# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Acknowledgement</th>
<th>i - ii</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table of Cases</td>
<td>xii - xxii</td>
</tr>
<tr>
<td>Abbreviations</td>
<td>xxiii - xxvi</td>
</tr>
</tbody>
</table>

## CHAPTER 1: INTRODUCTION

1.1 Environmental Pollution: Magnitude of the Problem

1.1.1 General Overview  

1.1.2 Problem of Air Pollution in India

1.1.2.a Pollution due to Automobile Emission  

1.1.2.b Pollution due to Industrial Activity  

1.1.2.c Pollution due to Domestic Activity  

1.1.3 Problem of Water Pollution in India

1.1.3.a Surface Water Pollution  

i) Pollution from Industrial Waste or Trade Effluent  

ii) Pollution from Municipal Sewage including Domestic waste  

iii) Pollution from Agricultural activities  

1.1.3.b Ground Water Pollution  

1.1.4 Problem of Soil and Land Pollution in India

1.1.4.a Pollution due to Disposal of Municipal Sewage including Domestic Solid Wastes  

1.1.4.b Pollution due to Indiscriminate Industrial Solid Waste Disposal  

1.1.4.c Pollution due to Mining Operations  

1.1.4.d Pollution due to Agricultural process  

<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-34</td>
</tr>
</tbody>
</table>
### 1.1.4. e Pollution due to Deforestation and Improper use of land

1.1.5 Problem of Noise or Sound Pollution in India

1.1.5. a Noise Pollution Arising Out of Industrial Activity

1.1.5. b Noise Pollution Arising Out of Non-Industrial Activity

1.1.6 Other Pollution Problems in India

1.1.6. a Pollution from Radio-Active Elements

1.1.6. b Pollution from Municipal Solid Waste

1.1.6. c Pollution from Clinical Waste

1.1.6. d Pollution due to Rapid Increase of Green House Gases

1.1.7. Socio-Legal awareness against growing pollution problem in India

1.2 Scope of Enquiry and Methodology

1.3 Framework of the Study

---

**CHAPTER-2**

ENVIRONMENT PROTECTION IN INTERNATIONAL HISTORICAL PERSPECTIVE.

2.1 International Measures during Pre-Charter Period

2.1.1 General Overview

2.1.2 Various Activities

2.1.2.a Treaties

2.1.2.b Conventions

2.1.2.c Agreements

2.1.2.d Legislations at International Level

2.2 International Measures during Post-Charter Period
2.2.1 United Nations Charter 44
2.2.2 Various Other Measures 48
   2.2.2.a Conventions and Treaties 48
   2.2.2.b Agreements 59
   2.2.2.c Conferences 59
2.3 Judicial Response in International Historical perspective. 60
   2.3.1 Response during pre-charter period. 60
   2.3.2 Response during post-charter period. 64

CHAPTER-3
ENVIRONMENT PROTECTION UNDER MODERN INTERNATIONAL REGIME : STOCKHOLM AND BEYOND 72-139
3.1 Stockholm Conference - A Mile Stone in Worldwide Environment Protection Movement 72
   3.1.1 General Overview 72
   3.1.2 Action Plan 75
   3.1.3 Stockholm Declaration 77
   3.1.4 United Nations Environment Programme (UNEP) 79
      3.1.4.a Components of UNEP 79
      3.1.4.b Role of UNEP and its Mode of Functioning 81
      3.1.4.c Beyond UNEP 84
3.2 International Movement for the Protection of Environment during Post-Stockholm Conference Period; 86
   3.2.1 Conventions and Protocols 87
   3.2.2 Agreements and Guidelines. 95
   3.2.3. Declarations 97
   3.2.4 Conferences 99
3.3 Rio-Conference, its After Effect and Present Development at International level;

3.3.1 Rio-Conference

3.3.1.a Rio-Declaration

3.3.1.b The Action Programme

3.3.1.c Treaty on Bio-Diversity

3.3.1.d Convention on Climate Change

3.3.1.e Statement of Forest Principles

3.3.2 Post Rio-Development

3.3.2.a General overview

3.3.2.b Conventions and Protocols

3.3.2.c Conferences

3.4 Judicial Response to Modern International Regime

3.4.1 Response during Post-Stockholm period

3.4.2 Response during Post-Rio period

CHAPTER - 4
ENVIRONMENT PROTECTION UNDER COMMON LAW REGIME : A CONSPLECTUS
OF JUDICIAL CONTRIBUTION

4.1 Common Law Actions.

4.1.1 General Overview

4.1.1.a Damages

4.1.1.b Injunction

4.1.1.c Abatement

4.1.2 Concept of Nuisance and Remedies

4.1.2.a Concept of Nuisance

4.1.2.b Remedies

4.1.3 Concept of Negligence and Remedies

4.1.3.a Concept of Negligence
CHAPTER - 5
CONCEPT OF ECOLOGY AND ENVIRONMENT PROTECTION IN INDIA: FROM PRE-HISTORIC AGE TO CONSTITUTIONAL ERA

5.1 Environmental Protection under Historical and Religious Perspective in India and its Judicial perception

5.1.1. Environmental Ethics in Ancient India

5.1.1.a Pre-Historical Indus Civilization Period

5.1.1.b Vedic Period

5.1.1.c Post-Vedic Period

5.1.2 Environmental Ethics in Religious Perspective in India

5.1.2.a General Overview.

5.1.2.b Environment Protection under Hindu Mythology

5.1.2.c Environment Protection under Buddhism

5.1.2.d Environment Protection under Jainism

5.1.2.e Environment Protection under Sikhism

5.1.2.f Environment Protection under Islam

5.1.3 Judicial perception of Ecology and Environment Protection under Historical and Religious perspective.

5.2 Constitutional Mandate for the Protection of Environment and Natural Resources and its Judicial Perception
CHAPTER - 6

LEGISLATIVE MEASURES FOR CONTROLLING ENVIRONMENTAL POLLUTION IN INDIA AND ITS JUDICIAL PERCEPTION

6.1 Legislative Measures during Pre-Independence period 219
6.1.1. General Overview 219
6.1.3. General Legislations 220
6.1.4. Specific Legislations 224
6.1.5. Procedural Laws 236

6.2 Legislative Measures during Post Independence Period 238
6.2.1. Pre-Stockholm Conference period 239
6.2.2. Post-Stockholm Conference period 252

CHAPTER - 7

INTRODUCTION OF JUDICIAL ACTIVISM AND ITS EFFECTS IN THE FIELD OF ENVIRONMENT PROTECTION IN INDIA

7.1 Development of the Concept of Judicial Activism 286
7.1.1. Development in USA 286
7.1.2. Development in India 287
7.1.2.a Traditional Role of Indian Judiciary 287
7.2 Emergence of Public Interest Litigation as an Instrument of Social Reform

7.2.1 General Overview

7.2.2. Development of the Concept of Public Interest Litigation in USA

7.2.2.a Early Development

7.2.2.b Development after Sierra Club Case

7.2.3. Development of the Concept of Public Interest Litigation in UK

7.2.3.a Development During Pre-Blackburn era

7.2.3.b Development During Blackburn era

7.2.3.c Development During Mack Whirter Case period and beyond

7.2.4. Development of the Concept of Public Interest Litigation in India

7.2.4.a Early Development in India

7.2.4.b Role of the Supreme Court

i) Development upto Ganga Pollution Case

ii) Development after Ganga Pollution Case

iii) Development after Delhi Transport Case

7.2.4.c Role of the High Courts

i) Traditional Approach of the High Courts

ii) Modern Trend of the High Courts
CHAPTER - 8
NEW TREND OF INDIAN JUDICIARY IN DISPENSING ENVIRONMENTAL JUSTICE IN INDIA

8.1 Scope of 'Right to life' guaranteed by the constitution of India and Environmental Justice

8.1.1. General Overview

8.1.2. Role of the Supreme Court and Environmental Justice

8.1.2.a Liberal Interpretation of the Doctrine — 'Right to Life'

8.1.2.b Right to Life and Right to Get Compensation

8.1.2.c Right to Life and Right to live in Pollution Free Environment

8.1.2.d Right to Life and Right to Full Enjoyment of Life with Dignity

8.1.2.e Right to Life and 'Polluter Pays Principle'

8.1.2.f Right to Life and Obligations of the State towards the Citizen

8.1.2.g Right to Life and Right to Get Protection from Hazardous Effect of pollution

8.1.2.h Right to Life and Right to Preserve Forest and to Protect Ecology

8.1.3. Role of the High Courts and Environmental Justice.

8.1.3.a Liberal Interpretation of the Doctrine — 'Right to Life'
| 8.1.3.b | Right to Life and Right to Enjoy Quality Environment | 370 |
| 8.1.3.c | Right to Life and Right to Maintenance of Health and Environment | 372 |
| 8.1.3.d | Right to Life and Right to Enjoy Pollution Free Environment | 373 |
| 8.1.3.e | Right to Life and Right to Maintenance of Health, Preservation of Sanitation and Environment. | 374 |
| 8.1.3.f | Right to Life and Right to Live with Human Dignity. | 375 |
| 8.1.3.g | Right to Life and Right to Get Protection from Noise. | 377 |
| 8.1.3.h | Right to Life and Right to Preserve Forest and to Maintain Ecology. | 381 |

8.2 Doctrine of Sustainable Development and New Activist Role of Indian Judiciary

| 8.2.1. | General Overview | 383 |
| 8.2.2. | Evolution of the Doctrine of Sustainable Development | 385 |
| 8.2.3. | Recognition of the Doctrine of Sustainable Development | 393 |
| 8.2.4. | Scope and Ambit of the Doctrine of Sustainable Development | 396 |

CHAPTER - 9
CONCLUSION AND SUGGESTIONS 406-432
BIBLIOGRAPHY 433-447