

FOOTNOTES

1. The Wrath of Nature: The Impact of Environmental Destruction on Floods and Draughts, Centre for Science and Environment, New Delhi (1987).
2. Jain. R.B, Kanchan Sharma, "Environment Protection India", Journal of the Indian Institute of Public Administration (Special Number on Environment and Administration), Vol.XXXV, No.3, p.407(1989).
3. Constitution of India, Arts. 48A and 51A(g).
4. Fonseca, A.L, "Conserving Nature's Gift", The Great Journal of the IGSSS, No.3, p.1 (1988).
5. A.I.R. 1988 Raj.2.
6. Article 51 A of the Constitution states that "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."
7. For details see infra p.42.
8. Garrat westerhoff and Judy Berken, "Planning for future", Water Engineering and Management, Vol.134, No.2, p.20-23 (Feb, 1987).
9. Upendra Baxi, "Environmental Law: Limitations and Potential for Liberation" in Bandhopadhyay et al (ed.) India's Environment: Crisis and Responses, p.293(1987)
10. Refer to the Silent Valley case.
11. Supra note 9 at p.291.
12. Some memorable SAL cases are, Ratlam Municipality v. Varichand A.I.R. 1980 S.C. 1622; M.C.Mehta v. Union of India (1987) 4 S.C.C., 1463; Koolwal v. State of Rajasthan A.I.R. 1988, Raj.2.
13. (1986) 2 S.C.C, 176.

14. Civil Misc Appln. No.245 of 1983 in Civil Suit No.39 of 1983 as reported in Gayatri Singh and Madhusudan Rao (ed.), Environment Activists Handbook (1988)
15. Encology, Vol.2, No.6(Nov.1987).
16. The whole range of cases like M.P.Sugar Mills Ltd. v. State of U.P. A.I.R. 1979 S.C.621 and Gujarat State Financial Corporation v. Lotus Hotels Pvt.Ltd. A.I.R. 1983 S.C. 8481 have strengthened the notion of estoppel.
17. For the details of cases see 3.2.2.
18. Supra note 9.
19. The State of India's Environment, Second Citizens Report, Centre for Science and Environment, p.29 (1984-85).
20. Ibid at p.33.
21. Ibid at p.35.
22. Constitution of India, Item 17, List II.
23. The Bombay Irrigation (Gujarat Amendment) Act, 1976.
24. Vijay Paranjpe, Evaluating the Tehri Dam: An Extended Cost-Benefit Appraisal, studies in Ecology and Sustainable Development, INTACH SERIES VOL.I (1988); Dams and the Law: Strategies For Equitable Development, Indian Law Institute (Unpublished) (1987).
25. The Northern India Canal and Drainage Act, 1873; The Bombay Irrigation Act, 1879; The Bengal Irrigation Act 1882; The Rajasthan Irrigation and Drainage Act, 1954; The Orissa Irrigation Act, 1959 and the Maharashtra Irrigation Act, 1976.
26. This provision is there only in the Maharashtra Irrigation Act, 1976.

27. A.I.R. 1965 S.C.17.
28. (1968) I.L.R. Punjab and Haryana 236.
29. LXX. PLR 425 (1968).
30. For eg. See Bir Singh v. State of Punjab 176, CWN (1961); S.Mehtab Singh v. Chief Engineer 37 CWN(1960) Chaman Singh and ors v. State of Punjab LXV PLR 732 (1963).
31. For details see P.K.Chaudhary's paper "Legal Regime of Sanctions in Water Resources Management", (Unpublished.)
32. The Northern India canal and Drainage Act, 1873; The Uttar Pradesh Panchayat Raj Act, 1947.
33. The Gram Gaurav Pratishthan (GGP), a voluntary agency working in the drought prone pockets of Maharashtra has conceptualised and organised such panchayats.
34. Pratima Dayal, "Improving Irrigation Utilisation" The Economic Times, 19 January 1989.
35. Samantha Banerjee, "Fishing in Troubled Waters", Indian Post, 5 February 1988.
36. The Punjab Fisheries Act, 1914; The Fisheries (Madras Amendment) Act, 1929; The U.P.Fisheries Act, 1948; The M.P.Fisheries Act, 1948 and the Rajasthan Fisheries Act, 1953.
37. The Rajasthan Fisheries Act, 1955 and the M.P. Fisheries Act, 1948.
38. P.Leeelakrishnan, "Environmental Law", Journal of the Indian Institute of Public Administration, (Special number on Environment and Administration) Vol.XXXV, No.3, p.399(1989).

52. Supra note 12.

53. M.C.Mehta v. Union of India,
A.I.R. 1988 S.C. 1115.

54. Supra note 12.

55. The Acts in which these clauses have been/are traced
The Environment Protection Act 1986; The Water
(Prevention and control of Pollution) Act 1974; The
U.P.Panchayati Raj Act 1947; The Andhra Pradesh Gram
Panchayat Act 1969; The Northern India Canal and
Drainage Act 1873; The Maharashtra Irrigation Act
1976; The Orissa Irrigation Act 1959; The Rajasthan
Fisheries Act 1953; The Rajasthan Irrigation and
Drainage Act 1954; The Maharashtra Fisheries Act 1960;
The MP Fisheries Act 1948; The U.P.Fisheries Act
1948; The Bombay District Municipalities Act 1901;
The Andhra Pradesh Municipalities Act 1965; The
Madhya Pradesh Municipalities Act 1961; The Delhi
Municipal Corporation Act 1957.

The Acts in which these clauses are absent are:

The Punjab Municipalities Act 1911; The U.P.Municipi-
palities Act 1916; The Bombay Irrigation Act 1879;
The Bengal Irrigation Act 1882; The Bengal Irrigation
Act 1882; The U.P. Fisheries Act 1948; The Northern
India Ferries Act 1878; The Bengal Ferries Act 1885;
The Bombay Ferries and Inland Vessels Act 1868; The
Madhya Bharat Ferries Act 1950; The Punjab Fisheries
Act 1914; The Bengal(Fisheries Protection Act)1889.

56. Supra note 53.

39. Renu Khator in Ibid, p.596.
40. The Factories Act, 1948, Section 12.
41. 2(1) MICH MP LAWS. ANN p.691-1202.
42. Upendra Baxi, Environment Protection Act: An Agenda for Implementation, Indian Law Institute, p.39(1987)
43. The Northern India Ferries Act 1885; The Bombay Ferry and Julavid Vessels Act, 1868; The Rewa State Ferries Act, 1935; The Madhyabharat Ferries Act, 1950.
44. Sections 140-142.
45. The proposed sixty fourth amendment.
46. The Uttar Pradesh Panchayat Act, 1947; The Andhra Pradesh Gram Panchayat Act, 1964; The Andhra Pradesh Mandala Praja Parishads, Zila Parishad Act, 1986; The Karnataka Zila Parishads, Taluk Panchayat Samitis, Mandal Panchayats and Nyaya Panchayats Act, 1983.
47. Panchayati Raj at a Glance: Status of Panchayati Institutions in India, Government of India, Ministry of Agriculture, Department of Rural Development, (1987-88).
48. V.R.Krishna Iyer, "Panchayati Raj-II, Power to People" Indian Express, 29 September 1989.
49. V.N.Gadgil "Towards Greater Effectiveness", National Herald, 24 September, 1987.
50. The Punjab Municipal Act 1911; The U.P. Municipalities Act 1916; The Bombay District Municipalities Act 1901; The M.P.Municipalities Act 1961; The Andhra Municipalities Act 1965 and the Delhi Municipalities Corporation Act 1957.
51. AIR 1943 Oudh 148.
Also see Municipal Committee of Lahore v. Nandlal XVIII IC 816(1913); Dholka Town Municipality v. Desabhai Kalidas Patel XXI IC 847(1913); The Municipal Board Mathura v. Gopinath AIR 1962 All 211; Syed Mazaffar Hussain v. Administrator 198 IC 773 (1942).