



ENVIRONMENTAL LAW

UNIT - I

Idea of Environment • Pollution • History

Twenty slides in this unit

1. Meaning of environment

2. Pollution

3. Ancient and medieval writings

4. Colonial statutory base

5. 1972–1986 wave

6. National policy

7. Sustainable development – seed

8. Why principles matter

9. Environment and development tension

10. Bhopal as turning point

11. International seed (preview of Unit III)

12. Components in other Acts

13. Ethics and duty

14. How a Unit-I answer should look

15. Bridge to Unit II

16. Revision

17. Revision

18. Cases

19. Takeaways

20. Close

Meaning of environment

EPA s.2(a) defines environment as water, air and land and the inter-relationship among them and with human beings, other living creatures, plants, micro-organisms and property.

EPA s.2(a)

Start every answer here.

Components

Natural + built + human health.

Not only forests

Cities and factories are inside the definition.

Policy use

Definition drives EIA and EPA notices.

Pollution

EPA s.2(b)–(c): environmental pollutant and pollution – presence of any solid, liquid or gaseous substance that may injure the environment.

Sources

Industry, sewage, vehicles, farms, mines.

Point / non-point

Pipe versus run-off.

Effects

Health, livelihood, species, climate.

Kinds

Air, water, land, noise, bio-medical, plastic.

Ancient and medieval writings

Dharma literature treats rivers, groves and animals as objects of duty. Use this as history, not as a substitute for the EPA.

Vedic texts

Rivers and plants as sacred trusts.

Arthashastra

Forest and elephant administration.

Ashoka

Limits on slaughter.

Medieval custom

Village tanks and sacred groves.

Colonial statutory base

Modern Indian environment law starts as resource control, not ecology.

Forest Act 1927

Reserved / protected forest.

Easements / nuisance

Common-law neighbour harms.

Municipal Acts

Sanitation inspectors.

Factories

Workplace emissions – a cousin.

1972–1986 wave

Stockholm 1972 triggers Wildlife 1972, Water 1974, Air 1981, EPA 1986 (post-Bhopal).

Wildlife 1972

Schedules and sanctuaries.

Water 1974

Consent and boards.

Air 1981

Same board model for air.

EPA 1986

Umbrella Act + wide s.3 powers.

National policy

1992 Policy and 2006 NEP tell ministries how to use discretion.

1992

Post-Rio principles.

2006 NEP

Livelihoods + conservation.

SDGs

International framing.

State policy

Coastal and river notifications.

Sustainable development – seed

Development that meets present needs without destroying future options (Brundtland). Indian courts adopt it in Vellore.

Need

Poverty and infrastructure are real.

Limit

Carrying capacity.

Tool

EIA and conditions.

Case

Vellore Citizens 1996.

Why principles matter

Later units are unreadable without precaution, polluter pays and public trust.

Precaution

Act under uncertainty.

Pays

Internalise cost.

Trust

State as trustee.

Equity

Future generations.

Environment and development tension

Every dam, mine and highway is a Unit-I problem in facts.

Who speaks

Project vs locals vs future users.

Forum

EIA then NGT / writ.

Wrong question

'Ban development' is not the legal test.

Right question

Is the harm prevented, paid for, and consented in law?

Bhopal as turning point

The 1984 disaster explains EPA 1986, PE Act, and Oleum absolute liability.

Gap

Tort law was too slow.

Statute

EPA umbrella + hazardous-chemical rules.

Doctrine

Oleum 1987.

Process

Charan Lal Sahu on the Bhopal Act.

International seed (preview of Unit III)

Stockholm 1972 and Rio 1992 supply the vocabulary Indian courts later call 'part of domestic law'.

Stockholm

First global environment conference.

Rio

Sustainable development + Agenda 21.

Precaution

Principle 15 Rio.

Polluter pays

Rio Principle 16.

Components in other Acts

Each later statute carves a medium out of EPA's wide word.

Water Act

Streams and effluents.

Air Act

Air pollutants.

Wildlife

Species + habitat.

Noise Rules

Decibel zones.

Ethics and duty

Art. 51A(g) will arrive in Unit II; the ethic is already here – restraint, not plunder.

Stewardship

Use without exhausting.

Ahimsa to nature

Cultural support for wildlife law.

Commons

Tanks and grazing lands.

Limit

Ethics do not decide EIA by themselves.

How a Unit-I answer should look

Definition (EPA) + kinds of pollution + one historical layer + one principle + one case.

Avoid

Only Vedic quotations.

Avoid

Only case names with no section.

Do

Tie principle to a medium (air/water).

Do

Name Oleum or Vellore.

Bridge to Unit II

Constitution + PIL + doctrines are the next layer on this vocabulary.

Art. 21

Right to a healthy environment.

48A / 51A(g)

State duty and citizen duty.

PIL

How the doctrines were born.

NGT

Later enforcement forum.

CASES

Landmark authorities

Rural Litigation Kendra (1985)

Dehradun quarrying – early SC environmental supervision.

M.C. Mehta – Oleum (1987)

Absolute liability.

Subhash Kumar (1991)

Art. 21 includes clean water and air.

Vellore Citizens (1996)

Precaution and polluter pays adopted.

Indian Council Enviro-Legal (1996)

Bichhri – polluter pays in figures.

Charan Lal Sahu (1990)

Bhopal claims statute.

Key takeaways

- 01 Quote EPA s.2(a) as the definition.
- 02 Pollution = contaminant + harm path + medium.
- 03 History: dharma → colonial control → 1972-86 statutes.
- 04 Bhopal explains the EPA and Oleum.
- 05 Five principles start in this unit.
- 06 Vellore + Oleum + Subhash Kumar are the first trio.

End of UNIT – I

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