

Environmental Conservation: Historical, Constitutional and Legal Perspective

Babita Singh Parasain¹, Shalu Chauhan²

¹Professor, Law, IILM University

²Scholar, Law, IILM University

Abstract

The environment refers to all living and non-living components that surround and influence life, including air, water, land, plants, animals, and the overall ecological system. Its creation is beyond the means of mankind. Environment is the foundation of human existence. It existed before the evolution of humans but with the development of society and technology, it is under escalating stress and degradation. Therefore, it is accurate to calculate that human interference is a threat to environment. Our environment is our inheritance from our ancestors and from the very fact that diverse cultures, societies were developing at their own pace with minimal ecological threats, it demonstrates the wisdom of the ancients. Their experience is a lesson for us. It also signifies that we have inherited our planet's resources from past generations, thus we are also obligated to preserve and conserve it for passing them on in a sustainable condition. However, rapid development, industrialization, urbanization, population growth and wars have put immense pressure on the natural resources. This has led to ecological degradation, threatening both present and future life on Earth. These matters concern not only the human race but all other living and non-living creatures on the planet and being the only intelligent species, it is our duty to ensure sustainable development of natural resources. To address this crisis at the bigger platform international societies like UN has adopted various initiatives, while at the national level in nations like India appropriate remedial actions have been taken through constitutional and statutory schemes. This article is an endeavour to highlight the significance of environmental protection and the laws enacted therefore.

Keywords: environment, natural resources, sustainable, ecological degradation, preserve, conserve.

1. Introduction to Environmental Conservation

Environment is everything that surrounds us; human existence is contingent on it. Environmental conservation denotes to the protection, preservation, sustainable management, and restoration of the natural environment. It includes safeguarding natural resources such as air, water, forests, wildlife, ecosystems and preserving them for future generations. Indian environmental conservation methods derive its base through numerous practical applications since ancient times. At that time tree, forest, water were precious sources of life and were preserved and worshipped as such. This could be seen in present day worship of plants, trees, rivers deemed as 'holy and divine' by different religions. From this we can conceive that the concepts of ecology being cherished and irreplaceable. The legal perception to

¹ Dr. Babita Singh Parasain, Professor, School of Law, IILM University, Greater Noida

² Shalu Chauhan, Research scholar, IILM University, Greater Noida

conservation is comprehensive and extends beyond the physical elements to include future possible threats. Modern jurisprudence recognizes that unchecked exploitation will eventually germinate in loss of biodiversity. The concept has with time and development evolved from being a moral and ethical obligation (duty) to a legally enforceable duty (law) under National and International frameworks. In modern legal systems, environmental protection is closely interlinked with human rights principles, particularly the Right to Life and Dignity. It is a global concern to conserve the environment and reduce its degradation.

2. Environmental Degradation: Causes, Consequences and Challenges

To comprehend and address the predicament of environment conservation; first, we need to understand what is exactly environmental degradation. Environmental Degradation in simpler terms, refers to the deterioration of the natural environment due to human activities and natural processes. It is the escalating depletion of natural resources by human activity that primarily affects it. Environment Degradation includes quantitative depletion i.e., the loss of forests, water, minerals and qualitative degradation i.e., polluted air, contaminated water and infertile soil. Therefore, Environment Degradation is the loss of ecological balance, making it less susceptible to human life, due to human intervention.

Causes of Environmental Degradation

Poverty is a factor that affects the environment, poor people rely heavily on natural resources and poverty exacerbated by population growth, leads to increased demand for resources, further straining the environment. The need for industrialization and urbanization is damaging the ecology. A major example of industrial environmental failure is the Bhopal Gas Tragedy³, which highlighted the consequences of weak environmental regulation. Supplemented by development and over consumption deforestation is rapidly increasing further harming the environment and polluting air, water or soil. Climate change and greenhouse gas emissions are aftermath of all these.

Unsustainable agriculture practices contribute significantly to water pollution. Runoff from farms carries fertilizers and pesticides into water bodies, such as ponds, lakes, rivers, and seas. These chemicals disrupt aquatic ecosystems and the food chain⁴.

Consequences of Environmental Degradation

Bad environment creates irreparable harms to all walks of life. It significantly impacts human health, especially in areas with high air pollution levels, respiratory problems like pneumonia and asthma are common. Loss of biodiversity and extinction of species due to loss habitats are its ultimate outcomes. Global warming presents an unprecedented challenge to Earth's climate system. Melting ice caps and ocean expansion are raising sea levels, while changes in rainfall, glacier melt, and more frequent cyclones are causing extreme weather events. Pollutants like CFCs, HCFCs, and VOCs damage the ozone layer, contributing to global warming and climate change. Overuse of natural resources through deforestation, overfishing, and mining is also leading to rapid resource depletion and environmental degradation. Desertification and reduction of arable lands affect agricultural outputs. Some community survives on tourism for livelihood but environmental damage put dent in tourist industries and cause economic loss⁵.

³ <https://www.bbc.com/news/articles/cp35vlg3zvxo> (last visited 24.04.2026).

⁴ https://mospi.gov.in/sites/default/files/reports_and_publication/cso_social_statistics_division/comp_CHAPTER%200_NE_6jan12.pdf (last visited 24.04.26)

⁵ Refer to 5

Challenges in Environmental Degradation

For the need to keep up with times, we are losing and harming our ecosystem, it is imperative to strictly adhere to a balance between development and environment protection, but it is not entirely possible for the compromise of one will affect the other. The Indian courts in various verdicts limited the polluting industries away from the populace and natural resources. But even with all the restriction imposed by courts or State, industries are still polluting and trees are cutted. The margin allowed with over time accumulate to a huge number. How to address this issue remain a impasse.

3. Evolution of Environmental Jurisprudence

Environment conservation in India is not a contemporary thought but it is the result of different civilizations, empires, times. Every time period has added something to it while demonstrating its practicability providing us with guidance and valuable experiences. Let's discuss this supplementation.

The Indus Valley Civilization reigned from c. 2600–1900 BCE. Historical marks left by them has shown that people at that time revered trees like pipal. The infrastructure left behind depicts clear use of drainage system, wells, water storage system was ahead of their time⁶, this indicated that Indus valley people used resources equitably. The Indus valley civilization in Asia showed that early evidence of public water supply and sanitation practices adopted in ancient period.

The Vedic Period (c. 1500–600 BCE) has been very valuable, esteemed and cherished part of Indian history. The Veda or collectively known as Vedas describes ethics of life, these are the obligations and duties that one must follow. Environment conservation in the Vedas was also emphasized. The hymn XXIV⁷ of Rigveda alludes that 'world-tree' is a source of life. During the Vedic period 'Vana' was an important resource to livelihood and sacred place for worship, thereby forest was protected from unnecessary destruction and people had ethical and moral duty to conserve the forest. To mitigate the risks of pollution, the Vedic literature forbade the careless felling of trees and gave guidelines on how to avoid contaminating waterways with human waste⁸.

The Emperor Ashoka⁹ of the Mauryan Dynasty (c. 322–185 BCE) in his edict II states "I have decreed many kindnesses, including even the grant of life, to living creatures, two-footed and four-footed as well as birds and aquatic animals", showcasing compassion to living creatures and further solidifying in his edict V where he prohibits hunting of "parrots, mynas, the arurpi, ruddy geese, wild geese, the nandimukha, pigeons [or cranes], bats, queen ants, terrapins, boneless fish [probably prawns], the pupuia of the Ganges, skates, tortoises and porcupines, squirrels, twelve-antler stags, bulls which have been set free, household animals and vermin, rhinoceroses, white pigeons, domestic pigeons, and all quadrupeds which are not useful or edible". He also forbids hunting on certain days. In his edict V he said "Forests must not be burned without reason or in order to kill living creatures", marking a step against deforestation. The book Artha-shastra written by celebrated Indian author Kautilya during the Mauryan period is a treatise on government and economics of ancient India. In this book, importance was given on the protection and management of forests, gardens, orchards. According to the Kautilya it should be the

⁶ Rekha Singh, Water Management and Conservation Practices in Indus Valley Civilization, IJASS, vol 6 (9), 2195-2199, 2019.

⁷ Ralph Thomas Hotchkin Griffith, The Hymns of the Rigveda XXIV 6-7 (Pg. 39-41), E.J. Lazarus. Vol I, 1889.

⁸ Dr Renu Tanwar, Environment Conservation in Ancient India, vol 21, IOSR-JHSS, 2279-0837-2279-0845. 2016.

⁹ N. A. Nikam and Richard McKeon, The Edicts of Asoka, (55,56,41), The University of Chicago Press Chicago & London, III ed., 1966 at <https://archive.org/details/TheEdictsOfAsokaNikamMcKeon/page/n81/mode/2up?q=fruit> (last visited 20.24.2026).

dharma of each individual in the society to protect nature. He also prescribed fines related to cutting of the different parts of tree according to him.

Kautilya, a prominent philosopher of governance and statecraft also devised ways to conserve the ecology in his Artha-shastra. He ascribes importance to management and protection of forests. He classifies forests bases on their resource potential and visualize its usage to be controlled and administered¹⁰ in his scheme. The Satavahana Dynasty (c. 1st BCE–3rd CE) promulgated progressive techniques in agriculture. They used irrigation system to enhance productivity and through local governance managed and ensured efficient resource distribution and use¹¹. They use resources wisely, on need.

Agriculture greatly flourished during the Gupta Dynasty¹², emphasis was laid on agriculture and sustainable development of resources¹³. Groves were deemed sacred having religious influence.

Abhijnana Shakuntalam¹⁴, a drama by the greatest Sanskrit poet Kalidasa in the court of Gupta ruler Chandragupta II, makes reference to ‘tapovanams’ where sages/saints/ascetics meditated and did penance’ highlighting the significance of nature.

The Chola Dynasty (c. 850–1279 CE) introduced great irrigation reforms. The Grand Anicut was constructed during these times; it is notable that this was the substantial riverine construction till the 19th century¹⁵.

The Colonial era marked a shift from traditional community-based forest management to centralized governance.

The Constitution of India, 1950 did not have an explicit constitutional environmental provision, this was a later development due to rapid industrialization, environment degradation, judicial intervention, international conventions and treaties. Let’s discuss the scheme of events that eventually led to incorporation of environment provision in Fundamental Rights, Directive Principle and Fundamental Duties. In 1972 environment was recognized as a global issue. United Nations Conference on the Human Environment (UNCHE) was held in Stockholm (Stockholm conference), India was a part to it. The conference was grounded in scientific research and science diplomacy¹⁶. For this commitment India adopted environment as a fundamental duty and state responsibility¹⁷. This also led to the establishment of National Committee on Environmental Planning and Coordination (NCEPC) in the Department of Science and Technology in 1972¹⁸. In 1992 United Nations Conference on Environment and Development adopted Rio Declaration on Environment and Development, often known as the Earth Summit. Its Agenda 21 is a significant program explored introducing Environment and Sustainable Development at the global level which India implemented in a 5-year plan¹⁹. India ratified the Kyoto Protocol in 2002 to reduce the

¹⁰ S. S. Anuja and *D. Vinoba Gladis, History of environmental conservation in the Ancient and Middle Ages, Vol. 40(1), 439-445, IJAPB (2025).

¹¹ Ravi R, THE SATAVAHANAS: EARLY DECCAN POWERS, vol 6, i1, 752-758, IJRAR 2019.

¹² Refer to 6

¹³ Romila Thapar, Early India: From the Origins to AD 1300 (2002).

¹⁴ The AbhijnAnashAkuntalam of KalidAsa, अभिज्ञानशाकुंतलम् (trans. Professor Muneco Tokunaga, 2024) at https://sanskritdocuments.org/doc_z_misc_major_works/shaakuntala.pdf.

¹⁵ Burton Stein, Peasant State and Society in Medieval South India 24 (1980).

¹⁶ <https://evs.institute/environmental-legislations/ncepc-1972-indias-environmental-agenda-stockholm/> (last visited 24.04.2026).

¹⁷ Constitution (42nd Amendment) Act, 1976, No. 105 of 1976 (India).

¹⁸ Refer to 22.

¹⁹ Mohd Nadeem, Gazala Iqbal, Junaid Khalid, A Study of India’s Diplomacy Regarding the Environment and Sustainable Development: With Special Reference to the Rio to Paris Conference, vol 6, AGPE-RGRJ, 14-29, 2025.

emissions of greenhouse gases²⁰. Following the Paris Agreement, India has pledged to significantly lower its emissions intensity, expand renewable energy capacity, and enhance carbon sinks by 2030, while charting a long-term pathway to achieve net-zero emissions by 2070²¹. MDGs ensured Environmental Sustainability but failed to make it cohesive approach. SDGs, with 2030 agenda replaced it with a pluralistic avenue of environment as a global necessity.

'Indian Environment Movement' (a collective term) was and is a remarkable 'crusade' that shapes environment policy in India. These are the luminous examples of people's awareness for environment protection. The Chipko Movement initiated in Uttarakhand in 1970s, where people embraced tree to prevent deforestation. Various activists sought to prevent construction of large dam on the Narmada River, displacement of local tribes and communities led Narmada Bachao Andolan. The Silent Valley Movement protected the tropical rainforest in Kerala, ultimately leading to creation of Silent Valley National Park. Mumbai's Save Aarey Movement seeks to prevent deforestation in Aarey forest. The Appiko Movement in Karnataka was inspired by Chipko to save western ghat forests. Dongria Kondh tribe's resistance against bauxite mining in Odisha's Niyamgiri hills highlight the crucial role of indigenous people in environmental protection. Another notable example is the Save Ganga Movement and Jal Satyagraha Movement aiming to restore the health of rivers²².

4. Legal Framework for Environmental Protection in India

India's environmental law system is highly developed, drawing from constitutional mandates, statutory enactments, and judicial decisions that collectively shape and refine environmental protection.

4.1. Constitutional Mandate for Environmental Conservation

Although the original Constitution did not explicitly cite environment provisions, it has been fortified through amendments and judicial interpretation. India adhering to its commitment in Stockholm Conference introduced 42nd Constitutional Amendment Act, 1976 which marked a prominent change in the constitution in respect of environment. It adopted environment as state concern and fundamental duty. The amendment inserted art. 48 A and 51A and transferred 'forest' and 'Protection and Wild Animals and Birds' to the concurrent list.

Article 51(c) read with Article 253 empowers the State to foster respect for international law and treaty obligations and enables Parliament to implement international agreements through legislation. Article 48A, a Directive Principle of State Policy, imposes an obligation on the State to protect and improve the environment and safeguard forests and wildlife, thereby mandating preservation of the ecological balance and natural resources. Article 51A, which lays down Fundamental Duties, includes under clause (g) the duty of every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife. Although both Articles 48A and 51A(g) are non-justiciable, courts frequently rely on them while interpreting and deciding environmental cases. Further, the Seventh Schedule distributes legislative powers between the Union and the States, and by placing environmental matters within the Concurrent List, it enables both levels of government to enact laws for environmental protection and regulation. Art. 14, 19 & 21²³ are closely intertwined, meaning that each person shall have equal rights to a healthy, clean and unpolluted environment. There is no discrimination between the individuals or places. It is the freedom

²⁰ [India & the Kyoto Protocol | Climate Change Cell, Haryana | India](#) (last visited 25.4.2026).

²¹ Refer to 26.

²² Mr. Bajarappa, Environmental Movements in India: A Study with A Social Work Perspective, vol 11, IJRAR, 268-274 (2024)

²³ India. Const. art. 14, 19, 21

of a person to enjoy environment free of danger of diseases, infection, pollution or hazards. Right to healthy environment is important attribute of right to live to with human dignity.

Article 47²⁴ puts obligation on State to raise level of nutrition and standard of living of living of people, it can be interpreted in the context of environment protection to ensure no harm is caused as environment is ultimately hazardous to health and a good ecology directly promote economy mainly through tourism.

4.2.Environmental Legislation in India

In the initial few decades after the independence, India did not add a comprehensive environmental legislation, the few in force did not actively prohibit and prevent pollution or promote conservation. But due to advent of pollution, development, depletion of natural resources and global focus, India now has a comprehensive set of environmental statutes that regulate pollution, protect biodiversity, conserve forests, and ensure sustainable development. The British's 'The Indian Forest Act of 1865²⁵' was India's first comprehensive forest legislation and environmental law that asserted government governance and regulated forests, soil, water quality, and pollution, shaping the management of natural resources.

The Factories Act 1948²⁶, a primary labour welfare law expressed measures to prevent pollution and ensure hygienic industrial conditions. The National Forest Policy in 1952²⁷ proposed to increase the national forest cover to one-third of the geographical area of the country to check land degradation, beginning the promulgation of environment concern.

The River Boards Act, 1956²⁸ regulated the development of inter-state rivers, promotes water conservation, flood control, drainage, irrigation, hydroelectric planning, prevention measures of river pollution, afforestation, and soil erosion, the act failed in its adjudicatory mechanism. It did not confer any authority to adjudicate disputes arising under the Act.

Animals have always been an integral part of the ecosystem; each and all animals or birds play their own role in ecology; they must be protected. The Prevention of Cruelty to Animals Act, 1960²⁹ is India principal legislation to shield the animals. The act establishes the Animal Welfare Board of India, which advises govt. on animal welfare, awareness and support implementation. However, the act does not provide penalties which make its enforcement weak.

Forest (Protection) Act, 1986³⁰, serves as umbrella legislation for all the environmental rule and regulations. It deepens the govt. control over pollution and industrial activities. Most environmental rules in India (like waste management, biomedical waste, noise pollution) are made under this Act.

The Public Liability Insurance Act, 1991³¹ aim to ensure that victims of accidents involving dangerous substances receive prompt compensation through a system of public liability insurance.

The National Environmental Tribunal Act, 1995³², intent to deliver efficient and expedient case handling to the matter related to environmental damages, protection of forest, natural resources and activities caused by hazardous substances. It also accounts to provide compensation for damages.

²⁴ India Const. art. 47.

²⁵ Indian Forest Act 1865, no. VII, of 1865 (India).

²⁶ Factories Act, No. 63 of 1948, India code (1948).

²⁷ Nat'l Forest Policy, 1952, Ministry of Food & Agric., Gov't of India (1952).

²⁸ The River Boards Act, no. 49 of 1956, India code, 1956.

²⁹ The Prevention of Cruelty of Animals Act, no. 59 of 1960, India code, 1960.

³⁰ Environment (Protection) Act, No. 29 of 1986, India code (1986).

³¹ Public Liability Insurance Act, No. 6 of 1991, India code (1991).

³² National Environmental Tribunal Act, No. 27 of 1995, India code 1995.

The National Environment Appellate Authority Act, 1997³³ established National Environment Appellate Authority (NEAA) to hear appeals regarding environmental clearance for certain restricted or regulated industries and projects.

The Biomedical Waste (Management and Handling) Rules, 1998³⁴ was enacted under the Environment (Protection) Act, 1986 to restrain the handling, treatment and disposal of biochemical waste generated from healthcare facilities. But later replaced and updated by the Biomedical Waste Management Rules, 2016³⁵ to improve compliance and standards.

The Environment (Siting for Industrial Projects) Rules, 1999³⁶ supports sustainable developments. It laid detailed provisions for the areas to be avoided for the establishment of industrial plants, the precautions to be taken in site selection, and the environmental protection and minimize damage.

The Municipal Solid Wastes (Management and Handling) Rules, 2000³⁷ was formed under the Environment (Protection) Act, 1986, it gave mandatory segregation of biodegradable and non-biodegradable waste but later replaced by the more comprehensive Solid Waste Management Rules, 2016³⁸ to improve waste handling systems.

The Batteries (Management and Handling) Rules, 2001³⁹ also made under the Environment (Protection) Act of 1986, it mandated buy-back system for used batteries to ensure safe recycling. The act regulated the collection, storage, transportation, recycling, and disposal of used lead-acid batteries to reduce environmental and health hazards.

The Noise Pollution (Regulation and Control) Rules, 2010⁴⁰ (enacted under the Environment (Protection) Act, 1986) aimed to strengthen the regulation of noise levels in public places and residential areas and reduce noise pollution impacts on health and the environment.

The Air (prevention and control of pollution) Act, 1981⁴¹ prevent, control and reduce air pollution. It establishes Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs) for monitoring air quality. The act is crucial role in ensuring clean air standards, industrial regulation, and public health protection.

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)⁴² balances tribal rights with environmental protection, decentralized forest governance, promotes community-based forest conservation.

The Forest (Conservation) Act, 1980⁴³ seeks to conserve forests and regulate the diversion of forest land for non-forest purposes. It restricts the indiscriminate cutting and diversion of forest land by requiring prior approval from the Central Government. The Act also establishes an advisory committee to examine and recommend proposals relating to the diversion of forest land for non-forest purposes.

³³ National Environment Appellate Authority Act, No. 22 of 1997, India code (1997).

³⁴ Biomedical Waste (Management and Handling) Rules, 1998, G.S.R. 630(E), Gazette of India, (July 20, 1998).

³⁵ Biomedical Waste Management Rules, 2016, G.S.R. 343(E), Gazette of India, (Mar. 28, 2016).

³⁶ Environment (Siting for Industrial Projects) Rules, 1999, Gazette of India, (1999). at https://wgbis.ces.iisc.ac.in/biodiversity/Environ_sys/legis/environ5.htm.

³⁷ Municipal Solid Wastes (Management and Handling) Rules, 2000, G.S.R. 908(E), Gazette of India, (Sept. 25, 2000).

³⁸ Solid Waste Management Rules, 2016, G.S.R. 1357(E), Gazette of India, (Apr. 8, 2016).

³⁹ Batteries (Management and Handling) Rules, 2001, G.S.R. 261(E), Gazette of India, (May 16, 2001).

⁴⁰ Noise Pollution (Regulation and Control) Rules, 2010, G.S.R. 59(E), Gazette of India, (Jan. 11, 2010).

⁴¹ Air (Prevention and Control of Pollution) Act, No. 14 of 1981, India code (1981).

⁴² Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, No. 2 of 2007, India code (2007).

⁴³ Forest (Conservation) Act, No. 69 of 1980, India code (1980).

The Wildlife Protection Act, 1972⁴⁴ protects endangered species, conserve natural habitats and ecosystem and supports biodiversity conservation.

The Water (Prevention and Control of Pollution) Act, 1974⁴⁵ was enacted to prevent and control water pollution and maintain or restore water health. Its establishment of Pollution Control Boards at central and state level. The act set standards for industries before discharging sewage or trade effluents into water bodies and they must obtain consent before emitting.

The Ozone-Depleting Substances (Regulation and Control) Rules, 2000⁴⁶ helps protect the ozone layer, which shields Earth from harmful ultraviolet (UV) radiation

Reduces risks of skin cancer, eye damage, and ecological harm.

Coastal Regulation Zone Notification, 2018⁴⁷ (under The Environment (Protection) Act, 1986), classifies coastal zones based on ecological sensitivity and development needs. The act protects fragile coastal ecosystems like mangroves, coral reefs, and wetlands, restricts development on sensitive areas and prevents coastal erosion and environmental degradation.

The Energy Conservation Act, 2001⁴⁸ ratified as a step toward revamping energy efficiency and reducing waste. It deals with energy consumption standards for equipment and appliances. It established Bureau of Energy Efficiency (BEE) to implement this act and norms for efficient buildings.

The Biological Diversity Act, 2002⁴⁹ was enacted to implement the Convention on Biological Diversity (CBD), prevent biopiracy, and conserve biodiversity while protecting local communities through a three-tier system comprising the National Biodiversity Authority, State Biodiversity Boards, and Biodiversity Management Committees. The Act is aimed at conserving biodiversity, regulating the sustainable use of its components, and ensuring the fair and equitable sharing of benefits arising from biological resources.

The National Green Tribunal Act, 2010⁵⁰ established the National Green Tribunal (NGT), a dedicated judicial forum with technical expertise to hear and resolve environmental disputes involving pollution and environmental harm.

The Wildlife (Protection) Act, 1972⁵¹ pursues protection of wild animals, birds, and plants and to assure the conservation of biodiversity and ecosystems. It bans hunting, establishes National Parks, Wildlife Sanctuaries, Conservation Reserves and Community Reserves. It declares for creation of Wildlife Wardens and Boards for implementation to regulate strict control over trade, possession, and transport of wildlife and wildlife products.

4.3. Development of Environmental Jurisprudence through Judiciary

The Indian judiciary has played a transformative role in environmental protection through activism and interpretation. The environmental laws in India mainly developed and progresses due to judicial intervention through PILs. The court redesigned the provisions to adapt to different circumstances and cases.

⁴⁴ Wildlife (Protection) Act, No. 53 of 1972, India code (1972).

⁴⁵ Water (Prevention and Control of Pollution) Act, No. 6 of 1974, India code (1974).

⁴⁶ Ozone-Depleting Substances (Regulation and Control) Rules, 2000, G.S.R. 371(E), Gazette of India, (July 17, 2000).

⁴⁷ Coastal Regulation Zone Notification, 2018, S.O. 19(E), Gazette of India, (Jan. 18, 2019).

⁴⁸ Energy Conservation Act, No. 52 of 2001, India code (2001).

⁴⁹ Biological Diversity Act, No. 18 of 2003, India code (2003).

⁵⁰ National Green Tribunal Act, No. 19 of 2010, India code (2010).

⁵¹ Wildlife (Protection) Act, No. 53 of 1972, India code (1972).

J.C. Galstaun v. Dunia Lal Seal (1905)⁵² was one of the earliest cases of environmental law. The court held that unreasonable interference with the use and enjoyment of property constitutes actionable nuisance. It recognized the right of individuals to enjoy a clean and undisturbed environment.

In Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. & Ors. (1985)⁵³ the court took eco-centric approach and ordered closure of limestone quarries.

The court introduced Absolute Liability Principle in the Oleum Gas Leak Case 1987⁵⁴, with no exception of third part negligence or act of God.

In the Ganga Pollution case 1988⁵⁵, the courts recognizing right to clean water u/a 21 commanded closure of polluting tanneries and industries.

The right to healthy environment as fundamental right was established in the Right to Environment case, 1991⁵⁶. But the court emphasized that the PIL must be genuine not for public use.

Vellore Citizens Welfare Forum v. Union of India, 1996⁵⁷ also known as Sustainable Development Case the court formulated Precautionary Principle and Polluter Pays Principle. The court held that environmental protection must be based on sustainable development and directed industries to install pollution control systems or face closure/penalties.

The Hazardous Waste Case 1996⁵⁸ established that environmental damage must be remedied at the cost of the polluter, not the public, court applied polluter pay principle. The case expanded judicial enforcement of environmental accountability.

The Hon'ble Court in the Public Trust Doctrine case, 1997⁵⁹ solidifies that State holds natural resources (air, water, forests) in trust for the public, not for private use. The use of such resources cannot harm public interest. The State is merely a trustee; it cannot transfer or use such resources for private commercial gain. T.N. Godavarman Thirumulpad v. Union of India, 1997⁶⁰ or the Forest Conservation Case strengthened forest conservation and halted large-scale deforestation. The Court broadly interpreted "forest" to include all areas officially recorded as forests in government records and restricted their diversion for non-forest uses without prior Central Government approval.

In Taj Trapezium Pollution Case 2001⁶¹, the Supreme Court linked sustainable development and precautionary principle to heritage protection, mandated shift from coal to natural gas (CNG), court ordered either closure or relocation of polluting units.

The court imposed strict limits; created silence zones, night restriction (10p.m. to 6 a.m.) prohibiting noise pollution, recognizing it as public health hazard in Noise Pollution case 2005⁶², reiterating right to peaceful environment u/a 21.

In Ganga Pollution & River Protection Case 2012⁶³, reinforced strict compliance before dumping on industries and municipalities.

⁵² J.C. Galstaun v. Dunia Lal Seal, (1905) ILR 32 Cal 1031 (Cal HC).

⁵³ Rural Litigation and Entitlement Kendra, Dehradun v. State of Uttar Pradesh, AIR 1985 SC 652.

⁵⁴ M.C. Mehta v. Union of India, AIR 1987 SC 1086.

⁵⁵ M.C. Mehta v. Union of India, AIR 1988 SC 1115.

⁵⁶ Subhash Kumar v. State of Bihar, AIR 1991 SC 420.

⁵⁷ Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647.

⁵⁸ Indian Council for Enviro-Legal Action v. Union of India, (1996) 3 SCC 212.

⁵⁹ M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388.

⁶⁰ T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 SCC 267.

⁶¹ M.C. Mehta v. Union of India, (2001) 9 SCC 520.

⁶² n Re: Noise Pollution, (2005) 5 SCC 733.

⁶³ M.C. Mehta v. Union of India, (2012) 8 SCC 326.

In the Sterlite Industrial Pollution Case 2013⁶⁴, court emphasized monitoring by Pollution Control Boards and direct strict compliance with environmental clearance norms.

The 2014 Animal Welfare & Environment Ethics Case⁶⁵, the court acknowledged that animals have a right to humane treatment and must not be subjected to unnecessary cruelty or suffering, expanding art. 21.

In Common Cause v. Union of India, 2018⁶⁶ enforced strict environmental liability for resource exploitation, deeming mining without permit to be illegal.

In Delhi Air Pollution Crisis Case 2019⁶⁷, The court ordered immediate regulatory measures targeting major sources of air pollution like crop burning, factories, and transport.

The Hon'ble Court in Alembic Pharmaceuticals Ltd. v. Rohit Prajapati, 2020⁶⁸ stated that clearance must be obtained prior to starting of operations, deepening preventive environmental regulation.

The NGT Jurisdiction Case 2021⁶⁹, expanded jurisdiction of Green Tribunal. The Court ruled that formal procedural barriers should not prevent courts from addressing and correcting environmental damage.

5. Conclusion

Environmental conservation has evolved from a moral and cultural obligation into a constitutional, legal, and judicial imperative. India's civilizational traditions, from ancient ecological ethics and community-based conservation practices to contemporary constitutionalism and statutory regulation demonstrates that the idea of protecting nature is not a modern import but rather old reflection. In the timeless wisdom of Dharma (righteousness) flows the luminous truth that our Environment is not a mere resource but a sacred and vibrant extension of cosmic order. It is ethical duty of entire humanity to protect rivers, forests, and ecosystems that are themselves the manifestations of the divine. New laws for protecting the environment are the new moral order. By aligning modern sustainability efforts with ancient principles of balance, restraint, and reverence, we can overcome short-term exploitation and maintain intergenerational sustainability. By weaving modern eco-activism with these ancient principles of balance, restraint, and reverence, and transformative movements we can prevent exploitation. True progress blooms not in domination of nature but in universal and uniform coexistence. As awakened custodians of this breathing planet, let us fulfill our natural and lawful duty to conserve, restore, and celebrate the existence of earth that sustains all life. Only then can we secure a verdant, thriving legacy for generations yet to arrive.

⁶⁴ Sterlite Industries (India) Ltd. v. Tamil Nadu Pollution Control Board, (2013) 4 SCC 575.

⁶⁵ Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547.

⁶⁶ Common Cause v. Union of India, (2018) 5 SCC 1.

⁶⁷ M.C. Mehta v. Union of India, (2019) 19 SCC 5.

⁶⁸ Alembic Pharmaceuticals Ltd. v. Rohit Prajapati, (2020) 17 SCC 157.

⁶⁹ Municipal Corporation of Greater Mumbai v. Ankita Sinha, (2021) 13 SCC 1.