*²⁸ the "Supreme Court permitted a mine to operate until termination of lease as special case on condition that land which is taken on lease would be subject to deforestation by the developer. But the notice was brought before the Supreme Court that there was breach of condition and mining was not done in a scientific way, the Supreme Court issued direction to the occupant to pay a compensation of three lacks under the principle of 'Polluters Pay'."

²⁴ Ayesh Dias, 'Judicial Activism in the Development and Enforcement of Environmental Law: Some Comparative Insights from the Indian Experience', *Journal Of Environmental Law*, no 6, (1994).

²⁵ AIR 1991 SC 420

²⁶ AIR 1996 SC 2715

²⁷ 1985) 2 SCC 43

²⁸ AIR 1987 SC 359

Similarly, various forests have also been guarded. In a known case *Tarun Bhagat Sangh vs. Union of India*²⁹ “the petitioner filled a Public Interest Litigation and brought to the attention of the Supreme Court of India that the Rajasthan Government though allowed to make rules and regulations for the protection of environment, but failed to do so and allowed mining work within the forest preserved area. Thus, the Supreme Court issued different directions that no mining work could be allowed or continue within the forest protected areas. The Judiciary always favours environment without giving much importance to the development when question arises amongst environment and development”.

In *M. C. Mehta vs. Union of India*³⁰ the Supreme Court issued guidelines to the closure of machine-driven stone crushing activities in Delhi, which was declared by WHO as the third most polluted place in the world. However, it was realised that the stone crushing is also important and issued orders for allotment of locations and 'crushing zone' set up in the State of Haryana.

In India we have legal system which is based on common law, and comprises the public trust doctrine as part of environmental jurisprudence. The state is a custodian of natural resources, and these resources are available for community and it cannot be used as a private property. The state is authorized to protect the natural resources. In *M.C. Mehta v. Kamal Nath*,³¹ “the Supreme Court by applying this principle for the first time. The Supreme Court held that, the public trust doctrine mainly rests on the belief that natural resources like air, rivers, sea waters and forests etc. have such a great significance to the public as a whole that it would not be justified to make them a subject of private use”.

The nations moving in the direction of the industrial growth had to face the serious problems of environmental hazards. That the polluter must pay adequate compensation to the victims of pollution. “In *M.C. Mehta v. Union of India*,³² a petition was filed before the Supreme Court under Article 32 of the Indian Constitution, claiming the closure of certain factories deals with manufacturing of hazardous products. During the pendency of case, there was a leakage of oleum gas in the factory and several persons got injured. The case evolved the principle of absolute liability of Hazardous industries and dangerous activity”.

“In *State of Himachal Pradesh v. Ganesh Wood Products*³³ the Supreme Court recognizing the doctrine of inter-generational equity as being essential to the protection and preservation of forest resources and sustainable development. Thus, it is apparent that the courts gives equal position to both ecosystem and development”.

In *Research foundation for Science, Technology and Natural Resources Policy v. Union of India and Another*³⁴, the Supreme Court explained that the “Polluter Pays Principle” that the maker of goods or other items must be held accountable for the cost of averting or dealing with any pollution that the process causes. It included the direct cost to the people or property for any loss along with the cost incurred in preventing pollution and not just cost related to redmify any damage. It also include the environment cost and not only those which are tangible in nature. But it does not allow the polluter to pollute and pay for it as it acts as deterrent for any act causing loss to the environment. The principle will differ from case to case and the nature and extent of cost will depend upon the case and the circumstances involved.

In *Deepak Kumar Vs State of Haryana*³⁵ the Supreme court considered that it remained extremely required to have framework for mining plan which would look after all environmental problems and also evolved a continuing balanced and sustainable use of natural resource.

²⁹ 1993 Supp (3) SCC 115

³⁰ (1996)4 SCC 750

³¹ 1997) 1 SCC 388

³² 1987 SCR (1) 819

³³ AIR 1986 SC 847

³⁴ 12 (2005) 13 S.C.C. 156

³⁵ AIR 2012 SC 1386

6.CONCLUSION

Environment and development are different sides of the same coin. None of these cannot be ignored for the other. Conversely, both are equally important for our healthier future. Life becomes critical without healthy environment and likewise development is requirement of modern age, thus the obligation lies on citizens. Hereafter there is the new jurisprudence and is known as “Jurisprudence of Common people”.

At all times we have to kept in mind about the need of resource management, as another important subject which emphases that right to progress should not be at the cost of destruction of natural resources and is possible by the concept of ‘Sustainable Development’. The World Commission on Environment and Development observed that , “What is essential is to adopt new method in which all countries aim at such type of development that merge production with resource preservation and improvement, and adequate livelihood or equitable ingress to resources.” The Public Interest Litigation (PIL) under Indian Constitution also played a vital role in protection of Environment, since maximum of the environmental cases which are decided by the Supreme Court of India are the outcome of Public Interest Litigation. Many times, we have seen that, few industries or business are carried in such a way which put in danger to flora and fauna or humans in the name of the Fundamental Right to practice any profession and carry any business. In this respect, the legislative framework and Judiciary plays significant role in the protection of environment, at the same time help for the Industrial growth by implementing the strategy of Sustainable Development. Despite the number of legislations dealing with the protection and preservation of Environment and judicial directives there is need of public consciousness towards the environment, regular inspection in industries, Environmental Education and strict implementation of laws. It is basic and ethical duty of each and every individual to put efforts in the protection of Environment, then only, we will attain our aim i.e. to secure healthy, pollution free Environment and natural resources for future generation.

