

Note: - Various books of **Environmental Economics and other subjects** also available **free of cost** on **Libgen**. Students can download.

M.Com (Applied Economics)

Semester- IV

Paper- Environment and Resource Economics

Topic: The Constitution of India and the Environment

Note- Under this topic, we are tried to understand that what are the important provisions regarding the environment are given in The Constitution of India.

The constitution of India is not an inert but a living document which evolves and grows with time. The specific provisions on environment protection in the constitution are also result of this evolving nature and growth potential of the fundamental law of the land. The preamble to our constitution ensures socialist pattern of the society and dignity of the individual. Decent standard of living and pollution free environment is inherent in this. The Environment (Protection) Act, 1986 defines environment as “environment includes water, air and land and the interrelationship which exists among and between air, water and land and human beings, other living creatures, plants, micro-organism and property”.

The Directive principles under the Indian constitution directed towards ideals of building welfare state. Healthy environment is also one of the elements of welfare state. Pointing out few article of the Constitution of India, which are directly focused on environment protection:

1. Article 47 provides that 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. The improvement of public health also includes the protection and improvement of environment without which public health cannot be assured.
2. Article 48 -A of the constitution says that “the state shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country”.
3. Article 51-A (g), says that “It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life and

to have compassion for living creatures.” The chapter on fundamental duties of the Indian Constitution clearly imposes duty on every citizen to protect environment.

4. The constitution of India under Article 19 (1) (a) read with Article 21 of the constitution guarantees right to decent environment and right to live peacefully. The Court does not include freedom to use loud speakers or sound amplifiers. Thus, noise pollution caused by the loud speakers can be controlled under article 19 (1) (a) of the constitution.
5. According to Article 21 of the constitution, “no person shall be deprived of his life or personal liberty except according to procedure established by law”. Basically this article protects the right to life as a fundamental right. Right to healthy environment is important attribute of right to live with human dignity, encompasses with its ambit the protection and preservation of the environment. The Supreme Court treated the right to live in pollution free environment as a part of fundamental right to life under Article 21 of the Constitution.
6. At local and village level also, Panchayats have been empowered under the constitution to take measures such as soil conservation, water management, forestry and protection of the environment and promotion of ecological aspect.

Finally we can say that, environment protection is part of our cultural values and traditions. In Atharvaveda, it has been said that “Man’s paradise is on earth; this living world is the beloved place of all; It has the blessings of nature’s bounties; live in a lovely spirit”. Earth is our paradise and it is our duty to protect our paradise. The constitution of India embodies the framework of protection and preservation of nature without which life cannot be enjoyed. So, the knowledge of constitutional provisions regarding environment protection is need of the day to bring greater public participation, environmental awareness, and environmental education and sensitize the people to preserve ecology and environment.

Suggestive References

1. <https://pib.gov.in/newsite/PrintRelease.aspx?relid=105411>
2. **The Constitution of India**

Environmental Laws and Legislation in India

Prime Minister Smt. Indira Gandhi gave a speech at the United Nations Conference on the Human Environment was held in Stockholm, Sweden, from 5 to 16 June 1972 and she focused on various issues for protect the environment. The Conference also adopted 109 recommendations for environmental action at the international level. It was the UN's first major conference on international environmental issues, and marked a turning point in the development of international environmental politics. The all participated countries agreed to take appropriate steps to preserve the natural resources of the Earth.

In this regards, with this decision, India began enacting various environmental laws. Initially the laws were not very different from general body of law. For example The Water Act, 1974 was very much like other laws and created another agency administered licensing system to control effluent discharge in to water. The Bhopal Gas tragedly changed the situation. Before and after the decade of 1990, a several laws were passed with covering new area's such a vehicular emission, noise pollution, hazardous waste, transportation of toxic chemicals and environment impact assessment.

Further, the old licensing regime was supplemented by regulatory techniques. The new laws included provision such as public hearing, citizens' rights to information, deadlines for technology changes, workers participation and penalties on higher management of companies. The powers of the enforcing agencies like the various Pollution Control Boards of the states were also enhanced. So in this connection you can see main environmental laws of the county are as:

1. The wildlife protection Act, 1972
2. The Water (Prevention and Control of pollution) Act, 1974.
3. The Forest Conservation Act, 1980
4. The Air (Prevention and Control of pollution) Act, 1981.
5. The Environment (Protection) Act, 1986

Note: Above mentioned all act available online and also on Central Pollution Control Board of India (CPCB). Students can make brief notes of all acts.