



RESEARCH PAPER ON THE TOPIC ENVIRONMENT LAW- CONTEMPORARY BOTH NATIONAL AND INTERNATIONAL

AUTHOR – AISHWARYA SRIVASTAVA, STUDENT AT BHARATI VIDYAPEETH UNIVERSITY

Best Citation – AISHWARYA SRIVASTAVA, RESEARCH PAPER ON THE TOPIC ENVIRONMENT LAW- CONTEMPORARY BOTH NATIONAL AND INTERNATIONAL, *ILE JOURNAL OF ADVANCED LEGAL STUDIES (ILE JALS)*, 1 (1) of 2023, Pg. 23-25, APIS – 3920 – 0056 | ISBN – 978-81-964391-3-2

Abstract

This Research work is all about Environment Law thesis in both the grounds, national as well as international. In this work, the well discussed topics are Air quality, Water quality, Pollution control and many more. Environment Law is regarded as a very important law. People don't talk about this law much as they talk about Criminal Law, ADR, etc. Environment law consists of waste management means how to minimise or eliminate waste from the environment. Environment plays a very important role in mankind. It consists of a healthy living and existence of a healthy living and existence of life on the planet Earth. Earth is a home for different living species and all the species depended on food, air, water, etc.

Therefore, it is important for every individual to save and protect the Environment. And for this purpose, Government set up a law known as Environment Law for the purpose of maintaining clean and green environment. Environment Law applies within and also outside the country in foreign nations. Foreign nation in which Environment Law applies are: Africa, European Union, Middle East, Oceania, Australia, Brazil, Canada, China, Congo (RC), Ecuador, Egypt, Japan, New Zealand, Russia, Singapore, South Africa, United States, United Kingdom and Vietnam.

Keywords: Environment, Environment Law, Environment Degradation, Transport, Mining, Sustainable Energy.

Introduction

Environment Law is a law which aims clean and safer environment. Majority of the countries have their law related to Environment in their Constitution and India is also one of them. Environment law comes in India after Independence. In the year, 1972 when United Nation Conference on the Stockholm (Sweden) from 5th June to 16th June in which 'Declaration on the Human Environment' was adopted. This is considered as the first stage of Environment Law in India. As per this declaration, the states were required to adopt the legislative measures to protect and improve the environment. Accordingly, two articles have been inserted by the Parliament of India 48A and 51A.

Environment law carries some other laws also. Some of them are as follows:

- Forest Conservation Act, 1980
- Environment Conservation Act, 1989
- The Nation Environment Tribunal, 1995
- NEMA, 1998
- The Biological diversity Act, 2002

If we move outside India, many other countries also set up many laws related to environment. International Environment law is a part of Public International Law which monitors the behaviour of the states towards subjects related ozone layer depletion, deforestation, damaging flora and fauna, etc. There are also many sources of International Environment Law. However, it

doesn't have any fixed source. Some of them are as follows:

- Treaties
- United Nation Framework Convention on Climate change, 1992 (UNFCCC)
- Declarations (Example: Stockholm Declaration)

Environment Law set up in order to resolve legal issues related to environment. Some of the legal issues are as follows:

1. Legal issues around Transport: In the last 50 years, transport sector is among the most grown sectors. Especially, freight transport, it has increased by 2-3% annually. This is because of the following reasons:

- Population growth
- Rising living standards
- Increased Urbanization
- Increased access in transport
- Increase in income

Transport does not have any respective impact on air, land, water, etc but it has a huge impact on all the levels of life cycle such as production of passenger cars, buses, aeroplanes, ships, and trains. Transport demands a great consumption of fossil fuels which accounts for about half of world oil demand. However, burning of fossil fuels causes a very hazardous impact on environment which makes a transport sector a major threat to all the environment sectors. However, Government takes major steps in reducing impact caused by transport sector. For example: Government introduces electric vehicles which operates on electricity rather than petrol.

2. Legal issues around Sustainable energy: Many countries like India faces a severe problem in framing laws related to sustainable development at bottom level. Some important acts associated with sustainable development because the medium to confirm the protection and gift to future generation which are as follows:

- The Air (Prevention and Control of Pollution) Act, 1981

- Water Prevention and Control of Pollution Act, 1974
- The Environment Protection Act, 1986
- The National Green Tribunal Act, 2010
- Hazardous Wastes (Management, Handling, and Transboundary) Rules, 2008
- Biomedical Waste (Management and Handling) Rules, 1998
- Municipal Solid Wastes (Management and Handling) Rules, 2000
- Nuclear Energy (Safe disposal of Radioactive Wastes) Rules, 1987

MC Mehta vs Union of India

In this case, banning of vehicles which is of five years old and also petrol supply lead free in Delhi. The court said, Right to healthy environment is a human right under Article 21.

MC Mehta vs Union of India (Ganga Pollution Case)

The court said that it is illegal to dispose illiterate waste directly or indirectly to the river Ganga.

3. Legal issues around Mining: The framework for mining regulation is primarily based on federal laws of late 1960s.

Government approved permits for all new and ongoing mining operations, including exploration activities. This permitting process ensures that environment standards are maintained from the beginning to the end of mining and metal production operations. New mine developments are now required to have operation and closure plans that define how a specific site will be reclaimed upon cessation of mining. This attention to the full life cycle of a mining site prevents negative environmental impacts. Some of the federal laws related to mining are:

- National Environment Policy Act (NEPA)
- Clean Air Act (CAA)
- Clean Water Act (CWA)
- Resource Conservation and Recovery Act (RCRA)
- Toxic Substances Control Act, (TSCA)



- Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

Conclusion

In majority of the countries including India, Environmental Degradation becomes a topic of serious concern. So, it is very important to all the citizens that we take Environmental laws very seriously and do our best to save our Environment.

References:

1. Legal services.com
(<https://www.legalserviceindia.com/legal/article-635-introduction-to-environmental-law-in-india.html>)
2. Blog Ipleaders
(<https://blog.ipleaders.in/environment-legislation-in-india/>)
3. Wikipedia
(https://en.m.wikipedia.org/wiki/Environmental_law)

