



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

ONE PLANET, ONE CHANCE: ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT

B Bhavya Sai

“It is our collective and individual responsibility to preserve and tend to the world in which we all live.”

- Dalai Lama (Spiritual Leader)

INTRODUCTION

Protecting environment is not a choice, it's a need of an hour. Blaming the government for unhealthy environment is not a solution because the environment is spoiled by us too, so it's a collective responsibility of every individual/industry to protect it so that the future generations can sustain tomorrow. A holistic approach is needed to make every individual responsible for their actions.

The term environment is derived from a French word 'Environia' which means 'to surround.' It refers to both biotic (living) and abiotic (non-living). 'Environment' includes water, air and land and the inter relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property.¹ Even though the definition doesn't include the modern facets of environmental pollution, the Supreme Court in **Virender Gaur v. State of Haryana**,² has held that the word 'environment' is of broad spectrum which brings within its ambit 'hygienic atmosphere and ecological balance.'

¹ Section 2 (a) of The Environment Protection Act, 1986

² (1995) 2 SCC 577

NEED FOR THE ENVIRONMENTAL LAWS

Post independence, India went on the road of rapid development through industrialization and urbanisation. This disrupted the natural resources and caused ecological imbalances, causing many species to fall under endangered category. For example, Ganges River dolphin is endangered species due to water pollution.³ Deforestation triggered many environmental problems like ozone layer depletion, poor air quality, extinction of flora and fauna, soil erosion and more.

According to the reports⁴ relating to the 'Environment Performance Index' in the year 2022 India ranked the bottom of the list i.e. 180th rank and in the year 2024 India ranked 176th in the list.⁵ The slight improvement doesn't mean the problem has been tackled. The ranking is the clear indicator that the situation is still alarming and necessary actions need to be taken and prudent care of the environment is needed and stricter laws must be enforced.

HISTORICAL BACKGROUND OF ENVIRONMENTAL LAWS

The journey started at international level with the first United Nations Conference on Human Environment held in June 1972 in Stockholm declared "to defend and improve the human environment for present and future generations has become an imperative goal for mankind." Hence, it called governments and people to exert common efforts for preserving and improving human environment, wherein twenty-six principles were resolved which are called as "Magna Carta on Human Environment."⁶

The Constitution of India, 1950, originally had no specific provision relating to environment protection. The Stockholm Conference on Human Environment, 1972, contributed to the initial development and strengthening environmental laws and also acted as a facilitating agent behind 42nd Constitutional Amendment Act, 1976. Specific provisions relating to certain aspects of

³ IUCN Red List of Threatened Species <https://www.iucnredlist.org/species/41756/50383346> (last visited July 6th 2026)

⁴ Released by Yale Centre for Environmental Law and Policy and the Columbia Centre for International Earth Science Information Network

⁵ Environment Performance Index, <https://epi.yale.edu/epi-results/2022/component/epi> (last visited July 6th 2026)

⁶ S. C. Shastri, Environmental Law, 39 (Eastern Book Company 2021)

the environment protection was laid down.⁷ The Article 48A⁸ and Article 51A (g)⁹ were inserted.¹⁰

Later many other statutes like Environment Protection Act, 1986, The Air (Prevention and Control of Pollution) Act, 1981, The Water (Prevention and Control of Pollution) Act, 1974, The Forest (Conservation) Act, 1980, The Wildlife (Protection) Act, 1980 and many other statutes were enacted.

Other statutes under which individuals can seek legal remedies/penal provisions are under section 91¹¹ of the Code of Civil Procedure, 1908, the provisions under Chapter XV¹² of Bharatiya Nyaya Sanhita, 2023, the provisions under Chapter XI¹³ of Bharatiya Nagarik Suraksha Sanhita, 2023.

PRINCIPLES ADOPTED BY INDIAN JUDICIARY

Several measures are adopted by the Indian Judiciary to protect environment and strengthen the environmental Jurisprudence.

1. Polluter pays Principle

The polluter pays principle states that those who produce pollution should bear the costs of controlling and reducing its effects rather than shifting the burden to society. This principle was basically upheld by the Supreme Court in the 1996 case **Indian Council for Enviro-Legal Action v. Union of India**¹⁴, when it mandated that chemical corporations responsible for pollution pay for environmental damage and cover the expense of corrective action.¹⁵

⁷ Dr. Md. Ehtesham Khan, Judicial Interpretation and Role in Shaping Environmental Policies in India, 30 IOSR Journal of Humanities and Social Science, 8 (2025)

⁸ Protection and improvement of environment and safeguarding of forests and wild life. —The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

⁹ Fundamental Duties - It shall be the duty of every citizen of India— (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;/

¹⁰ Inserted by the Constitution (Forty-second Amendment) Act, 1976

¹¹ Public Nuisance and other wrongful acts affecting the public

¹² Of offences Affecting the Public Health, Safety, Convenience, Decency and Morals (sections 270 - 297)

¹³ Maintenance of Public Order and Tranquillity (sections 148 - 167)

¹⁴ (1996) 3 S.C.C. 212

¹⁵ Anjay Kumar Verma and Sonalika Kumari, Judicial Interpretation of Environmental Rights in India: A Study of Landmark Cases with Special Reference to Constitutional Provisions, 6 International Journal of Research Publication and Reviews, 13804, (2025)

2. Precautionary Principle

In **Vellore Citizens Welfare Forum v. Union of India**,¹⁶ the Supreme Court recognised this principle stating ‘lack of scientific certainty’ is not an excuse to delay the action against environment threat.

3. Sustainable Development

The World Commission on Development and Environment headed by Gro Harlem Brundtland, the then Prime Minister of Norway who was asked to formulate “a global agenda for change.” The commission gave its report “Our Common Future.” The term sustainable development was mooted by the United Nations World Commission on Development and Environment which means “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”¹⁷

In **T.N. Godavarnam Thirumalpad v Union of India**,¹⁸ the Supreme Court declared that there two salutary principles which govern the law of environment: 1) the principle of sustainable development, and 2) the precautionary principle.

4. Public Trust Doctrine

This principle states that the natural resources should not be owned by any private person as they are for public’s benefit.

These principles shaped the holistic approach and upholding environmental rights and public health. ‘Judicial Activism’ also plays a major role in protecting environment law and ‘late Justice Kuldeep Singh’ also referred as ‘Green Judge of India’ and ‘Advocate M. C. Mehta’ who is referred as ‘Green Avenger of India’ has earned these titles by their pioneer work towards environmental law.

LANDMARK JUDGEMENTS

There are many landmark judgements which also formed base for passing of the Environment (Protection) Act, 1986 those cases which need special mention are Silent Valley case,¹⁹ RLEK case,²⁰ Bhopal Gas Disaster Case,²¹ Oleum Gas Leak Case.²²

¹⁶ (1996) 5 S.C.C. 647

¹⁷ S. C. Shastri, Environmental Law, 36 (Eastern Book Company 2021)

¹⁸ (2002) 10 SCC 606

¹⁹ Society for Protection of Silent Valley v. Union of India, OP Nos. 2949 and 2025 1979

²⁰ Rural Litigation and Entitlement Kendra v State of Uttar Pradesh (1985 2 SCC 431)

²¹ 1985

²² M. C. Mehta v. Union of India (AIR 1987 SCC 1086)

Other cases like Narmada Bachao Andolan case, Ganga River pollution,²³ highlights the issue that individuals/industries have exploited the natural resources to an extent that if no stricter laws be imposed the beauty of this planet will be at risk, and damage caused could be irreversible.

PRESENT LAWS INADEQUATE

Different laws were introduced at different historical moments, usually as responses to specific environmental emergencies rather than as part of a unified ecological vision. For instance, the Water (Prevention and Control of Pollution) Act, 1974 was primarily enacted to address increasing industrial effluent and water contamination.²⁴ The laws were developed when specific situation arose and currently these laws are not serving the purpose. The penalties imposed are low as compared to the profits gained by causing damage to the environment, implementing stricter laws still be insufficient if no stricter action be taken. Most importantly basic awareness among individuals/industries is viable.

CONCLUSION

Environmental crises have attracted the attention with its impact on public health and violation of their rights globally. And with Judicial interpretation the scope of Article 21 has expanded by guaranteeing the right to safe and clean environment as Fundamental Right. Expanding the scope alone doesn't guarantee it unless the Judiciary, Legislature and Citizens work in harmony. The individual must not feel it as a burden rather take it as responsibility because change must come from within with no exceptions. Stricter laws with sustainable living mean healthy future because time is ticking and its better late than never, one planet is equal to one chance only.

²³ M. C. Mehta v. Union of India ((1988) 1 SCC 471)

²⁴ Annapurna Trivedi and Prof. Dr. Aryendu Dwivedi, Gaps in India's Environmental Legislative Framework: An Analysis in Light of NGT, 7 IJFMR 3 (2025)