



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a

professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi, Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur,
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

“ENVIRONMENT POLLUTION AND CONSTRUCTION PROVISIONS”

AUTHORED BY - DR. USHA PALHOEYA (Assi. Professor. S V I L Indore.)

Abstracts

Although the control of climate depends on many factors, but the amount of carbon dioxide and other gases in the atmosphere, which are also called greenhouse gases, also plays an important role in determining the earth's climate. The earth continuously receives energy from the sun. This energy is very necessary for life on earth, but it is also very important for this energy to go back from the earth, otherwise the temperature of the earth will increase so much that the earth will not be habitable. The presence of greenhouse gases to some extent hinders the return of the energy that has come to the earth. This is the process in which the amount of energy that comes does not go back and the stagnant atmosphere of that earth keeps increasing. The temperature of the earth becomes hot. This is called the greenhouse effect. Nature of environment Conservation of environment Environment is a precious gift of nature It has two regions, one is called biosphere and the other is called ecological sphere The sphere was a layer spread all around the earth.

“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; “environmental pollutant” means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;

“environmental pollution” means the presence in the environment of any environmental pollutant; environments has experienced fundamental alterations as a result of the rapid advances in engineering and industry. Stockholm was the first world conference to make the environment a major issue. The participants adopted a series of principles for sound management of the environment including the Stockholm Declaration and Action Plan for the Human Environment and several resolutions.

The Stockholm Declaration, which contained 26 principles, placed environmental issues at the

forefront of international concerns and marked the start of a dialogue between industrialized and developing countries on the link between economic growth, the pollution of the air, water, and oceans and the well-being of people around the world.

Ozone Layer Depletion and Global Warming: The atmosphere has a layer that shields the planet from dangerous ultraviolet (UV rays) radiation. Between 97% and 99% of the sun's dangerous UV radiation can be absorbed by the ozone layer. The excessive emission of chlorine and bromine from man-made substances like CFCs is the primary contributor to the ozone layer's depletion. Chlorofluorocarbons (CFCs), halons, methyl chloroform (CH₃CL₃), carbon tetrachloride i.e., CCL₄, hydrochlorofluorocarbons (HCFCs), and methyl bromide all contribute to the ozone layer's depletion.¹The long-term implications of global warming include the melting of glaciers, climatic changes, sickness, and an increase in the frequency of storms. Water: Given our reliance on water and how important it is to our relationship with the environment, water pollution is undoubtedly a major concern. The destruction of our water resources kills both people and marine life, and it puts an enormous financial burden on businesses and governments. We are endangering the most priceless resource our world has to offer through oil spills, deadly chemical leaks, and an abundance of plastic waste entering our waterways. Education is the answer to this point This research paper also explained how the environment provision has been explained and implemented in the Fundamental Rights, Fundamental Duties and Directive Principles in the Indian Constitution.

Keywords: Directives Principles Fundamental Rights Environment Pollution, water pollutions' Greenhouse, Ozone Layer.

INTRODUCTION

Although I the control of climate depends on many factors, but the amount of carbon dioxide and other gases in the atmosphere, which are also called greenhouse gases, also plays an important role in determining the earth's climate. The earth continuously receives energy from the sun. This energy is very necessary for life on earth, but it is also very important for this energy to go back from the earth, otherwise the temperature of the earth will increase so much that the earth will not be habitable. The presence of greenhouse gases to some extent hinders the return of the energy that has come to

¹ Environmental Issues Earth is Facing in 2022, Eurovision, <https://eagrovision.com/environmental-issues/>

the earth. This is the process in which the amount of energy that comes does not go back and the stagnant atmosphere of that earth keeps increasing. The temperature of the earth becomes hot. This is called the greenhouse effect. Nature of environment Conservation of environment Environment is a precious gift of nature It has two regions, one is called biosphere and the other is called ecological sphere The sphere was a layer spread all around the earth.

environment has experienced fundamental alterations as a result of the rapid advances in engineering and industry.

Ozone Layer Depletion and Global Warming: The atmosphere has a layer that shields the planet from dangerous ultraviolet (UV rays) radiation. Between 97% and 99% of the sun's dangerous UV radiation can be absorbed by the ozone layer. The excessive emission of chlorine and bromine from man-made substances like CFCs is the primary contributor to the ozone layer's depletion. Chlorofluorocarbons (CFCs), halons, methyl chloroform (CH₃CL₃), carbon tetrachloride i.e., CCL₄, hydrochlorofluorocarbons (HCFCs), and methyl bromide all contribute to the ozone layer's depletion.²The long-term implications of global warming include the melting of glaciers, climatic changes, sickness, and an increase in the frequency of storms.

Pollution: The majority of people are aware of what pollution is, but we are not yet prepared to deal with its severe repercussions. Pollution includes light, optical, point, and diffusion sources in addition to water, dust, and noise. Every sort of pollution is primarily the fault of people and their behaviour. The main sources of water pollution are marine pollutants, urban effluents, and petroleum springs. Industrial waste is the primary cause of soil and water contamination.

Water: Given our reliance on water and how important it is to our relationship with the environment, water pollution is undoubtedly a major concern. The destruction of our water resources kills both people and marine life, and it puts an enormous financial burden on businesses and governments. We are endangering the most priceless resource our world has to offer through oil spills, deadly chemical leaks, and an abundance of plastic waste entering our waterways. Education is the answer to this. We can work together to repair the harm caused by humans if we are aware of the causes and

² Environmental Issues Earth is Facing in 2022, Eurovision, <https://eurovision.com/environmental-issues/>

consequences of water contamination.³

Climate Change: Today, climate change is not just a natural phenomenon. The immediate repercussions of human behavior's negative effects are to blame for these disturbances. ⁴The greenhouse effect, urban heat islands, coal mining, and other negative effects of climate change are only a few. One of them is the melting of the polar ice caps, another is the rise of new diseases, and a third is the permanent suppression of a certain plant's growth that is essential to human survival.⁵ Environmental protection is necessary for the entire earth today. It is only through a healthy environment that we can control the rising temperature of the earth. The quality and protection of the environment is the need of the hour and it is a heritage for us and for the coming generations. 52 years ago on 5 June 1972, for the first time, environmental protection issues were discussed at the global level. World Environment Day is celebrated on the occasion of this conference, which we celebrate every year on 5 June. The preamble of the Indian constitution talks about social, economic and political justice. To achieve this objective, it was discussed in the Stockholm Conference to provide a clean and healthy environment to all citizens. This has been adopted in our constitution and has played an important role. In the 42nd Constitutional Amendment Act 1976, Article 48 (A) was added for environmental protection in the Indian constitution and emphasis was laid on environmental education. My research paper is also based on this environmental protection and the provisions related to the environment given in the constitution. Some conclusions have also been drawn on the basis of data obtained from the National Crime Records Bureau.

2.⁶ Definitions.—In this Act (a) “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;

(b)⁷ “environmental pollutant” means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;

(c)⁸ “environmental pollution” means the presence in the environment of any environmental pollutant;

The first world conference on the environment ⁹

³<https://www.envirotech-online.com/news/environmental-laboratory/7/international-environmental-technolo>.

⁴ Environmental Issues Earth, supra note 17, at 19.

⁵ 9 Environmental Issues Earth, supra note 17, at 19.

⁶ ENVIRONMENTS (PERFECTION) ACT, 1986. § 2(a)ACT NO. 29 OF 1986.

⁷ ENVIRONMENTS (PERFECTION) ACT, 1986 § 2(b)ACT NO. 29 OF 1986

⁸ ENVIRONMENTS (PERFECTION) ACT, 1986 § 2(c)ACT NO. 29 OF 1986.

⁹ <https://www.un.org/en/conferences/environment/stockholm1972>

The 1972 United Nations Conference on the Human Environment in Stockholm was the first world conference to make the environment a major issue. The participants adopted a series of principles for sound management of the environment including the Stockholm Declaration and Action Plan for the Human Environment and several resolutions.

The Stockholm Declaration, which contained 26 principles, placed environmental issues at the forefront of international concerns and marked the start of a dialogue between industrialized and developing countries on the link between economic growth, the pollution of the air, water, and oceans and the well-being of people around the world. The Action Plan contained three main categories: a) Global Environmental Assessment Programme (watch plan); b) Environmental management activities; (c) International measures to support assessment and management activities carried out at the national and international levels. In addition, these categories were broken down into 109 recommendations. One of the major results of the Stockholm conference was the creation of the United Nations Environment Programme.

Action plan on Human environments¹⁰

Stockholm was the first world conference to make the environment a major issue. The participants adopted a series of principles for sound management of the environment including the Stockholm Declaration and Action Plan for the Human Environment and several resolutions.

The Stockholm Declaration, which contained 26 principles, placed environmental issues at the forefront of international concerns and marked the start of a dialogue between industrialized and developing countries on the link between economic growth, the pollution of the air, water, and oceans and the well-being of people around the world.

The Action Plan contained three main categories: a) Global Environmental Assessment Programme (watch plan); b) Environmental management activities; (c) International measures to support assessment and management activities carried out at the national and international levels. In addition, these categories were broken down into 109 recommendations.¹¹

¹⁰ <https://www.un.org/en/conferences/environment/stockholm1972>

¹¹ <https://www.un.org/en/conferences/environment/stockholm1972>

Topic Indian Constitution and Environment

Relevant constitution provision

India, being a signatory to various international conventions and agreements relating to environmental convention and agreements relating to environmental issues, it is under an obligation to adopt them in its domestic laws. This is in accordance with the provision contained in articles 51 (C) of the constitution which provide the “the state shall endeavour to foster respects for international law and treaty obligation in the dealings of organized people with one another.”¹²

253¹³ Legislation for giving effect to international agreements.—Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or Article 253 empowers the parliament to make any for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

14. ¹⁴Equality before law.—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

19.¹⁵ Protection of certain rights regarding freedom of speech, etc.—(1) All citizens shall have the right—(g) to practise any profession, or to carry on any occupation, trade or business.

21.¹⁶ Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law. Article 21 of the Constitution of India grants all persons the fundamental right to life and personal liberty. It is provided that no person should be deprived of his life or personal liberty except according to procedure established by law. The scope and ambit of right to life and liberty has been explained considerably by judicial interpretation and among other rights it also includes rights to pollution free environment, free drinking water, preservation of eco-system.¹⁷ Environment is lovely Protection of environment—As a directive

¹² Dr. Vinay N. Paranjape, Environmental Law 103 (1st edition 2016).

¹³ INDIA CONST. Art. 253.

¹⁴ INDIA CONST. Art. 14.

¹⁵ INDIA CONST. Art. 19(A)g.

¹⁶ INDIA CONST. Art. 21.

¹⁷ SUCH AS RIGHT TO EDUCATION UNNIKRIISHNAN VS STATE OF MADY PRADESH.

principle of state policy the directive principle contained in part IV of the constitution are directed towards the attainment of social –economic goals the welfare state . the first three articles 36, 37 and 38 contain the general principle which the state seeks to implement for attaining a socialistic pattern of society. The social –economic rights which the state shall strive to secure to its peoples are enumerated under six sub- clauses of article 39.the next eleven articles I. e. articles 40 to 50 embody the principles of administrative policy which the union as well as the state governments are expected to follow, while article 51 outlines the international policy to be followed by the nation.¹⁸

48(A)¹⁹ 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.

51²⁰ Promotion of international peace and security.—The State shall endeavour to—(a) promote international peace and security;(b) maintain just and honourable relations between nations;(c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and(d) encourage settlement of international disputes by arbitration.

FUNDAMENTAL DUTIES

51A. Fundamental duties.—It shall be the duty of every citizen of India —(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and national Anthem;(b) to cherish and follow the noble ideals which inspired our national struggle for freedom; (c) to uphold and protect the sovereignty, unity and integrity of India;(d) to defend the country and render national service when called upon to do so;(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;(f) to value and preserve the rich heritage of our composite culture;(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures; (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;(i) to safeguard

¹⁸DR. VINAY N. PARANJPE, ENVIRONMENTAL LAW 110(1ST EDITION 2016)

¹⁹ INDIA CONST. art. 48 A, AMENDED BY THE CONSTITUTION (FORTY SECOND AMENDMENT) ACT, 1976.

²⁰ INDIA CONST. art. 51.

public property and to abjure violence;(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement; ²¹(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

TABLE 11.1

Environment Related Offences (State/UT-wise) - 2020-2022²²

SL	State/UT	2020	2021	2022	Mid-Year Projected Population (in Lakhs)	Rate of Environment Offences (2022)	Chargesheeting Rate (2022)
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]
1	Andhra Pradesh	195	420	1294	530.3	2.4	97.8
2	Arunachal Prod	2	2	3	15.5	0.2	66.7
3	Assam	125	108	77	354.9	0.2	43.7
4	Bihar	73	56	78	1255.3	0.1	93.1
5	Chhattisgarh	85	51	87	299.5	0.3	100.0
6	Goa	1	2	7	15.7	0.4	13.3
7	Gujarat	57	46	45	709.3	3 0.1	100.0
8	Haryana	57	35	49	299.7	7 0.2	89.1
9	Himachal Pradesh	198	163	112	74.4	1.5	67.4
10	Jharkhand	178	272	96	391.4	0.2	89.1
11	Karnataka	413	324	343	674.1	1 0.5	95.1
12	Kerala	1795	2659	5262	356.8	14.7	99.9
13	Madhya Pradesh	114	59	79	858.9	0.1	98.3
14	Maharashtra	753	1094	2478	1257.4	2.0	98.8
15	Manipur	3	1	1	32.0	0.0	50.0
16	Meghalaya	112	7	39	33.3	1.2	30.8

²¹NDIA CONST. art. 51A(k), amended by The Constitution (Eighty-sixth Amendment) Act, 2002.

²² Crime Records Bureau Volume II 2022.

17	Mizoram	0	0 3	0 3 6	12.3	0.5	100.0
18	Nagaland	3	0	1	22.2	0.0	100.0
19	Odisha	2	2	0	460.8 -	0.0	-
20	Punjab	72	50	60	306.0	0 0.2	88.9
21	Rajasthan	9543	9387	9529	804.4	11.8	99.8
22	Sikkim	1	1	0	6.8	0.0	-
23	Tamil Nadu	42756	46458	30870	767.1	40.2	96.9
24	Telangana	745	518	641	379.5	5 1.7	96.0
25	Tripura	3	3	1	41.2	0.0	0.0
26	Uttar Pradesh	2981	1573	1486	2340.9	0.6	96.2
27	Uttara hand	1271	912	58	115.6	0.5	61.7
28	West Bengal	89	88	66	87.6	6 0.1	80.5
	TOTAL STATE(S)	61627	64294	52768	13403.0	3.9	97.5
	UNION TERRITORIES:						
29	A&N Islands	0	0	0	4.0	0	-
30	Chandigarh	0	0	0	12.2	02	-
31	D&N Haveli and Daman & Diu	00	00	00	12.0	00	-
32	Delhi	23	66	7	211.0	0.0	83.3
33	Jammu & Kashmir	62	85	30	135.4	0.2	57.4
34	Ladakhnu	0	0	1	3.0.	0.3	-
35	Lakshadweep	1	1	1	0.7	1.4	100.0
36	Puducherry	54	23	111	16.2	6.8	100.0
	TOTAL UT(S)	140	177	152	394.5	0.4	84.4
	TOTAL ALL INDIA	61767	64471	52920	61767	13797.5	3.8 97.5

JUDICIAL APPROACH FOR THE ENVIRONMENTAL PROTECTION IN INDIA

The Supreme Court of India ruled in *M.C. Mehta Union India*²³ that Article 21 of the Constitution, which is a fundamental right under Part III of the Constitution, covers and protects the citizens' health and their right to life, and that all buses running in Delhi must switch to C.N.G. fuel mode. As a result, it would supersede all statutory provisions, including the Motor Vehicles Act. In this decision, the court emphasised that the requirements of the Environment (Protection) Act, 1986 are in addition to those set forth in the Motor Vehicles Act and do not supersede them.

The Supreme Court of India ruled in the case of *Murli S. Debora v. Union of India*²⁴ that non-smokers only develop lung cancer or heart problems because they must enter public spaces. Without any legal procedure, it is indirectly taking his life. Smoking is harmful to health and can have an impact on smoker's health, but there is no reason why passive smoker's health should also be negatively impacted. The Court stated that there is no justification for making non-smokers and passive smokers into helpless victims of air pollution in any situation.

The supreme court mandated the closure of limestone quarries in the Dehra Dun-Missouri Region in *Reteam Municipality v. Vardhichand*²⁵. The court acknowledged that the closure of limestone quarries would put a strain on the economy, but it pointed out that this is the cost of defending the public's right to live in a healthy environment with little disruption of the ecological balance, without avoidable risk to themselves and their cattle, homes, and agricultural land, and without excessive harm to the air, water, and environment.

In the case *M.C. Mehta v. Kamal Nath*²⁶ the petitioner argued that anyone who interferes with the ecological balance or the gifts of nature including rivers, woods, air, and water would be breaching a fundamental basic right protected by Article 21 of the Constitution. The Supreme Court agreed with the petitioner's argument and decided that any disruption of the fundamental elements of the environment i.e., air, water, and soil that are required for "life" would be dangerous to "life" as defined

²³ AIR 2001 SC 1948

²⁴ AIR 2002 SC 40.

²⁵ AIR 1980 SC 1622.

²⁶ AIR 2000 SC 1997.

by Article 21 of the Constitution. After its ruling that it was an article 21 violation, the court went on to note that the public trust doctrine and the polluter pays principle also apply in these situations.

In *M.C. Mehta v. Union of India*,²⁷ a suit was brought to stop the Taj Mahal from deteriorating because of pollution from coal-using establishments via trapezium. In response to violations of Articles 21, 48A, 51A, and 47 of the Constitution, the Apex Court issued directives to 292 industries in Agra to switch over to natural gas as their industrial fuel within a set time frame or cease operating with coal or coke and to petition for relocation or cease operations altogether.

The Supreme Court ruled in *Corporation of Greater Mumbai v. Kohinoor CTNL Infrastructure Co. Pvt. Ltd*²⁸ that the right to a clean, healthy environment is a component of Article 21-guaranteed right to life and personal liberty.

CONCLUSION

As a conclusion of this research article, we can say that environmental pollution is a major problem today. In this, the major environmental pollution is the improper dumping and recycling of e-waste, which is a major problem. The continuous damage to the ozone layer, the ever-increasing industries and the excessive use of plastic, all these problems are promoting our environmental pollution today. Efforts have also been made to stop them through the provisions given in the Constitution. The judiciary is also playing its role separately and many laws have been made for environmental protection, such as Environment Protection Law, Green Tribunal Act, etc. Many such environmental provisions have also been given by our Indian Panel Court, but even today we have failed to stop pollution on the environment. The main reason for this is our rapidly increasing population and urbanization and lack of modernization in industries and lack of trained workers and lack of awareness. The major reasons for environmental pollution have also been found. It was also found that according to the data of the Crime Record Bureau, in 2022 In 2023, the statistics of crimes against the environment are constantly increasing and every effort is being made to stop them but they can be stopped only through awareness.

²⁷ AIR 1997 SC 734.

²⁸ (2014) 4 SCC 538.