CHAPTER – I
INTRODUCTION

The environment is the most important factor for development to all kinds of animals, plants and others. It is the greatest gift of God to man and other living and non-living things. It’s abiotic (non-countable) components like air, water, light etc. and its biotic (countable) living components like plants, animals and human beings etc. They are responsible for the survival and continuance of life on this earth, so environment is most important factor for everything. It is researchable topic for new generation that is why I selected as a topic of my research “Role of National Green Tribunal in Protection of Environment with Special Reference to Fundamental Rights in India”.

Our environment consists of ‘Panchatatva’ viz earth or land, water, light or lustre, ether and air, which together responsible for our survival. If the equilibrium of Panchtatva disturbs the existence of human being, it will be dangerous. We obtained our survival element from all these Panchtatva, one need Pollution free air to breathe, uncontaminated water to drink, nutritious food to eat, hygienic condition to live and healthy environment to move. These elements are ‘Sine qua non’ for the sound and healthy development of human personality. In the absence of Panchtatva human being can not develop themselves with fullest extent. Pollution free environment is basic need of every human being, but everyone has contributed in its pollution and in present day it has become universal Phenomenon. Healthy environment is essential for our existence inspite of
that we are polluting and destroying our own environment and creating endanger for us. The basic reason behind it is that we are taking advantage of development at the cost of health. In present era money become more essential for us than our life.

In other words ‘Love of Nature’ is not modern Phenomenon Man loves nature and nature in turn nourishes him. Nature, society and human being are interdependent and inherent duty of man is to protect the nature and environment. Interdependent relationship constitute equilibrium between development and ecological balance and this equilibrium can be established by sustainable development of environment and well management of natural resources by process of aforesation. Healthy and sound environment is universal need, but universal existing Phenomenon is that human being had focused on development and growth at the cost of environment, this creates un-equilibrium between development and environment protection. This existing un-equilibrium caused many problems like global warming, acid rain, green house effect, ozone depletion, loss of biodiversity and bad impact on Flora and Fauna.

The basic area of this study concentrates upon analyzing the problem discussing the constitutional and statutory provision. This topic also focused on the principle laid down by the Supreme Court for the solution of environment like sustainable development, precautionary principle and polluter pays principle. The principle laid by the Supreme Court and various High Court and existing constitutional and statutory provision are not enough to solve the problem is absence of independent, imperial and
effective enforcing institution. In India Judiciary is the effective institution to enforce the fundamental rights as well as create healthy environment. In the case of *Subhash Kumar v. State of Bihar* the Supreme Court declared pollution free environment is fundamental right under Article 21 of the our constitution. This verdict of the Supreme Court established equilibrium between environment and development and in case *Indian Council for Enviro-legal Action v. Union of India* Supreme Court also suggested for the establishment of green court for the protection of Environment, and this study is mostly relate to the establishment, function and utility of National green tribunal. Judicial pronouncement and principle laid down by Supreme Court are in existence but the problem is still persisting. This study will make a contribution in this direction as how to provide the guarantee of the pollution free environment to human being of India.

The Ancient Approach:

In Vedic era the environment was considered very pious position and matter of religions importance. “One tree is equal to ten sons”. This quotation of Padmapurana, (1.44.455.) shows the importance of environment. The mentality and need is a kinetic term and it changes according to time.

If one opens the ancient literature, he will find that there are evidences to prove that the society in the ancient time paid more attention to the protection of environment than what we think today. It was the dharma of each individual in the society to protect the nature. The people worshipped
the objects of nature. The trees, water, land and animals gained important position in the ancient time. For example, for causing injury to plants different punishments were prescribed. Govindraja makes a distinction between injury to shade-giving plans, flower-bearing plants and fruit-bearing plants and he prescribes the lowest, the middle and the highest amercements respectively. Kautilya went a step further and fixed the punishment on the basis of importance of the part of the tree. Some of the important trees were even elevated to the position of God. Manu imposes duty on mankind to protect the forests.

The rivers also enjoyed a high position in the life of the society. They were considered as Goddesses having not only the purifying capacity but also self-purifying ability. Fouling of the water of a river was considered a sin and it attracted punishments of different grades which included, penance, out casting, fine, etc. The earth or soil also equally had the same importance and the ancient literature provided the means to purify the polluted soil.

The above are some of the many illustrations to support the view that environmental pollution was controlled rigidly in the ancient time. It was not an affair limited to an individual or individuals but the society as a whole accepted its duty to protect the environment. The dharma of environment was to sustain and ensure progress and welfare of all. The inner urge of the individuals to follow the set norms of the society, motivated them to allow the natural objects to remain in the natural state. Apart from this motivation, there was the fear of punishment. There were efforts not just to punish the culprit but to balance the ecosystem. The noteworthy development in this
period was that each individual knew his duty to protect the environment and he tried to act accordingly.

Forests, Wild life, and more particularly trees were held in high esteem and held a place of special reverence in Hindu theology. The Vedas, Puranas, Upanishads and other scriptures of the Hindu religion gave a detailed description of trees, plants and wild life and their importance to the people. The Rig Veda highlighted the potentialities of nature in controlling the climate, increasing fertility and improvement of human life emphasizing for intimate kinship with nature. Atharva Veda considered trees as abode of various gods and goddesses. Yajur Veda emphasized that the relationship with nature and animals should not be that of dominion and subjugation but of mutual respect and kindness.

During the Vedic period, cutting of live trees was prohibited ad punishment was prescribed for such acts. For example Yajnavalkya Smriti, has declared cutting of trees and forests as a punishable offence and has also prescribed a penalty of 20 to 80 pana. The Hindu society was thus conscious of adverse environmental effects caused by deforestation and extinction of animal species. In Srimad Bhagavatam, it has been rightly pointed out that a man who with exclusive devotion offers respect to sky, water, earth, heavenly bodies, living beings, trees, rivers and seas and all created beings and considers them as a part of the body of the Lord attain the state of supreme peace and God's grace. Yajnavalkya Smriti and Charak Samhita gave many instructions for the use of water for maintaining its purity.
In addition to forests and other components of nature, animals stood to human beings in a relationship of mutual respect and kindness. Ancient Hindu Scriptures strictly prohibited the killing of birds and animals. In *Yajur Veda*, it is said that no person should kill animals, but being helpful to all and by serving them, should obtain happiness. In Yajnavalkya Smiriti it is said that "the wicked persons who kills animals has to live in Ghor Narak (hell-fire) for the days equal to the number of hair on the body of that animal". In *Vishnu Samhita*, it is observed that "he who for his own pleasure, kills harmless beasts, should be regarded as dead in life; such a man shall know no happiness, here or hereafter. He who desists from inflicting pain on any animal either of death or confinement is really the well wisher of all the creatures such a man enjoys extreme felicity".

From the above, one can understand that environmental protection has been an important facet of Hindu way of life. It appears that the civilizations of Mohenjodaro, Harappa, and Dravidian civilization lived in consonance with its eco-system and their small population and their needs maintained the harmony with the environment.

The Mauryan period was perhaps the most glorious chapter of the Indian History from environmental protection point of view. It was in this period that we find detailed and perceptive legal provisions found in Kautalya's *Arthashastra* written between 321 B.C and 300 B.C. the necessity of forest administration was realized in this period and the process of administration was actually put into action with the appointment of superintendent of forest and the classification of forest on a functional basis.
The State assumed the functions of maintenance of forest, regulation of forest produce and protection of wild life during Mauryan reign.

Under the Arthashastra various punishment were prescribed for cutting trees, damaging and for killing animals, deer, etc. For cutting the tender sprouts of trees in city parks that bore flowers or fruits or yielded shade, the fine was 6 panas, for cutting small branches 12 panas and for cutting stout branches 24 panas. For destroying trunk the fine prescribed was the first amercement and for uprooting the tree the middle most amercement. Similarly, for cutting of plants which bore flowers or fruits or provided shade forests of hermits and trees or pilgrimage or of cremation grounds the fine imposed was half of the above fine. Whereas destruction of trees at the boundaries or that were worshipped or in sanctuaries, entailed a penalty double the above fines.

The superintendent of forest was authorized to cause forest produce to be brought in by 'guards in produce-forests'; to establish factories for forest produce and fix adequate fines and compensation for damage to any productive forests. Spies in the guise of traders were entrusted with a duty to ascertain the quantity and price of the royal merchandise obtained from forests.

With regard to protection of wild life, there were prohibition on killing of animals and birds. The officer in charge (superintendent of slaughter house) was authorized to impose a fine up to 1000 panas on those who were found guilty of killing deer, birds and fish declared to be under
state protection. Care was taken that animals from reserved parks or protected areas if found grazing in a field, were to be driven out without being hurt or killed, after intimating the forest officer. For causing injury to them, fine was imposed. Wild life in sanctuaries enjoyed complete protection from being killed except when they turned harmful.

*Arthashastra* also prescribed punishment for causing pollution and uncivil sanitation. It provided that the officer in charge should punish those who threw waste on the roads by $\frac{1}{8}$th panas, for causing muddy water $\frac{1}{4}$th panas and if both acts were committed, the punishment should be double. If faecal matter is thrown or caused to be piled up near temple, well or pond, sacred place or state building, then the punishment was to increase gradually by one pana in each case. For urinating in such places the punishment prescribed was half of the above punishments.

The environment conservation, as it existed during Mauryan period continued more or less unaltered in subsequent reigns until the end of Gupta Empire in 673 A.D. prohibitions for forest destruction and animal killings were announced by other Hindu Kings. For example, the King Ashoka, in Pillar edict had expressed his viewpoint about the welfare of creatures in his state. He prescribed various pecuniary punishments for killing animals, which included even ants, squirrels, parrots, red headed ducks, pigeons, lizards and rats as well.

To sum up, ancient India had a philosophy of environmental management principally enshrined in old injunction as they were contained
in many scriptures and smrities. Abuse and exploitations of nature for immediate gains was considered unjust, irreligious and against environmental ethics under the Hindu culture. The environmental ethics of nature conservation were not only applicable to common man but also the rules and they also bound kings. Despite the injunctions in the scriptures and preaching of saints, resource conservation was not taken very seriously as the natural resources under a common belief were considered to be inexhaustible and too formidable for man and his tools to need any protection themselves.

Thus in the ancient time, water, animals and plants mostly attracted a favorable attention of each member of the society. The knowledge, the motivation and the sanction were the basic postulates which regulated the eco-system. In this attempt the ancient texts acted as cementing factors between the right to exploit the environment and a duty to conserve the same. It was the religion which controlled the activities of individuals. In the present state of affairs we cannot overlook yester century and allow tomorrow to be paralyzed.

Environmental Protection in Medieval India

From the point of view of environment conservation, a significant contribution of Moghul emperors has been the establishment of magnificent gardens, fruit orchards and green parks, round about their palaces, central and provincial headquarters, public places, on the banks of the rivers and in
the valley and dales which they used as holiday resorts or places of retreat or temporary headquarters during the summer season.

Among the officials empowered for administration of justice by the Sultans and the emperors of India, 'Muhtasibs' (censor) were vested with the duty of prevention of pollution. His main duty among others was to remove obstructions from the streets and to stop the commission of nuisance in public places. The instructions given to a newly appointed Muhtasib by the emperor Aurangzeb throws a flood of light on the functions of this officer: "In the bazaars and lane observe if anyone, contrary to the regulations and customs, has screened off (abru) a part of the street, or closed the pat or thrown dirt and sweepings on the road, or if anyone has seized the portion of the bazaar area reserved for public traffic and opened his shops there; you should in such cases urge them to remove the violation of regulations."

There is one opinion that "the Moghul emperors though were great lovers of nature and took delight in spending their spare time in the lap of natural environment, made no attempts on forest conservation."

Another writer has observed that "To Moghul rulers, forests meant no more than wooded lands where they could hunt. To their governors the forests were properties, which yielded some revenue. A few species of trees were specified in their reign as 'royal trees' and enjoyed patronage from being cut except upon a fee. There was, however, no restriction on cutting of other trees. In the absence of any protective management, forests during this
period shrunk steadily in size on account of felling made for cultivation both shifting and settled."

As regards the position of forest economy during the Mughal Empire the rural communities by and large, enjoyed untrammeled use of forest and wastes in their vicinity. The waste and forestlands were treated as open access resources. Untrammeled use of forest and other natural resources, however, did not mean that they could be used or misused by one and all without any restraints. Rather they were quiet effectively managed with the help of a complex range of rules and regulations woven around the socio cultural features as well as the economic activities of local communities.

During the British Raj, the year 1860 is the landmark period in the history of the legal control of environmental pollution. For the first time an attempt was made to control specifically water and atmospheric pollutions through criminal sanction.

The Indian Penal Code, 1860 dealt with water and atmospheric pollutions. As regards water pollution, it says that whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to make it less fit for the purpose for which it is ordinarily used, shall be punished with simple or rigorous imprisonment for a term extending to three months or the five hundred rupees or with both. This definition is confined to a voluntary act and acts committed without any knowledge or accidentally would not be covered under the present law. Moreover, it has a limited operation to the water of public spring or reservoir. Further, looking to the gravity of the
offence it attracts only minor punishment. It is surprising to note that in spite of the fact that this provision was incorporated to protect the public health, the caste-ridden society wanted to enforce this provision against the lower caste person taking water from a public cistern but the Bombay High Court did not allow the above interpretation.

The Penal Code provides also that whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of the person in general dwelling or carrying on business in the neighborhood or passing along a public way, shall be punished with fine which may extend to five hundred rupees. The criticisms about voluntary act and punishment in case of the water pollution equally apply in this case also. Moreover, the word 'noxious' would imply a greater degree of air pollution. Further, the effect of atmospheric pollution is limited to places of "general dwelling".

It may be mentioned that the above criminal law aspect of pollution attracted only a few prosecutions. The reasons may be that the people still followed their Dharmasastras which did not encourage activities causing pollution or that the ignorance of the consequences of pollution did not allow the people to avail of the cumbersome criminal procedure to initiate prosecution. Thus in view of lack of peoples' initiatives, the landmark start, in the legal control of environmental pollution, remained a mere paper work. Further, the law specifically dealt only with limited pollutants.

There are many laws which have direct and indirect bearing on environment. It would certainly be impossible to present an exhaustive
coverage of all the legislation. Therefore, a broad survey of only those areas, which are important in reviewing the historical background of the Law on Environment, is undertaken in the following pages.

Apart from the Indian Penal Code, the British India saw a number of legislations which had a direct bearing on one or the other component of environment. The main concentration of the Central Legislature was to protect atmosphere and water throughout the country. In order to preserve the atmosphere, the legislature mainly selected three areas. First, the offshoots of industrial developments required inclusion of the regulation of factories (1891-1934), Boilers Act, 1923, Explosives Act, 1884 and Explosive Substances Act, 1908, Petroleum Act, 1934, Women's Compensation Act, 1923, Motor Vehicles Act, 1939, Stage Carriages Act, 1861 and Poisons Act, 1919. The second, concern was the protection of forests and in that came the Protection of Forest (1878-1927), the Cattle Trespass Act, 1871, the Destructive Insects and Pests Act, 1914. Last but not lest the legislature showed a great concern for the protection of animals and particularly the wildlife, birds and animals including elephants (1879, 1887, 1890, and 1897). The story does not end here; there were environmental legislations in some provinces. The some legislation of Bengal (1905) and Bombay (1912) were noteworthy. The Madras Town Planning (1920), Laws and Forest Acts of Madras (1882), Hyderabad (1835) and Mysore (1940) fell in this area. But the grass root level municipal laws are passed, which tried to keep the municipal areas free from air and water pollution. For example,
the Uttar Pradesh Municipality (1916), Bihar and Orissa Municipality (1922).

The plethora of legal controls in the field of atmospheric pollution had two goals; firstly, the care of public health and secondly, the concern for the gradual deforestation and the extinction of wildlife, birds and animals. But in these legislative controls the sanction was at the lowest ladder which provided the minimum penalty, fine of Rs. 50 and the maximum, simple imprisonment of three months.

The second component of environment was water. The northern India's canals and drainage (1873) and east India irrigation and canals (1859) regulated the water supply of these areas. The fishes are the important aquatic organisms which purify the water and in this period there were numbers of provincial laws protecting fisheries. The other legislations which had provisions for the clean environment included the Oriental Gas Company Law, 1857 which imposed restriction on fouling of water. The Oriental Gas Company provided fine of Rs. 1,000 for fouling of water and for the subsequent continuation of the offence. It was Rs. 500 per day.

Section 28(d) of the Easement Act, 1882 on the one hand allowed a prescriptive right to pollute the water but it was not an absolute right. The illustrations (f), (h) and (j) of Section 7 limited this prescriptive right not to "unreasonably pollute" or cause "material injury to other".

The entire exercise in the environmental pollution shows that the British Raj did not require much legal control in the area of water pollution.
as compared to the air pollution. This may be due to the fact that at that time the river water had yet to face these challenges or the dharma of river water scared the Raj to keep its hands off. Further keeping canals clean and protecting fish involved more commercial interest than the protection of environment.

Along the penal sanction, the English law of torts was also gradually emerging as a device to compensate the sufferers for the civil wrong. But this alternative had yet to get firm roots in the British India's soil. There were cases where the compensatory remedy was available in case of mischief, animals trespass, negligent handling of any dangerous chattel, and any negligent act causing injury to others. In all those cases the court ordered the defendants to pay compensation to the plaintiff. But in the cases of environment pollution, compensation alone cannot offset the losses caused due to the offshoots of environmental pollution. The reasons are: the money is not enough to put back the clock in order; the damages caused by environmental pollution are of very wide dimensions; long delay in settling these claims is also a hurdle. And last but not the least; the polluter industry shifts the burden of payment of compensation indirectly on to the poor consumers. Thus remedy of compensation can play a supplementary role.

In Age of modernization, urbanization, globalization, privatization and the race of technical development, human being caused ecological imbalances, these ecological imbalance creates endanger to life, health comfort and healthy survival of human being, for the ecological balance we have to establish equilibrium between development and environment from
the commencement of the constitution. There had been no provision under constitution which specifically relate to right to environment, Article 19(1) (g) provide trade and profession as a fundamental right which is essential for the development of people of the India as well as Nation. There was no provision under constitution which provide specific space for environment protection. The constitutional provision had silent and statutory provision is not much enough to solve environment problem. Environment problem not restricted to India, but it constitutes global problem and demands, global solution. First UN’s conference on the Human Environment was held in June (5-16, 1972) at Stockholm, Sweden. Which has been described as international ‘Magna Carta’ on our environment? This conference provide legal assistance for the enactment of law for the protection of environment and the United Nations Conference on Environment and Development held at Rio de Janeiro Declaration in June 1992, to take appropriate steps for the protection and improvement of human environment. India was one of the signatory members of this conference and, after the conference certain amendment made under Indian Constitution. The 42\textsuperscript{nd} amendment in incorporate to signification to Art 48(A), art 51-(A) (g) to protect and empowered the environment and item number 17-A Forest, 17-B- Protection of wild life of birds and item number 20-A. pollution control and family planning was transfer from state list to concurrent list (list II to III) of seventh schedule, which empowered to parliament to legislative on the environment issue. This conference not only compel constitutional amendment but also compel parliament for certain enactment namely – Water (prevention and control of pollution) Act. 1974, Forest (conservation)
Act 1980, Air (prevention and control of pollution) Act 1981, The Environment protection Act 1986, National Environment tribunal Act 1995. National Environment Appellate authority Act 1997. This conference also introduces the concept of sustainable development. Which is effective for establishing equilibrium between development and ecological balance. This conference introduces the constitutional provision for the protection of environment under Article 48-(A), 51-A (g). Inspite of various constitutional provision environments did not possess position under part III of our constitution. Development and environment are contrary term and development directly or indirectly effect and injured the enjoyment. Inspite development is protected as fundamental right under Act 19(1) (g). On other hand no such protection provided for environment in absence of constitutional provision which provide better an effective protection for environment. Supreme Court pronounce various Judgment under which court declared pollution free environment is fundamental right under Article 21 of the constitution, because it directly create to the life. In case of Subash Kumar v. State of Bihar 1991 Supreme Court observed right of enjoyment of pollution free water and air of full enjoyment of life is a part of right to life guaranteed under Art 21 of our Constitution and Gujarat high court in case of Abhilash textile v. Rajkot Municipal Corporation AIR 1988 Gujarat made it clear the petitioner can’t be allowed to repay the profit at the cost of public health. The judgment shows that right to life is fundamental right and it requires to be protected under Article 21 of the constitution. This constitutes an idea, the development and environment should run to gather and development should not be allowed at the cost of health. The Supreme Court
under the various pronouncements tries to established cardinal and harmonious relation between human development and human health.

The Supreme Court relate environment with right to life under Article 21 and provide better protection through its judgment. But actually higher judiciary in India over burden with a large backlog of cases and the court’s ability to handle complex issues of environment has always been a matter of debate. Various decisions of the supreme court of India over the years stressed the need for specialized courts and tribunals on the field of environment. There is also provision under article 247 of the constitution of India which authorizes parliament to provide establishment of additional courts for better administration of laws. This has ultimately led to demand of an alternative forum to decide the environmental disputes. Lord Wolf pointed out a need for multi-faced multi skilled body rendering the services provided by the existing court, tribunals and inspectors in the field of environment. Such alternative forum would be ‘one stop shop’ which should lead to faster, cheaper and more effective resolution of dispute in environmental matters. Similarly, Sir Report Carnwath, a judge of the High Court chancery division, also argued in favor of a specialized body to hear environment matters. In India, the need for environmental court was first advocated by Justice P.N. Bhagwati, J in Oleam gas Leak case. The Supreme Court of India pointed out that cases involving issues of environmental pollution, ecological destruction and its conflict over natural resources involved assessment and evolution of scientific data and, therefore according to the court, there was an urgent need of involvement of experts in the

Later on the Law Commission of India in its 186th Report in September 2003, recommended, inter alia setting up environmental court having both original as well as appellate jurisdiction related to environmental laws, and in 1995 National environment tribunal Act 1995 & National environment appellate authority act 1997 has been come in operation which later on repealed by National green tribunal Act 2010. This study material of relate to the various principles laid down by supreme court & existing relation between right to development & right to pollution free environment, it also focuses on the role of supreme court various High Court and newly Forum National green tribunal and these all courts are arranged and managed as a manner to provide better protection for the environment and solve the existing problem and create sound & healthy environment for us and our coming generation.

There is no doubt that sound, healthy and pollution free environment is basic need of every individual as well as the basic fundamental right under our constitution and other International instruments. However the constitutional provision, statutory provision and judicial pronouncement are not enough without providing appropriate infrastructure for its realization of environmental issue with great extent. The present study materials evolve
many important questions. Whether the existing constitutional and statutory provisions are enough to solve all the environmental problems? Whether the development is permissible at the cost of environment or health? Whether right to pollution free environment is fundamental right under Article 21 of the Indian Constitution? Whether development and pollution free environment can exist together? Whether the sustainable development, precautionary principle and polluter pays principle is effective to solve environment issue? As per the direction and request made by Supreme Court. National green tribunals come into force in 2010. New question arises whether green tribunal is effective to provide better remedy in case of environment issue? There are some of the specific questions which are examined in the present work within the legal frame work.

This research is based on analytical, critical, examination method, which related to different environmental problems and its protection which requires National and International efforts and consideration for the better management and effective enforcement of existing legal provisions for the protection of environment. The environmental protection consist adequate space in various Human rights instruments, International convention and in the constitution of India. Various enactments, legislative development, Report of the commissions, Committees and policy take by governmental and nongovernmental organization and effort made by NGO. A good number of judicial decisions have come up in the recent past decade. Which court has tried to establish equilibrium between development and human heath, I examined in present study. This research works is covered up
relevant constitutional provisions, legislation provisions, judicial pronouncement and opinion of the jurist as well as academics. Which gathered from the legal journals and various published books. The work also relate to the new concept for establishment of National green tribunal and its object and utility for the protection of environment with reference to fundamental right in India.

This research work is mainly related to various aspects of environmental problem, protection, solution and different dimension of environment in India. However the correlative and corresponding provisions from international human rights instruments and other Constitutions are referred to at the appropriate places.

This thesis has eight chapters, chapters respectively are: -

(i) Introduction
(ii) Constitutional Provision relate to protection of environment.
(iii) Factors responsible for environment pollution
(iv) Statutory provision for protection of environment
(v) Concept of sustainable development, precautionary principle and polluter pays principle.
(vi) Environment and judicial response to establish equilibrium between development and pollution free environment.
(viii) Conclusion & Suggestions.
The first chapter of my research work is *Introduction*. In this chapter I mentioned about important factors, sources and other new information on my research work. This chapter focused on problem of research work, a brief over view of literature, Hypothesis, Methodology and also chapterization.

The second chapter of my thesis is *Constitutional Provisions Related to Protection of Environment*. In this chapter I mentioned about constitutional provision which is related to protection of environment as in Indian Constitution mentioned many provisions related to protection of environment, such as Article 21, 19, and 42nd amendment in corporate to significant to Article 48(A) and Article 51 – A (g) etc .

The third chapter of my research work is *Factors Responsible for Environment Pollution*. In this chapter I highlighted about important factors which are responsible for environment pollution, there are any factors responsible for it’s such as, Deforestation, Pollution growth, Industrial Development, Urbanization, Modern Productive Technology, Carbon Monooxide, Ozone Depletionation, Chlorofloro Carbon (CFC), Methane (CH₄), Sulphur Dioxide, Lakes and Sea, Erosion, Pesticide etc. Thus, there is air pollution, soil pollution, water pollution, noise pollution in environment. I also mentioned about cases which are the related with environment pollution.

The fourth chapter of my research work is *Statutory Provision for Protection of Environment*. In this chapter I described about it. I focused many statutory provisions such as Air (prevention and control of pollution)
Act 1981. Water (prevention and control of pollution) Act 1974, Noise Pollution Act, Soil Pollution Act etc. which are protected to environment.

The fifth chapter of my thesis is *Concept of Sustainable Development, Precautionary Principle and Polluter Pays Principle*. In this chapter I mentioned about concept of sustainable development and also focused about precautionary principle and highlighted on polluter pays principle.

The sixth chapter of my research work is *Environment and Judicial Response to Establish Equilibrium between Development and Pollution Free Environment*. In this chapter I focused about environment and judicial response which are related with pollution free environment with case law.

The seventh chapter of my thesis is *National Green Tribunal, Its Functioning and Effectiveness Vis-À-Vis National Green Tribunal Act, 2010*. In this chapter I have try to mentioned about how to functional and effective institution such as National Green Tribunal for the environment protection.

At last chapter, eight is *Conclusion & Suggestions*. In this chapter I mentioned about conclusion of every chapter and also gave important suggestion on research work.

I have faith that this research work will give benefit for researchers, scholars and other persons, who will be interest in National Green Tribunal in respect to Environmental education.

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