



## ENVIRONMENTAL PROTECTION AND POLICIES IN INDIA\*

### Abstract:

Environment means our surrounding. Day to day environment polluted due to development of science and technology, ever-increasing of world population, natural disasters, rapid urbanization, industrialization, deforestation, heavily use of pesticide and insecticide in agricultural sector, nuclear test and poverty. Man is protector and destroyer of environment. Environmental protection is worldwide phenomena. Environment protections indicate the protection of human civilization. So many problem has been faced the modern civilization due to his own cause. Human environment endangered because of pollution of air, water, land, noise and radiation, natural disasters, green gas effect, ozone depletion and climate change. From the beginning human civilization worship the nature, and live in harmony with nature, now in the name of development human civilization destroy the eco balance of environment, which is highly effected on civilization. So for the protection of his part in International level, National level and State level so many rules, regulations, and laws formulated for the purpose to protection and preservation of environment and sustainability of natural resources for successor. The author emphasized International and National laws which are basically provide for environmental protection.

Key Words: Environment Pollution, Protection, Control and obligation.

### INTRODUCTION:

In the 21<sup>st</sup> century the environment lost its purity and highly polluted of air, water, land, noise etc. It leads to green gas effect, acid rain, floods, cyclone etc due to population exploitation, industrialization, urbanization, poverty, deforestation, over exploitation of natural

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resources; examine the nuclear weapons and war in the Arabic countries. These are some of the facts which are contributed to environmental deterioration of the world over. These causes are organised by human being for his development but in fact directly and indirectly the human being create more problems in the present and future generation. In the international level many conference has set off for the aim of sustainable development and protection of environment. These conventions are Stock Holm Conference 1972, The World Commission on Environment 1983, The Basel Convention 1989, The UN Convention on the Law of Sea, 1982, Vienna Convention on Protection of Ozone layer, 1985, Montreal Protocol, 1987, Convention on International Trade in England species of wild fauna and flora, 1973, Convention on Watlands, 1971, Earth Summit the declaration on Environment and Development, 1992, Kyoto Protocal-1997 and Paris climate change conference on November 2015. And National level, Constitution of India, provided certain provision in the Part-III, IV & IV-A under article 21, 48-A & 51-(a)(g) for the purpose to protection of environment and formulated so many legislation i.e. The Water (Prevention and Control of Pollution) Act, 1974, The Water (Prevention and Control of Pollution) Cess Act, 1977, The Air (Prevention and Control of Pollution) Act, 1981 The Environment (Protection) Act, 1986, The Forest (Conservation) Act, 1980, The Wildlife Protection Act, 1972, The Public Liability Insurance Act, 1991, The National Environment Tribunal Act, 1995, The National Environment Appellate Authority Act, 1997, Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, The Public Liability Insurance Rules, 1991 and Indian Penal Code (IPC), 1860, had a chapter (chapter XIV), Section 268, 269, 270 & 278 which dealt with offences affecting public health, safety and convenience, which covered aspects like water, air and noise pollution. Section 290 deals with provision of punishment. So many rules are there but the law made by the people for abstain to do anything against the environment. The law makers are the breaker; human civilization is the main culprit and mostly victimizes his own cause due to unaware and negligence.

#### **MEANING OF ENVIRONMENT:**

The term environment has been derived from the term 'environ', which means 'to surround', French term 'environia, It refers to both abiotic (physical or non-living) and biotic (living) environment 'Latin 'in-viron'. Thus, etymologically environment means 'surrounding conditions, circumstances affecting people's life.'<sup>1</sup>

According to the sec 2(a) of Environment Protection Act, 1986 environment includes water, air, and land and the inter relationship which exists among between water, air, land, human

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<sup>1</sup>. Collins, PH.: Dictionary of Ecology and the Environment, 62(1990)

being, living creature, plants, micro organism and property. Thus it includes animate and inanimate objects and their interrelationship.

For the first time in the history of environmental Law, the Indian 'environment (protection) Act, 1986 is the first statute which has defined the term 'environment'<sup>2</sup>

According to P. Gisbert "Environment is anything immediately surrounding an object and exerting a direct influence on it."

According to E. J. Ross "Environment is an external force which influences us."

In *Virendrer Gaur V. State of Haryana*<sup>3</sup> The Supreme court declared that the word environment is of broad spectrum which brings within its ambit hygienic atmosphere and ecological balance.

### **TYPES OF ENVIRONMENT:**

There are mainly three Types of environment:

These are:

**1. THE PHYSICAL OR ABIOTIC ENVIRONMENT:** It indicates nonliving elements like land, water, atmosphere, conditions which leads to the formation of the soil(temperature, pressure etc).the Physical or abiotic environment also includes the climatic factors such as sun beams , rainwater, precipitation, moisture pressure and wind speed .

**2. BIOTIC OR BIOLOGICAL ENVIRONMENT:** Biotic describes a living component of an ecosystem; for example organisms, such as plants and animals.

**3. SOCIAL AND CULTURAL ENVIRONMENT:** The social and Cultural environment means the environment, which is created by the man through his various social and cultural activities and thinking.

### **INTERNATIONAL PROSPECT:**

In the international level many conference has set off for the aim objective of sustainable development and protection of environment. These conventions are Stock Holm Conference 1972,The World Commission on Environment 1983, The Basel Convention 1989,The UN Convention on the Law of Sea ,1982,Viena Convention on Protection of Ozone layer,1985, Montreal Protocol,1987,Convention on International Trade in England species of wild fauna and flora,1973,Convention on Watlands,1971, Earth Summit the declaration on Environment and Development, 1992 and Kyoto Protocal-1997 and Paris Conference on Climate Change ,2015.

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<sup>2</sup>. Shastri Prof.satish c,Environmental Law,Eastern Book company,Lucknow,Third Edition,2008 at .P.94

<sup>3</sup>. (1995) 2 SCC 647

First time in the year 1972, international level India and the worlds more than 107 nations had gathered at Stockholm declaration, under the leadership of the united Nation for the purpose to evolve a common strategy to combat environmental degradation, pollution and ecological imbalances. 26 principles were adapted in this conference which is known as **Magna Carta** on human environment. The main aim and objective of the declaration is that the natural resources of the earth including air, water, land, flora and fauna must be safeguarded for the benefit of present and future generation through careful planning and management.<sup>4</sup>

**THE WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT<sup>5</sup>:** was establishment by the UN general Assembly in 1983 for 're-examine the critical environmental and developmental problems and formulate its solution on the planet.

**THE BASEL CONVENTION 1989<sup>6</sup>:** This convention based on the control of Trans Boundary movements of hazardous wastes. The main aim of this convention is Hazardous waste disposal and management in their state origin, with regards to the protection of the health of the people and the environment.

**THE UN CONVENTION 1982<sup>7</sup>:-** It is based on the Law of the Sea. The main objective of the convention is to establish legal order for seas, its uses, utilization of their resources, and conservation of their living resources and protect marine environment.

**VIENNA CONVENTION ON PROTECTION OF OZONE LAYER (1985) AND MONTREAL PROTOCOL, (1987)<sup>8</sup>:** The main object of the convention is that the state shall adopt appropriate legislative or administrative measures and cooperate to control, limit, reduce and prevent human activities under their jurisdiction...which have adverse effect on the Ozone layer.

**CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA, 1973<sup>9</sup>:** The main objective of the convention is 'to recognise the ever growing value of Wild Flora and Fauna.

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<sup>4</sup> .U.N. International Conference on Human Environment 1972(June 5-12)

<sup>5</sup> . Established by U.N. General Assembly in 1983, Chairperson of the Commission, Harlem Brundt land, P.M. Norway, aimed 'a global agenda for change'

<sup>6</sup> .it consists of 29 Articles.

<sup>7</sup> .Held at Montego, on December 10, 1982, it is a Voluminous Convention, have 15 Chapters, existing with 300 Articles.

<sup>8</sup> . It came into force on September 22, 1988 with consists of 21 Articles and one schedule.

<sup>9</sup> . It came into force on July 1, 1975, it consists of 25 Article.

**BONN CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS, 1979<sup>10</sup>:** The Convention aims to protect the migratory species, habitats of migratory species so that they do not become endangered.

**CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE 1971 AND 1982(RAMSAR)<sup>11</sup>:** On 3<sup>rd</sup> February 1971, in the little Iranian town of Ramsar, nestled between the Alborz mountains and the Caspian coast, the representatives of 18 nations put their signatures to the text of a remarkable treaty. The Ramsar Convention was the first of the modern instruments seeking to conserve natural resources on a global scale. It is still the only world-wide treaty which restrains the countries joining it from the unthinking, selfish exploitation of their sovereign natural patrimony. It is concerned with that most threatened group of habitats, the wetlands. The main objective of this convention is to conserve the wetlands and their flora and fauna by combining far-sighted national policies with coordinate international action.

**EARTH SUMMIT- THE RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT, 1992<sup>12</sup>:** It has proclaimed twenty-seven principles. It reaffirmed the Stockholm Declaration of 1972. The main objective of the conference was to establish new and equitable global partnership through certain of new levels of cooperation among states, key sectors of societies and people.

**KYOTO PROTOCOL, 1997<sup>13</sup>:** Signatories to this protocol were the parties to the convention on climate change -1992. The main objective of this protocol is to protect and enhance the sinks and reservoirs of green-house gases(not controlled by Montreal Protocol) promotion of afforestation and reforestation, promotion, research, development and increased use of new and renewable forms of energy, limit or reduce emission of green-house gases including methane.

**PARIS CONFERENCE ON CLIMATE CHANGE, 2015<sup>14</sup>:** The governments of more than 190 nations will gather in Paris to discuss a possible new global agreement on climate change, aimed at reducing global greenhouse gas emissions and thus avoiding the threat of dangerous climate change.

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<sup>10</sup> .The Convention came into force on November 1,1983 .It consists 20 Article with 2 Appendix.

<sup>11</sup> . The Convention held on 3<sup>rd</sup> Feb.1971.

<sup>12</sup> .Held on June 3-4,1992,Consists of 27 Principles.

<sup>13</sup> .It consists of 27 Articles and one annexure.

<sup>14</sup> . Sutter, John D.; Berlinger, Joshua (12 December 2015). "[Final draft of climate deal formally accepted in Paris](#)". CNN. Cable News Network, Turner Broadcasting System, Inc. Retrieved 12 December 2015.

## NATIONAL PROSPECT:-

The prime minister of India Mrs Indira Gandhi , was the first head of the state address the first international conference on human environment at Stockholm in 1972 ,and voiced deep concern about the degradation of the environment, environmental pollution, and eco-imbalance .Since India was one of the signatories of this conference ,it passed various statutes to improve and protect the environment and to fulfil its promise made at the Stockholm conference. These are Water (prevention and control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, Environment (protection) Act, 1986, national Environment tribunal Act 1995 and the Indian Parliament incorporated two Articles relating to protection and improvement of the environment by 42nd amendment in the constitution 1976. India became the first country in the world, have provisions on the environment in the constitution. Some of other law of the land also deal with environmental pollution like as Law of Tort, Indian Penal Code,1860,Criminal procedure Code,1973, Factories act ,1948 and Public Liability Insurance Act,1991etc and its aim and objective to control the various forms of environmental pollution.

The constitution is known as the mother law of the land from which all other laws derive their sanctity or validity. This is living law of the land deals with the various facets of human health and environment relating environment protection and preservation. The constitution provided under Part III (Fundamental Rights), Article 21 guarantees Right to life and right clean, Healthy Environment, Part-IV (D.P.S.P), Article 48-A has been declared that, the state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. and51-A (g) of fundamental duties confers to protect and improve the natural environment including forests, Lakes, Rivers, and Wild Life, and to have compassion for living creatures.

## CONSTITUTIONAL PROVISION:

In 1976,<sup>15</sup> under the leadership of the Prime Minister, Smt. Indira Gandhi, was passed the provisions relating to the protection of environment for the first time were incorporated by adding a new provision Article 48-A in the Chapter, Directive Principles of State Policy in the Constitution.

According to **Article 48-A** “the State shall Endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country”.

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<sup>15</sup>.42<sup>nd</sup> Amendment Act ,1976

Further, a new provision **Article 51-A** in the form of “Fundamental Duties” was also incorporated by the 42nd Amendment. According to the sub-clause (g) of Art. **51-A**, it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures. The above two provisions impose two-fold responsibilities. On the one hand, it gives directive to the State for protection and improvement of environment, and on the other hand it casts/imposes a duty on every citizen to help in the preservation of natural environment. **Fundamental Rights:** - Part –III of the Constitution, containing **Articles 21 and Art. 24** provide for specific provision for environmental protection. Article 21 said that, “no person shall be deprived of his life or personal liberty except according to procedure established by law”.

**Article 21** is the heart of the fundamental rights and has received expanded meaning from time to time after the decision of the Supreme Court in *Maneka Gandhi vs. Union of India*<sup>16</sup> **Art. 21** guarantees a fundamental right to life –a life of dignity to be lived in a proper environment, free of danger of disease and infection. The right to live in a healthy environment as part of **Art. 21** of the Constitution were first recognized in the cited case.

**Rural Litigation and Entitlement Kendra vs. State of U.P.**<sup>17</sup> (Popularly known as **Dehradun Quarrying Case**), It is the first case of this kind in India, involving issues relating to environment and ecological balance. The Rural Litigation Kendra and others in a letter to the Supreme Court complained about the illegal / unauthorized mining in the Missouri, Dehradun belt. As a result, the ecology of the surrounding area was adversely affected and it led to the environmental disorder. The Supreme Court treated the letter as writ petition under **Art. 32** of the Constitution and directed to stop the excavation (illegal mining) under the Environment (Protection) Act, 1986. The respondents contended / argued that the writ petition was registered in 1983 and the Environment (Protection) Act was passed in 1986 and hence the criminal proceedings cannot be initiated with retrospective effect. The court rejected the contention of the respondents and held that the provisions of procedural law shall apply to ordinary criminal cases and not to the environmental cases. The court directed the Central and State Governments to take necessary steps to prevent illegal mining and to re-afforestation in the area of mining.

In **M.C. Mehta vs. Union of India**,<sup>18</sup> (Popularly known as “**Oleum Gas Leak Case**”) – The Supreme Court treated the right to live in pollution free environment as a part of fundamental right to life under Art. 21 of the Constitution. Further the A.P. High Court in *T.*

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<sup>16</sup> . AIR 1978 SC 597.

<sup>17</sup> . AIR 1988 SC 2187

<sup>18</sup> . AIR 1987 SC 1086

**Damodar Rao vs. S.O., Municipal Corporation, Hyderabad,** <sup>19</sup> laid down that right to live in healthy environment was specially declared to be part of Art. 21 to the Constitution.

**Article 24** of the Constitution speaks about exploitation of child labour. It says that “No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment” this provisions is certainly in the interest of public health and part of the environment. Further, **Art. 39 (e) and 39 (f)** under Directive Principles of State Policy provide for the protection of the health and strength of children below the age of 14 years.

In **people’s Union for Democratic Rights vs. Union of India**<sup>20</sup> the Supreme Court held that the prohibition under Art. 24 could be enforced against any one, be it the State or private individual. In pursuance of this obligation, parliament enacted the Child Labour (prohibition and Regulation) Act, 1986. The Act prohibits specifically the employment of children in certain industries.

In **Vellore Citizens Welfare Forum v. Union of India**<sup>21</sup> (**Popularly known as T.N. Tanneries case**), the Supreme Court laid down that in view the constitutional provisions contained in **Article 21,47,48-A and 51-A(g)** and other relevant statutory provisions contained in the Water(Prevention and Control of Pollution) Act, 1974,the Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act, 1986, the Precautionary Principle and the Polluter pays principle are part of the environmental law of the country. It is thus clear that two basic principles of sustainable development can be derived from various statutory provisions and the right to life under **Article 21** of the Constitution

#### **PITAMBAR PANT COMMITTEE ON HUMAN ENVIRONMENT:**

Prior to the Stockholm Conference, in the beginning of the seventies, When the 24<sup>th</sup> UN General Assembly decided to convene a conference on the Human Environment in 1972 and requested a report from each member country on the state of environment, India set up a committee on Human Environment under the Chairmanship of Pitambar Pant, member of the Planning Commission, to prepare these reports aiming to establish greater coordination and integration in environmental policies and programmes.

#### **THE TIWARI COMMITTEE:**

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<sup>19</sup> . AIR 1987 A.P. 171

<sup>20</sup> . AIR 1982 SC 1473

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

In recognition of the need for a fresh comprehensive look at the administrative and legislative aspects of environmental protection, the Government of India constituted a High Power Committee under the Chairmanship of the Deputy Chairman of the Planning Commission, Mr. N.D. Tiwari in 1980. This committee which submitted its report to the Prime Minister in September, 1980 made for reaching recommendations of administrative and legal measures on environmental protection. This committee Identifying environmental pollution, Land and Water resources management. Natural living Resource, Human settlement, Environmental Awareness and Education as the major areas of environmental concern.<sup>22</sup>

### **THE DEPARTMENT OF ENVIRONMENT:**

On recommendations of Tiwari Committee, the Government of India set up a new Department of Environment with effect from November 1, 1980. The functions of the DOE have been identified as:

- A. Establish Nodal agency for environmental protection and eco-development in the country.
- B. Carrying out of environmental appraisal of development projects through other ministries/ agencies as well as directly;
- C. Administrative responsibility for:
  - i. Pollution monitoring and regulation.
  - ii. Conservation of critical eco-systems designated as Bio-sphere Reserves; and Conservation of marine eco-system.

### **NATIONAL COMMITTEE ON ENVIRONMENTAL PLANNING AND COORDINATION:-**

In pursuance of the recommendation of the Pitamber Committee in February 1972, a National Committee on Environmental Planning and Coordination (NCEPC)<sup>23</sup> was set up in Department of Science and Technology to plan and coordinate environmental programmes and policies and advice various ministries in all matters relating to environmental protection and improvement.

### **OTHER ORGANIZATIONS:-**

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<sup>22</sup> . Report of the Committee for Recommending Legislative and Administrative Machinery for Ensuring Environment Protection, Department of Science and Technology, Government of India, New Delhi, 1980 at 108.

<sup>23</sup> . The committee consisted of 14 members at the beginning, drawn from various disciplines concerned with environmental management.

Besides NCEP and DOE other organizations for various functions, existed during the eighties, for instance, National Eco-Development Board, Botanical Survey of India, Zoological Survey of India, National Museum of National History, Central Board for Prevention and control of Water Pollution, National Ambient Air Quality Monitoring, National Remote Sensing Agency, Centre for Earth and Science Studies, Environmental Information System (ENVIS), Eco-Development Task Force of Ex-Servicemen, Indian National Man and Biosphere Committee (MAB), Environmental Research Committee, Integrated Action Oriented Eco-Development Research Programme, Centre of Excellence for Environmental Education, and National Environmental Advisory Committee.

### **LEGISLATIONS REGARDING ENVIRONMENT PROTECTION:**

Regarding the legal response to environmental protection, the legislations enacted during the pre-independence era, more particularly, the Indian Penal Code and the Criminal Procedure Code contained some provisions for abatement of pollution. Apart from this, there were many statutes which also governed the said field. However, the only thing that was absent was environment consciousness and hence these scattered provisions could not be put too much use. In the post-independence era, the basic statutes enacted for occupying environmental field and regulating environment protection include the following:

#### **THE WILDLIFE (PROTECTION) ACT, 1972<sup>24</sup>:-**

The most significant legislation on wildlife protection which is based on the ecosystem approach and regulatory regime of command and control is the Wildlife Protection Act, 1972. The objective of this enactment was three fold i.e. to have a uniform legislation on wildlife throughout the country, to establish a network of protected areas, i.e. national parks and sanctuaries and to regulate illicit trade in wildlife and its products. Despite forty four years of enforcement of Wildlife Protection Act, it is still one of the least understood legislations both by practitioners and the legal fraternity.

#### **WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974:**

The Water (Prevention and Control of Pollution) Act, 1974 is one India's concerted effects to deal the problem of water pollution comprehensively at the national level. The Act was enacted under Article 252(1) of the constitution which empowers the Union Government to legislate on matters of State list, where two or more state legislatures consent to central law, for

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<sup>24</sup> .This Act amended in the year 2002,The Central government shall constitute a National Board for Wildlife.The P.M. shall be the Chairman of the Board and other 37 persons shall be member with him.

water happens to be a state subject under state list of the Constitution. The Water Act came into force in the year 1974. Some minor amendments were made in the Act in 1978 and later it was revised in 1988 so as to bring it in conformity with the provision of the Environment (Protection) Act, 1986.

#### **THE WATER (PREVENTION & CONTROL OF POLLUTION) CESS ACT, 1977:**

. The Water Cess Act 1977 empowers the Central Government to levy a cess on water consumed by persons carrying on certain industries and by local authorities. The adoption of the Act was necessitate due to inability of the State Government to provide for adequate funds to the state boards for their effective functioning and to cope up with the increasing pressure on the water resources.

#### **THE FOREST (CONSERVATION) ACT, 1980<sup>25</sup>:-**

The Parliament of India enacted the Forest Conservation Act, 1980 aiming to provide for the conservation of forest and imposition of restrictions on use of forestland for non-forest purpose. Section 2 of the Forest Conservation Act directs that no State Government or other authority shall make any order without the prior approval of the Central Government.

#### **AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981<sup>26</sup>:**

The Air (Prevention and Control of Pollution) Act, 1981 was enacted by the Parliament under Article 253 of the Constitution after the decisions taken at Stockholm conference in June, 1972 in which India participated. It was decided to take appropriate steps for the preservation of the natural resources of the earth, which among other things, include the preservation of the quality of air and control of air pollution.

#### **THE ENVIRONMENT (PROTECTION) ACT, 1986<sup>27</sup>:**

The Environment(Protection) Act, 1986 passed in the wake of the Bhopal tragedy and to further implement of the decisions in United Nations Conference on Human Environment,1972 insofar as they relate to the protection and improvement of the human environment and the prevention of hazards to human beings or other living creatures, plants and property etc. It constitutes an umbrella legislation designed to provide a framework by Central Government for coordination of the activities of various Central and State authorities established

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<sup>25</sup> .This act consists of only 5 Section but has proved very effective and successful in the conservation of the Forest.

<sup>26</sup> .The act came into force on 16<sup>th</sup> May, 1981 and it extends to the whole of India.

<sup>27</sup> .Environment (Protection) Act, 1986 came into force on November 19, 1986.

under the water and air Acts. The Environment Act does not add anything new to the above statutes. It however, provides additional mechanism for the prevention and control of environmental pollution. As regards the control of air pollution, section 3(1) of the Act empowers the Central Government to take all such measures as it deems necessary or expedient for the purpose of protection and improving the quality of the environment and preventing, controlling and abating environment pollution.

### **THE NATIONAL FOREST POLICY OF 1988:-**

The failure of the National Forest Policy, 1952, particularly, inadequate management of forests; negligible efforts made to improve the availability of fuel wood and fodder to forest dwellers which resulted in social conflicts on forest resource use, the shortcomings of social forestry programme initiated as a part of afforestation programme in 1970s, and the dwindling forest cover, necessitated a fresh look at the Forest Policy of 1952. The state came under increasing pressure in order to involve people in the protection and management of forest resources. The Central Government formulated the National forest Policy in the year 1988 for the above purposes.

### **INDIAN PENAL CODE 1860:**

The Indian Penal Code has provided a chapter (XIV) on offences affecting Public Health, Safety, and Convenience. Sec. 268 provides that “a person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public. Other concerned provisions are relating to specific pollution of environment these are, negligent act likely to spread infection or disease dangerous to life<sup>28</sup>, a malignant act likely to spread infection or disease dangerous to life<sup>29</sup> and making atmosphere noxious to health<sup>30</sup>.

But the essential requirement of the provision to punish a man is the guilty intention of the accused, i.e. either the act of the accused should be negligent, malignant or voluntary, which vitiates the atmosphere. In case of public nuisance, the Penal Code provides for fines up to two hundred rupees<sup>31</sup> and for making the atmosphere noxious to health five hundred rupees by way of punishment.<sup>32</sup>

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<sup>28</sup> .Section 269 of Indian Penal code-1860.

<sup>29</sup> . Section 270 of Indian Penal code-1860

<sup>30</sup> . Section 278 of Indian Penal code-1860

<sup>31</sup> . Section 290 of Indian Penal code-1860

<sup>32</sup> Section 278 of Indian Penal code-1860

**SWACHH BHARAT ABHIYAN<sup>33</sup>** : Clean India Mission or Swachh Bharat Mission is a national campaign by the Government of India, covering 4,041 statutory cities and towns, to clean the streets, roads and infrastructure of the country. The campaign was officially launched on 2<sup>nd</sup> October 2014 at Rajghat, New Delhi, where Prime Minister Narendra Modi himself cleaned the road. It was performed in remembrance of Mahatma Gandhi's words. It is India's biggest ever cleanliness drive and 3 million government employees and school and college students of India participated in this event. This Mission is practical form to make clean our environment or surrounding of our and a call to self participation for a noble work that is known as save our environment and save our mother.

### **RESULTS:**

- There are made so many laws, rules and regulations for aiming to of environmental protection in international level, national level and state level but at the same time it is the duty of the above government to look after whether these rules and regulations are properly functioning or not, if it has functioned, for which purpose it has made, this is sustained or not.
- The environment protection is not only the routine work of Government, it should be routine work of each and every human being.
- There should need to control population growth. This time required the Government has taken drastic step towards population control in India.
- It may be central govt or state govt before signature MOU for the purpose of establishment of heavy industry take priority precautionary measures of the environment protection.
- Every citizen must be involved in Swachh Bharat Abhiyan it leads to environment protection and purification of air, water and land.

### **CONCLUSION:**

There are many Laws, rules and Regulations in International and National level in the aimed of protection and preservation of environment and conservation of natural resources for future generation. But it is impossible task to fruitful without hearty support of total human beings of this living world, because directly or indirectly, knowingly or unknowingly we the people polluted our surroundings which is known as our environment. Entire human beings of this world are responsible for the disasters and at the same time human beings are mostly suffered and affected by the disasters. The human beings are the protector and destroyer of environment.

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<sup>33</sup> . [Swachh Bharat campaign should become mass movement: Narendra Modi](#)". *The Economic Times*. Retrieved 2 October 2014.

The responsibility of control and utilize the all natural resources depend on the hand of human beings. All legislation which has been made by state machinery for the protection of human environment, it first controls the human activity, omission or commission which is going against environment. So it is now right time that the human beings should try to change their feeling and attitude toward their environment and take necessary steps by their daily work towards environment for the protection and preservation of the environment. It can be possible only when human beings are guided by the rules and regulation of the environment protection. It is the best policy of the environment protection of human beings self imposed restraint to their work when they doing an act against environment. If human civilization has forgets his constitutional obligation to take care towards his neighbor, mother environment, no one should protect him to live with luxurious and peaceful life with sound health on the Environment. Now need a wide circulation of self help instead of environment protection for survive him in this human environment and sustainable for future generation.

