

Environmental Protection In India: An Analytical Study Of Constitutional, Legislative And NGT Provisions

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Abstract

The term "environment" is ill-defined. Although it is evident that this concept applies to anything that is around, its typical sense is associated with the environment. Environmental preservation is not a local or national issue; it impacts the entire world. In our increasingly linked world, environmental pollution is a problem that affects all countries, regardless of their size, level of development, or ideology.

In every state that is concerned about the environment, environmental issues are frequently addressed at the legislative level. India has periodically enacted a number of laws to protect the environment, wildlife, and plants. Nonetheless, the Indian Constitution might be the first in the world to have clear provisions for environmental enhancement and preservation. It stands for the stance that human rights legislation and various constitutional duties have on protecting the environment.

Keywords: Environmental Protection, Constitution, Environment, Pollution, NGT.

INTRODUCTION

The Indian Constitution requires both the "State" and the "Citizens" to protect and develop the environment." Other countries around the world have emulated the environmental protection clauses found in the Indian Constitution. For instance, the Indian Constitution's environmental protection clauses had a significant influence on South African farmers, who included corresponding provisions in their own constitution. India's constitution is a live, breathing document that changes and expands with time. The constitution's particular environmental protection provisions are a direct outcome of the fundamental law of the land's dynamic nature and room for expansion. According to the Constitution's preamble, our nation is built on a "socialistic" type of society in which the state prioritizes societal issues over personal ones. The fundamental goal of socialism is to give everyone a respectable standard of living, which is only achievable in an environment free from pollution. The Supreme Court of India has also decided that the preamble of the Constitution is a component of the Constitution after reviewing the preamble's constitutional history. "The preamble assures dignity of individual, but does not signify its connotation. Is it to be evaluated on material possession, education or cultural tradition? Human spirit and equation with nature had been ingredients of cultural bondage. Otherwise also the dignity of individual depends on quality of environment"

Part III of the Indian Constitution provides fundamental rights, to which every human being is naturally entitled just by virtue of being a human being. These rights are crucial for the growth of every individual. The freedom to grow oneself and reach one's full potential is inextricably linked to the right to an environment. This section has been applied to environmental protection under Articles 21, 14, and 19. The constitution states that "no person shall be deprived of his life or personal liberty except according to procedure established by law" in Article 21.

Following the Supreme Court's ruling in **Maneka Gandhi v. Union of India** (AIR 1978 SC 597), there have been sporadic liberal interpretations of Article 21. Article 21 guarantees the fundamental right to life. It is fundamental to the right to live in a setting free from the risk of disease and infection. One essential element of the right to a dignified existence is the right to a healthy environment.

The Dehradun Quarrying Case, also known as **Rural Litigation and Entitlement Kendra v. State**, AIR 1988 SC 2187, established the right to live in a healthy environment as guaranteed by Article 21 of the Constitution.

This is the first case of its kind in India, when the Supreme Court issued an order to halt excavation (illegal mining) in accordance with the ecosystem (Protection) Act, 1986, citing concerns about the ecosystem and ecological balance. According to Article 21 of the Constitution, the Supreme Court ruled

that the right to live in a pollution-free environment is a fundamental right to life in **M.C. Mehta v. Union of India, AIR 1987 SC 1086.**

Preamble: A Key to Revealing the Legislative Intent in the Environmental Sector

It is important to remember that the writers of our Constitution took great pride in the language they chose in the Preamble, which expresses concern for environmental contamination. The Supreme Court has stressed the importance of the Preamble in a number of judgments since it is thought to be the "key to read the thinking of the framers," Holding the Preamble to be a part of the Constitution, the Supreme Court observed that:

"It is imperative that the Preamble to our Constitution be read and understood in the context of the lofty and glorious ideals articulated therein. It is a very important document." There was no particular act, provision, or article pertaining to the preservation of environmental legislation when the Constitution was drafted. The only reference to India's socialist status is found in the preamble of the Constitution. Hence, compared to individual provisions, the State gives social concerns greater consideration. The Preamble of the United States Constitution imposes a duty on the State to provide a standard of living in an environment free from pollution, as the fast industrialization of the world has made environmental pollution a serious concern that is also regarded as a social problem. After a few years, the Preamble is read once more because it addresses citizen security by ensuring justice. Justice encompasses environmental justice as well. Additionally, according to the Preamble, Indian citizens aimed to ensure "justice, social, economic, and political." Justice in this context refers to environmental justice.

K.S. Dakshinamurthy's statement that "environment as a subject, environment as a concern, and environment as part of socio-economic-political structure in the country seems to have taken off" lends support to the idea of environmental justice. In fact, it has become so ingrained in the system that no academic, political, or intellectual conversation would be complete without it.

Following the Stockholm Conference, which was conducted internationally to protect the environment, different nations became more environmentally conscious. Then, the Indian government passed a number of Acts, including the Air Act of 1981, the Water Act of 1974, and the Wildlife Act of 1972. And after five years, the 42nd amendment to the Indian Constitution was passed in 1976. This amendment included protections for the environment directly under Article 51A of the Fundamental Duties and Article 48A of the Directive Principle of State Policy. However, it proved insufficient, as India continued to witness several man-made calamities. The 1984 Bhopal Gas Disaster was one of them.

The National Committee for Environmental Planning and other projects, such as cleaning the Ganga and Yamuna rivers, were then established by the government. Ultimately, the Environment Protection Act was passed by the government in 1986. Judicial Activism was accompanied by Judiciary interpretation.

The Indian Constitution and the Right to a Healthy Environment

India has inherited a culture that values equity, nonviolence, tolerance, and kindness towards living things. The environment was integrated with religion and a part of everyday life in the past. Economic practices, social and political conventions, and religious teachings all viewed man as a part of nature rather than as its master or superior. One higher force, God, created all living things, including the air, water, land, animals, plants, and people. Living in harmony with one another was therefore the primary code of conduct since it was understood that everyone is dependent on everyone else, that harming one another is tantamount to destroying oneself, and that everyone is complementary to one another. Many constitutional articles, including the following, grant citizens authority and rights for environmental protection:

Equality before Law and Concept of Healthy Environment:

All people are guaranteed the "right to equality" under the Indian Constitution, free from discrimination. This means that the right to equality guaranteed by Article 14 of the Constitution must not be violated by any action taken by the "State" in relation to the environment.

The equity concept in environmental management was also acknowledged by the Stockholm Declaration of 1972, which urged all countries to adhere to it.

The arbitrary government sanction in environmental matters has been overturned by Indian courts on multiple occasions on the grounds that it violated Article 14 (Right to equality). Because the nation's wildlife and natural resources may occasionally be endangered by arbitrary lease grants and careless mine

operations. The Court's only recourse in cases when arbitrariness and perversion are writ big is to issue a writ in order to further the public interest and prevent public damage, which are the most important factors.

In **Kisan Bhagwan Gawali v. State of Maharashtra**, It is unlawful and a violation of Article 14 to exclude a specific class of grazers from consideration while including others on the grounds that the excluded class was engaging in unlawful grazing. The right to equality is violated by such a policy action.

Article 14 explains that:

“State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

It means that the right to equality guaranteed by Article 14 of the Constitution cannot be violated by any environmental action taken by the State. The Indian Supreme Court has ruled on multiple times that "arbitrary official sanction in environmental matters is unconstitutional on the grounds that it violates Article 14 of the Constitution of India, 1950." With its many clauses and interpretations, the Indian Constitution is arguably one of the few in the world that most clearly embodies the human rights perspective on environmental preservation.

“Environmental protection is now considered a fundamental law of the land and is closely linked to everyone's human right to live in a pollution-free environment with complete human dignity. According to the Indian Constitution, it is the responsibility of both the "State" and the "citizens" to enhance and safeguard the environment.” **Discrimination on the basis of religion, race, caste, sex, place of birth, and environment is prohibited:**

The Constitution of India generally prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. According to Article 15(2) (b):

“No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them be subjected to any disability, liability, restriction or condition with regard to: the use of wells, bathing Ghats, roads and places of public resort, maintained wholly or partly out for state funds or dedicated to the use of general public.”

Public spaces, which are essential components of the human environment, ought to remain accessible to everyone.

The Right to Clean Environment and its Impact on the Right to Trade, Occupation, or Business:

Article 19(1)(g)- According to this, residents have the fundamental right to engage in any kind of profession, trade, or company in any region of the nation, subject to a few acceptable limitations. In **Cooverjee B. Bharucha v. Commissioner of Excise**, The Supreme Court gives environmental preservation the upper hand over trade freedom. Therefore, if a trade or commercial activity endangers the public's health, it cannot be practiced by a citizen. Section 19 (1) (g) of the Indian "Freedom of trade and commerce is guaranteed by the Constitution, but it also stipulates that this right is subject to reasonable restriction." Certain industries and activities are conducted in ways that pose a threat to aquatic life, animals, vegetation cover, and human health. The Supreme Court has stated repeatedly that reasonable restrictions may be placed on this freedom of trade. It is not acceptable to allow the operation of any industry or trade under the pretext of fundamental rights that is harmful to the environment, wildlife, or people.

In **D.S.Rana v. Ahmedabad Municipal Corpn.** A reasonable restriction may take form of total prohibition of the trade activity in a particular area on the ground that it is likely to be injurious to the health of its residents or cause nuisance," the court ruled in a landmark decision. In this instance, a licence to conduct a gold melting company, among other things, was given by the Commissioner of the Mumbai Municipal Corporation under section 376(5) of the Bombay Provincial Municipal Corporation Act, 1949, subject to certain limitations and requirements. Later, the Commissioner sent out notices to all businessmen involved in melting gold, etc., warning them that their operations were polluting the environment, producing nuisances, and posing health risks. Therefore, they ought to either shut down their furnaces and silver manufacturers or limit their operations to the industrial sector. Their licenses were to be revoked if they carried on with their business. The petitioners argued that the licence was granted many years ago and that they had been doing so consistently for the past several decades. The petitioners claimed that because the Commissioner's prohibition infringed upon the freedom of trade and business provided by Article 19(1)(g), it was capricious and unjustified.

Extending the Interpretation of Article 21 to Include the Rights to Life and a Clean, Green, Pollution-Free, and Healthy Environment- "No one shall be deprived of his life or personal liberty except in accordance with the procedure established by law," the statement reads. The judiciary has interpreted this article in a number of judgments to safeguard the environment. The Supreme Court ruled in **Maneka Gandhi v. Union of India** that people have the same right to life as animals, including the right to a safe environment and the fulfillment of basic human dignity. When the environment is unsafe, it directly affects our quality of life. In the case of **M.C. Mehta v. Union of India**, the Supreme Court ruled that having a clean environment is part of having the right to life. Furthermore, it is disease-free.

The Supreme Court in **N.D. Jayal v. Union of India** gave wider interpretation to right to life the "right to environment" was proclaimed a basic right. However, the right to progress is also one of them. It is impossible to single out the right to "sustainable development" in this situation. Accordingly, Article 21 treats the idea of sustainable development as an essential component of "life." It was also evident that the guarantee of fundamental human rights is a part of this right to progress, which goes far beyond economic prosperity. The petitioner in this case sought the court to look into the rehabilitation of the migrants and to make the appropriate orders to carry out additional safety checks to guarantee the safety of the dam at Tehri for hydropower. The court clarified that the safety of the dam at Tehri for hydropower. The petitioner in this case sought the court to look into the rehabilitation of the migrants and to make the appropriate orders to carry out additional safety checks to guarantee the safety of the dam at Tehri for hydropower. The court clarified that Article 21 of the Constitution guarantees everyone the fundamental right to a clean, healthy environment.

Possibly the most significant article is this one. Law is dynamic; it changes and adapts to meet new issues as they arise. Consequently, the judiciary has generously interpreted elements of the constitution, particularly those pertaining to fundamental rights and Article 21 in particular. Fundamental ideas were accepted in order to comprehend the legal process. The majority of environmental lawsuits have been heard by the Supreme Court and higher courts, who have recognised the right to a clean environment as a fundamental right and seen it as a necessary condition for life. Article 21 might therefore be interpreted as a positive entitlement to a life-saving environment. The instances highlighted in this Article 21 are some of the ground-breaking ones that have had a lasting impact on people's rights to a clean environment and to life. Apart from Article 21 of the Indian Constitution. It is also declared in the Universal Declaration of Human Rights.

"Everyone has the right to life, liberty, and security of person. Article 6 of the Second Covenant proclaims the right to life thus; every human being has inherent right to life. This right shall be protected by law."

The Right to Clean Environment and the Right to Religion with a special reference of Article 25 of the Constitution

One of India's fundamental constitutional features is its commitment to secularism. This, along with the guarantee of the right to freedom of religion in the Constitution, has brought the issue of reconciling religious organisations' competing claims to practise their religion with the need to protect the environment from pollution (noise, water, etc.) to the forefront. The Indian Courts encountered this problem in a few situations. **Om Birangana Religious Society v. State**, and **AMSNPAP Maharaj v. State of Gujrat**, respectively, where similar contentions were rejected. His Lordship observed:

"No religion mandates or preaches that using a voice amplifier or hitting drums during prayer is needed. If such a practice exists, it should not, in any event, negatively impact others' rights, particularly the right to be unhindered in their activities.

Article 47 of the Constitution and the Environment Preservation- placed an obligation on the State to raise the living standards of its people by supplying hygienic conditions, a healthy diet, and environmental protection so that people can live in safety. Additionally, it calls for increased environmental consciousness among the populace. Article 47 of the Indian Constitution states:

"The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health."

Therefore, the assertion made by certain knowledgeable writers that the original draft of the Constitution was ecologically blind and that the environment was not included as a subject is categorically refuted by this fundamental idea found in the Article."

Article 48A: Preserving Forests and Wildlife and Enhancing the Environment:

It falls under State Policy's Directive Principle. According to this, "the State shall endeavor to protect and improve the environment as well as to safeguard the nation's forests and wildlife." The State was required by this article to take a number of steps to prevent pollution of the environment.

With the objective of affording better protection to the environment, the Constitution was amended and a new Article 48A was inserted into the Constitution of India which states that:

"The State shall Endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country." The courts have been guided by the language of Article 48A, and interpreted it as imposing "an obligation" on the government, including courts, to protect the environment. In **T. Damodar Rao v. The Special Officer, Municipal Corporation of Hyderabad; Sachidanand Pandey v. State of West Bengal**, The Supreme Court's ruling tends to reduce the scope of examination rather than broadening it to encompass the range of environmental jurisprudence's facets. In this instance, the Supreme Court upheld the Tourism Ministry's decision, despite the government's acceptance of the Taj Group Hotels' proposal to build lodging amid Allipore's zoological gardens in an effort to boost tourism in West Bengal. The Court defended its position by stating that irrelevant factors were eliminated and that pertinent considerations had been taken into account.

Fundamental Duties and Environmental Scheme Article 51A (g) - "Every Indian citizen shall have a duty to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for all living things," the statement reads. This article and Article 48A are similar; the only distinction is that while Article 48A focuses on the State's obligation to protect the environment, this article addresses citizens' fundamental rights. According to this article, since nature provides us with a pollution-free environment, it is our responsibility to both prevent pollution and enhance the quality of the environment.

In **M.C. Mehta v. Union of India**, The Supreme Court mandated that all educational institutions offer mandatory one-hour weekly environmental education classes under Article 51A(g).

In **Rural Litigation & Entitlement Kendra, Dehradun v. State of U. P.** The Supreme Court emphasised that it is the responsibility of all citizens, not just governments, to protect the environment and maintain ecological equilibrium. Let us remind all citizens that it is their fundamental duty, as stated in Article 51-A (g) of the Constitution, and that it is a social obligation.

Article 246- The legislative subjects of the Union and the States are separated by this article. Additionally, it offers a concurrent list of legislation that the Union and the States jointly make, including topics like mining and mineral development, forests, and wildlife protection. Therefore, legislation pertaining to environmental protection can be made by both the Union and the States. Additionally, it gives Parliament additional authority to pass laws on the State list for the benefit of the country, as demonstrated by the Water Act of 1974.

Article 253- This article grants the Parliament the authority to enact laws for the nation or any region in order to carry out agreements, treaties, and conventions with foreign nations. Through this article, Parliament passed a number of environmental protection measures, including the Environmental Protection Act of 1984, the Wildlife Act of 1972, the Water Act of 1974, and the Air Act of 1981.

Right to Constitutional Remedies and Judicial Activism, Article 32 & 226- These articles give citizens the right to file a PIL (Public Interest Litigation) with the Supreme or High Court in the event that a basic right is violated. Through these numerous PIL lawsuits, such as **M.C. Mehta v. Union of India, Entitlement Kendra v. the State of UP, and Rural Litigation**, cases were launched for the protection of the environment., in which the court ruled that, in accordance with Article 51A (g), Indian citizens are likewise obligated to protect the environment and maintain ecological equilibrium.

The majority of cases pertaining to environmental pollution and eco-imbalances were filed under Articles 32 and 226 of the Indian Constitution, according to a survey of these cases. One of the fundamental rights is Article 32, which is also referred to as the "right to constitutional remedies" for the protection of such rights. Under Article 32 and Article 226 of the Constitution, respectively, the Supreme Court of India and State High Courts are tasked with upholding fundamental rights. The courts have occasionally issued orders, directives, and writs in order to provide relief to the harmed parties and to monitor actions that harm the environment.

Courts have broad authority under Public Interest Litigation (PIL) to award redress and stop any actions that put people or the environment at danger. Any public-spirited individual, even if they are not the

person who has been wronged, may file a public interest lawsuit (PIL) for a common cause or in opposition to any action or behavior that negatively impacts the general public or a group of people.

The Supreme Court of India considers writ petitions for the enforcement of basic rights, including Article 32. The Supreme Court has occasionally issued orders, directives, and writs of mandamus, certiorari, etc. since recognising that the denial of the right to a clean, healthy, and unpolluted environment and its various attributes violates the rights to equality (Article 14), freedom (Article 19(1)), and life (Article 21). In a similar vein, Article 226 gives state high courts the authority to issue writs, orders, and directives to uphold basic rights.

Legislative Power under Constitution of India:

The first significant international effort to preserve and safeguard the human environment was the Stockholm Declaration of 1972. This statement obliged the states to enact laws pertaining to environmental protection and conservation. India's constitutional structure and its international commitments both reflect this commitment to sustainable natural resource management. The Seventh Schedule underwent modification following the 42nd Amendment. Part XI of the Constitution, as is well known, addresses the legislative and executive branches' interactions with the states.

State legislatures are tasked with enacting laws specific to their states, but Parliament has the authority to enact laws for the entire nation. The Indian Constitution separates the subjects of legislation between the union and the states in Article 246. The seventh schedule of the Constitution includes a union list, or List I, of topics over which only the parliament may enact laws. It includes interstate rivers, mining and mineral development, defense, foreign affairs, atomic energy, interstate transportation ships, major ports, air traffic control, and regulation and development of oil resources. Regarding matters on the State List, only the State Legislatures have the authority to enact laws. (List II), such as public health and sanitation, agriculture, water supplies, irrigation and drainage and fisheries. By the Concurrent List (According to List III, the Parliament and State Legislatures share and overlap authority over a number of topics, such as forests, biodiversity preservation, wildlife protection, mines and mineral developments not included in the union list, family planning and population control, small ports, and factories.

The remaining authority to enact laws on topics not included in the three lists belongs to Parliament. In cases when a Central Law and a State Law address the same matter, the Central Law takes precedence. However, if a State Law was passed after the Central Law and has been ratified by the President in accordance with Article 254, it will take precedence. The parliament also has the authority to enact laws on topics listed in the State List that are deemed to be in the "national interest." Furthermore, Parliament has the authority to pass laws on state-related matters for States whose legislatures have approved of central legislatures. Consequently, the 1974 Water (Prevention and Control of Pollution) Act was enacted by the Parliament pursuant to consent resolution passed by the State Legislatures.

The subject forest was initially listed as a state, but no significant action was done by the corresponding States, and there was also a lack of consistency and uncertainty over the application of the regulations in cases where the forest area intersected two or more state boundaries. It has been moved to the concurrent list as a result. Laws pertaining to forests and the environment can now be passed by the State and the parliament. It might be recommended that the industries covered by State List entry number 24, if not all of them, then at least the medium-sized enterprises, be moved to the Concurrent List in order to create uniformity in the management of environmental issues caused by the industries.

Regarding rivers and transportation (air, sea, rail, and road), the Indian Constitution offers a suitable framework for the allocation of legislative authority, and the 42nd Amendment Act appropriately avoided addressing such issues. Below are a few entries pertaining to the environment from Lists I, II, and III:

1. Union List: Parliamentary authority to enact laws

- (a) Entry 52 pertains to industries;
- (b) Entry 53 deals with the development and regulation of mineral resources and oil fields;
- (c) Entry 54 deals with the development and regulation of mines and mineral resources;
- (d) River and Valley Development and Regulation on the Interstates: Entry 55;
- (e) fishing outside of territorial waters

2. State list: Legislative authority of State legislatures to enact laws

- (a) Sanitation and public health: Entry 6
- (b) Agriculture: Disease control and pest protection: Entry 14
- (c) Entry 18: Land, colonisation, etc.
- (d) Fisheries: Entry 21
- (e) List 1's regulations apply to mines and minerals: Entry 24.
- (f) Industry covered by the terms of List 1: Entry 25
- (g) Burials and burial grounds; Entry 10
- (h) Preservation and prevention of animal diseases; Entry 15
- (i) Ponds and the prevention of diseases in cattle; Entry 16
- (j) Entry 17
- (k) Water Entry 25 for Gas and Gas work

3. Concurrent List: Lawmaking authority is shared by the State and Parliament legislators. (a) Forests: Entry 17-A

- (a) Entry 17-a: Wild animal and bird protection.
- (c) Social and economic planning: Entry 20.
- (d) Entry 20-A: Planning and population census.
- (e) Stopping infections, infectious illnesses, and pests that harm people, animals, or plants from spreading from one state to another: 29th entry
- (f) Factories: Exhibit 36
- (g) Boilers: Section 37
- (h) Electricity: Entry 38

It should be highlighted, therefore, that our Constitution has many clauses addressing environmental contamination. Numerous statutes have been passed under them, and they have the potential to provide the intended outcomes. Nearly two hundred federal and state laws exist, according to the N.D. Tewari Committee Report. But as a result of the Stockholm Declaration, environmental issues are now more widely discussed, and new laws have been created. The National Committee on Environmental Planning is also made great strides in planning human settlements, assessing development projects, creating environmental plans, and increasing awareness at various levels.

- **Environmental Protection Act, 1986**
- **Water (Prevention and Control of Pollution) Act, 1974**
- **Air (Prevention and Control of Pollution) Act, 1981**
- **Wildlife Protection Act, 1972**
- **Forest Conservation Act 1980**
- **National Action Plan on Climate Change- NAPCC**
- **Role of Public Interest Litigations (PILs)**
- **National Green Tribunal Act (NGT), 2010**

National Green Tribunal (NGT): An Overview

In India, the National Green Tribunal (NGT) is a specialised court charged with resolving environmental issues. It was founded by the National Green Tribunal Act, 2010. It acts as a venue for the prompt settlement of civil cases involving significant environmental issues and is mandated to protect the environment and natural resources. The NGT ensures that justice is both environmentally sound and legally sound by implementing important environmental ideas like the polluter pays principle, sustainable development, and the precautionary principle.

The Environment Protection Act, the Air and Water Acts, and the Forest and Biological Diversity Acts are among the seven important environmental legislation that fall under the Tribunal's purview. Members with judicial and expert backgrounds contribute legal and technical knowledge to its decision-making process. In instances involving unlawful mining, deforestation, air and water pollution, and industrial dangers, including the Yamuna floodplain damage case and the Sterlite Copper Plant case, the NGT has rendered historic rulings.

The NGT does, however, also have a number of difficulties, such as restricted jurisdiction, difficulties with enforcement, and a lack of sufficient infrastructure and resources. It is nonetheless a vital tool for advancing environmental governance in India in spite of these limitations.

In India's legal system, the National Green Tribunal is a trailblazing attempt to address environmental deterioration through a committed, knowledgeable, and expedited judicial process. It has been crucial in strengthening the constitutional right to a clean and healthy environment, holding polluters accountable, and developing environmental law.

It is essential to increase its authority, fortify institutional backing, and guarantee that government agencies and businesses strictly abide by its directives in order to increase its efficacy. To empower citizens in environmental conservation, it is also important to promote public knowledge and engagement. In order to ensure sustainable growth and protect India's ecological future, a more powerful and well-equipped NGT will be essential.

The NGT has rendered a number of significant decisions:

- The Art of Living lawsuit (2016) established the basis for the Yamuna floodplains' environmental harm.
- The 2018 Sterlite Copper Plant case upheld the industrial plant's shutdown in Tamil Nadu for environmental issues.
- Stricter pollution control measures surrounding the Taj Mahal were mandated in the Taj Trapezium Zone case.

Our Responsibilities as Citizens to Preserve the Environment

Legal obligations and rights are important parts of the legal system. They became so intertwined that it is impossible to conceive one without the other. A right is always asserted against the person who is subject to a corresponding duty. An additional part IV-A governing the "Fundamental Duties" in the Indian Constitution was added by the 42nd Constitution Amendment Act of 1976 Article 51-A (g) uncommonly manages major obligation regarding condition. The essential responsibilities of every person to preserve and safeguard the natural environment are mentioned in Article 51-A (g). However, today's contamination is also a result of environmental misuse, but this was always the case before. We are endowed by nature with a state free from pollution. In addition to protecting the environment from pollution, it is the primary responsibility of citizens to restore the quality of nature when it has been contaminated. Therefore, just as nature has gifted the earth to every one of us, it is our responsibility as citizens to preserve it. Regarding Entitlement and **Rural Litigation, Kendra v. State of UP** Justice R.N. Mishra expressed the opinion that every person, in addition to the government, has a responsibility to preserve the environment and maintain the ecological balance. As stated in Article 51-A (g) of the Constitution, it is a fundamental duty and a social obligation. Let us remind every Indian citizen of this. Prior to 1950, our Constitution did not contain any explicit provisions pertaining to the protection of the natural environment, as was discovered during a general examination of its contents. Nevertheless, a thorough examination reveals that the Constitution has a number of additional clauses, many of which were added later on in order to safeguard the environment. The chapters that address Fundamental Rights, Directive Principles of State Policy, Fundamental Duties, and legislative interactions between the Centre and the States are good places to start learning about the intended meaning of environment.

Preserving forests and wildlife is necessary for environmental protection and enhancement, which in turn benefits the environment. As a result, they have a symbiotic relationship. There is no denying the relationships and dependences between forests and wildlife. They defend one another.

It is imperative that more public engagement be encouraged, along with social consciousness, environmental awareness, and environmental education, in order to raise public knowledge of the need to protect the environment and ecology from below rather than from above through laws. A bottom-up approach is necessary in this case since voluntary contact is a prerequisite for any law to function well.

Exemplary Penalties for Contempt of Court

The Supreme Court recently issued a landmark ruling stating that in cases involving environmental pollution, the court's decisions must be followed because air pollution is negatively affecting everyone's health. Thus, "exemplary punishment must be imposed so that this recurrence is thwarted and like-minded people would not repeat." In this instance, the contemner was operating a hot mix facility that the Supreme Court had already ordered to be shut down and relocated outside of Delhi.

The contemner saved himself by pretending he was unaware of the court order, which he was aware of. Finally, he apologised without reservation. Since contemner's actions are not the result of regret or contrition, the Court determined that they are beyond the bounds of tolerance. Apologies cannot be used as a defensive tactic. He was thus given a week in jail and a one-lakh rupee fine as part of the court's exemplary punishment.

CONCLUSION

Ultimately, it can be concluded that the constitution does not specifically mention environmental preservation, nor does it contain any specific provisions pertaining to it. The constitution, which has provisions that specifically address environmental issues and may be beneficial for the environment, is the ultimate law of the land. The Indian government has made significant efforts to safeguard the environment, and the constitution contains several measures in this regard. Any law is useless unless it is successfully and effectively implemented, and public knowledge is a necessary prerequisite for successful implementation. As such, it is imperative that appropriate awareness be maintained. Our constitution attempts to close the gaps left by the legislative branch in this way.

Under Article 21, the right to life is protected as a basic right. It is crucial that our surroundings and environment be clean, pollution-free, and conducive to a healthy lifestyle. The National Green Tribunal is a distinct environmental court with judges and expert members that we put in place to efficiently handle environmental cases.

The Constitution of India is known as the 'basic law of the land' from which all other laws derive their sanctity or validity. Therefore, it must be a living and growing law-means must be able to cope with the newer situations and development. That is why, as and when it is felt that a special situation has arisen and the present constitutional provisions are not adequate and cannot deal with the new development effectively, they are amended by Parliament from time to time. The Prime Minister of India Mrs. Indira Gandhi, was the first head of state to address the first International Conference on Human Environment at Stockholm in 1972, and voiced deep concern about the degradation of the environment and eco-imbalance. India

.Objectives of the Research

- Explain the Indian Constitution's environmental protection provisions.
- Explain the Legislative Provisions related to environmental protection.

METHODOLOGY

The descriptive aspect of the study highlighted several points of view. Using computerized databases, secondary data was gathered. Many articles that were found through the search were considered relevant for this study. Information for this study was gathered from academic publications that have been published.

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