

CHAPTER 1

INTRODUCTORY

1.1. Head for the study

Environmental law in India has been growing in its volume during recent years. It has been fed by materials derived from several sources, including, in particular, several Acts passed by the Centre in the last two decades. These recent Acts do not exhaust the statutory content relevant to the environment. Even before enactment of these Central Acts specifically dealing with particular segments of the environment, India has had, in its general law, substantive as well as procedural provisions which could be pressed into service for taking legal proceedings to protect the environment. Recent Central Acts have, in a sense, been super-imposed upon them. They do not necessarily abrogate or replace the provisions of the general law.

However, the developments described above have created a peculiar situation for the common man as well as for lawyers who are not specialists. They cannot easily locate the provision which may be immediately relevant for the problem at hand. They need a guide that will help them in the matter.

1.2. Object and scope of the study

The object of the present study is to meet the situation described above, by presenting before those interested in environmental law a brief study that will help them in having some idea of the geography and the important areas of environmental law and in appreciating the precise function of the major Central Acts on the subject. It is mainly intended to highlight the nature of the proceedings available for the purpose of enforcement of

such rights as have been created, or such liabilities as have been imposed, by major Central Acts. Local Acts relating to the environment have not been dealt with, because of various limitations.

1.3. Methodology and style

For achieving the object mentioned above, the most convenient method that suggested itself was to distinguish between general law and special Acts. It also appeared desirable to deal separately with civil and criminal remedies. Constitutional remedies (writs) have also been touched upon briefly.

As it is expected that the study will be used by lay persons also, an attempt has been made to present it in non-technical language, as far as practicable.

1.4. Content

It may not be out of place to state at this place that this study is not a digest, or even a summary, of major environmental legislation of the Centre. Its primary object is to analyse and classify such legislation in order to facilitate the reader's task of referring to, and making use of, the same. For the detailed study of such legislation, other books are available. Some of the relevant Central Acts are the subject matter of studies published by the Indian Law Institute.