

# 14

## GENERAL OBSERVATIONS AS TO FUTURE DEVELOPMENT

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### 14.1. *Need for amendment at present.*

In the preceding Chapters of the study, an attempt has been made to examine the provisions of the existing Act, in the light of such legal issues as are likely to arise by reason of the substance or language of those provisions. Particular attention had to be paid to the aspect of delegation of powers, mainly because, in many respect, the delegation, apart from transcending the permissible limits as laid down in constitutional doctrines on the subject, may be objectionable on the merits. It has also become necessary to scrutinise the provisions with a view to locating patent or latent overlapping of functions and direct or indirect possibility of multiplicity of authorities or agencies.

### 14.2. *Need for amendment in the future.*

The various aspects mentioned in the preceding paragraph which may necessitate amendment of the Act will not, of course, exhaust all the points on which amendment may be needed in future. It has so happened that case law on the Environment (Protection) Act, 1986 so far is almost non-existent and thus the decisional law on the Act at the moment presents almost a blank. But this situation will not survive for long. It can be reasonably predicted that the blank spaces will start being filled up gradually by reported decisions of High Courts. After a few years, therefore, need is bound to arise for a review of the Act in the light of the case law that might have emerged in the meantime.