

The role of Judicial Activism in Advancing Environmental Protection Laws: A Comparative Study

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Abstract - The phenomenon that occurs when this process is disrupted by influences from outside the natural world is referred to by the term "environmental contamination," which is a word used to describe the phenomenon. The natural world may give the impression that it is reorganising its parts in accordance with its own rules. This disruption in the environment might have been brought about by a variety of sources, including human activity such as manufacturing processes, domestic issues, nuclear industries, weapons, and so on; alternatively, it could have been brought about by natural calamities. This current trend in development has made it easier for pollutants and the poisons they generate to go all across the planet. According to the findings of the experts, the vast amount of industrialization that has taken place over the past century has reduced the capacity of the natural world to keep its equilibrium and the capacity of the air to clean itself. The conceptions that have been formed by courts and the work that international organisations have been doing ever since they commenced on the responsibility of forming their principles on the issue of environmental protection have had a substantial impact on environmental law in India. In addition, the work that international organisations have been doing ever since they embarked on the responsibility of developing their principles on the topic of environmental protection has also had an influence. This vow was made not too long after the beginning of the global environmental movement.

Keywords - Judicial , Activism , Advancing , Environmental , Protection , Laws

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INTRODUCTION

As a result of man's participation in the development of civilisation, man has become a more materialistic species. His primary objective throughout his life has been to amass an ever-increasing fortune for himself. As a direct consequence of this, brand-new technologies and scientific discoveries were developed, which ultimately made it possible to begin the process of commercialising natural resources. The unchecked and rapid growth of industry morphed into a new and potentially dangerous threat to the natural world. The Second World War and the industrial catastrophe that followed it both contributed significantly to an increase in the number of poisons that were discharged into the ecosystem of the world. People started to come to the realisation that if this continued to happen, the very existence of man would be in jeopardy.

Environmental Pollution

As was mentioned in the paragraph that came before this one, the environment is the end result of natural, physical, and biological factors coexisting peacefully

with one another. The phenomenon that occurs when this process is disrupted by influences from outside the natural world is referred to by the term "environmental contamination," which is a word used to describe the phenomenon. The natural world may give the impression that it is reorganising its parts in accordance with its own rules. This disruption in the environment might have been brought about by a variety of sources, including human activity such as manufacturing processes, domestic issues, nuclear industries, weapons, and so on; alternatively, it could have been brought about by natural calamities.

The legislation that India has enacted to combat pollution have attempted to define the term "pollution" in relation to a number of different biological and environmental contexts. These environments include of things like soil, water, air, and noise, among other things. The Environmental Protection Act, which was passed into law in 1986 by the United States Congress, provides a comprehensive explanation of environmental pollution. According to the Act, an environmental pollutant is defined as "any solid, liquid, or gaseous chemical that is present in a concentration that has

the potential to harm the environment." This is the primary definition of an environmental pollutant. This category encompasses all substances, regardless of their physical state, whether they solid, liquid, or gas. In addition, the term "environmental pollution" refers to the presence of any environmental pollutant everywhere in the environment. The definition of pollution that was established by the Environmental Protection Act of 1986 (EPA) purports to cover any and all types of contamination that might possibly fall within its jurisdiction.

Effects of Environmental Pollution

The seeds of environmental calamity are sown by development efforts, which are aided and abetted by both man's basic requirements and his insatiable want for more. Production, processing, transportation, and consumption by humans all deplete the supply of natural resources and stress the ecosystem by accumulating waste. All of these acts have led to a decline in the supply of natural resources. However, for the economic system to run effectively, natural and environmental resources must be available in sufficient quantity and quality.

- **Air Pollution**

The circulation of a fluid combination that contains both gas and solid particles is the primary contributor to the problem of air pollution. Particles in the air can be caused by a number of different things, including but not limited to dust, pollen, mould spores, and pollution from automobiles and industry. These are only some of the potential causes. The presence of the gas ozone is one of the primary factors that contribute to the pollution of air in cities. The fact that it contributes to the contamination of the air is the primary reason for which it is commonly referred to as haze. Airborne particles, volatile organic compounds, carbon monoxide, nitrogen dioxide, sulphur dioxide, ozone, and carbon dioxide are some of the most major pollutants that are emitted into the atmosphere. Other notable pollutants include ozone. Radioactive emissions are one of the most dangerous kinds of air pollution, and the fact that nuclear explosions are the source of these emissions makes them considerably more dangerous.

- **Effects of Air Pollution**

There is a correlation between high levels of air pollution and an increased risk of cardiovascular illness, wheezing, coughing, and other respiratory disorders, in addition to irritation of the skin, nose, and throat. There are many different ways in which exposure to polluted air can have a harmful effect on human health. There is a correlation between high levels of air pollution and an increased risk of cardiovascular disease, asthma, and other respiratory disorders. Just like people, animals are also susceptible to a wide range of health problems as a direct result of exposure to polluted air. Infertility, birth

abnormalities, and other reproductive problems are included in this category of problems.

Environmental Hazards and Global Environmental Pollution

Pollutants, on the other hand, are unaffected by jurisdictional boundaries and are able to roam freely over the world. This makes it much simpler for pollutants to migrate from one location to another. This current trend in development has made it easier for pollutants and the poisons they generate to go all across the planet. According to the findings of the experts, the vast amount of industrialization that has taken place over the past century has reduced the capacity of the natural world to keep its equilibrium and the capacity of the air to clean itself. Pollution levels across the country have increased as a direct result of the destruction of flowers that held significant economic value. The temperature will rise proportionally to the natural factors that are present in the neighbourhood. In the very near future, if this problem is not addressed, melting snow could cause a significant increase in the average temperature over the globe, a rise in sea level of up to 50 metres, and an increase in the concentration of carbon dioxide in the atmosphere. One of the most significant contributors to environmental degradation is the fast increase in the use of energy that is caused by the expanding populations of modern societies. There is a significant problem with contamination of the environment all around the world. In the lines that follow, we'll talk about the most important aspects of this global dilemma.

1. Climatic Change:

According to the findings of multiple different studies, there are toxins present in the air in every location. However, contemporary pollution has an effect not only on the air above our cities but also, to a certain extent, on the ecology of the rest of the earth. There is a widespread consensus among meteorologists that there is currently a cloud of polluted air covering the whole earth. There is evidence that smog may be found over stationary things, such as the oceans and even the North Pole. These environmental contamination problems are serious on a global scale and were mostly generated by countries that have experienced economic development.

2. Depletion of Ozone Layer:

Ozone is a special kind of living organism with three atoms instead of the typical two that most living things have, which helps to conserve oxygen. On the other hand, scientists have discovered that this 0.33 atom may do enormous harm and can be removed with the use of chlorine ions. This layer protects people and animals from the sun's ultraviolet (UV) radiation, which has the ability to seriously injure living organisms and is a major factor in the development of skin cancer. The stability of the stratosphere, which covers the chaotic climate

system that occurs inside the troposphere, has an impact on the climate as well. A research conducted by experts in the field found that the cost of the ozone layer's deterioration is large enough to have detrimental effects on people, animals, and plants. Furthermore, brand-new threats to the ozone layer are always being discovered. The Ozone Layer has been linked by researchers to everyday home items including foam mattresses, air conditioners, and refrigerators. They contend that the bigger oxygen atom needed for ozone formation is eliminated as a result of plastics and other substances, such as "chloro-floro carbons," emitting free chlorine ions into the atmosphere. This theory is based on the fact that plastics and other substances, such as "chloro-floro carbons," leak chlorine into the environment. The layer's cap potential is changed as a result of the loss of one atom. This acts as a strainer to capture the harmful UV radiation that the sun emits.

3. Acid Rain:

Everyone is aware of the significance of rain and the potential for dry conditions to spread over the continent if there is insufficient precipitation. But as of at this moment, the complexity of the raindrops that fall on the earth has reached a new level, which might be very hazardous. In addition to the pollutants that are released into the environment by factories, automobiles, and power plants that burn fossil fuels, it also contributes to air pollution by releasing diluted sulphuric and nitric acid into the atmosphere. This is in addition to the other pollutants that are released into the environment by these other sources. In addition to having a negative impact on fish and other aquatic life, this is also having a corrosive effect on some of the most historically significant buildings in the world, such as the Taj Mahal. This presents a very significant risk to human health and has the potential to have a negative impact on agricultural fields and the ecosystems that depend on forests.

The Judicial System's Part in Environmental Protection

In the years that immediately followed India's independence, environmental protection was not the government's primary concern. This was largely attributable to the fact that the country was focused on fostering economic development and was experiencing significant political upheaval at the time. After the nation attained its independence, the primary focus shifted to the development of new commercial centres and manufacturing sectors in order to increase the number of available jobs for the local inhabitants. However, as a result of the Bhopal Gas tragedy, environmental protection has become a primary concern. As a result of this calamity, the scope of the nation's environmental legislation will be expanded, and legal action will become more aggressive.

the safeguarding of the earth's natural resources The study of environmental law is a relatively new

phenomenon in the academic discipline of jurisprudence, particularly when seen on a global scale. Even in its IV Five Year Plan (1969–1974), India proposed incorporating environmental factors into planning at the national level. This was three years before the summit in Stockholm. The years 1969 through 1974 were marked by this occurrence. One of the aims included in the paper that outlined the IV plan for harmonious development was "recognition of the unity of nature and man." Without first doing an exhaustive investigation into the environmental problem, it is impossible to carry out the type of planning that we are discussing. There are many instances in which quick and adequate environmental advice may have assisted with the design of a project, preventing harmful impacts on the environment, and saving resources. As a result, environmental concerns need to be taken into account during the planning and execution stages of the project. A national committee on environmental planning and coordination was created in order to offer the government high-level advice and support. The majority of this organization's activities were concentrated on addressing environmental concerns.

Principles and Doctrine Devised by the Courts

The environmental law in India has been significantly influenced by the ideas that have been formed by courts. Article 253 of the Indian Constitution outlines the procedure that must be followed in order for the Indian legal system to adopt decisions that have been reached in international conventions and conferences. The formation and adoption of environmental protection concepts inside India's judicial system were significant turning points in the evolution of environmental law in that nation.

The doctrine of public trust

In addition to incorporating the idea of public trust into its corpus of jurisprudence, the legal system in India is primarily predicated on the common law as its primary theoretical base. Even though the state is responsible for the preservation of natural resources, such resources must be made available to the general public in order for anybody to make use of them and they cannot be privatised under any circumstances. The laws of the state oblige the state to protect the natural resources that fall within its jurisdiction. *M.C. Mehta v. Kamal Nath* was the first case in India to apply this legal theory to an environmental problem. The case was heard by the Supreme Court of India, which is the highest court in the country. According to the Supreme Court, the concept of public trust is mostly predicated on the assumption that some resources, such as air, sea waters, and forests, are of such enormous value to the people as a whole that it would be completely absurd to make them the subject of private ownership.

OBJECTIVES OF THE STUDY

1. To Study on effects of Environmental Pollution
2. To study on the Judicial System's Part in Environmental Protection

RESEARCH METHOD

The majority of the study is of a doctrinal nature, and it is founded on authoritative texts such as the Indian Constitution, judicial activism for environmental protection legislation, and worldwide environmental ideas.

Both primary and secondary sources were utilised in the process of compiling the information sources for the study literature. Data are obtained through reports, judgements, and legislation through a number of libraries, government agencies, and commercial entities. After the data are gathered, they are critically examined, and conclusions are created from the data.

DATA ANALYSIS

Comparative Study Based On Judicial Activism In Advancing Environmental Protection Laws

Due to the fact that it is a well-known institution, the general populace in India have a more favourable view of the Supreme Court of India than they do of the state's legislative and executive institutions. The Supreme Court has been successful in its efforts to cope with a challenging and intricate realm of technology that is also rapidly expanding across other disciplines. The numerous improvements that have come about as a result of judicial activism have allowed for the development of comprehensive environmental law in India. Therefore, the Supreme Court of India has proved its excellence in the field of environmental justice administration not only in front of the legislative and executive branches of government, but also in front of its counterparts in industrialised and developing nations, independent of the age of those nations.

Because the Indian Constitution shields the judicial branch from the influence of the legislative and executive branches of government, the judiciary is less subject to pressure from these two arms of government than other parts of government are.

The Supreme Court of India has adopted the sustainable development principles

The concept of sustainable development is not a new one; throughout history, several nations have grasped the necessity of finding a balance between the economy, society, and the environment. This understanding led to the establishment of sustainable development. The concept of a global informational and industrial civilisation in the twenty-first century is one that has not been explored before. The word "sustainable development" could mean a variety of things to different individuals, but one thing that

everyone should be familiar with is the Brundtland Report.

According to the World Resources Institute, "Sustainable Development is a development that satisfies present needs without compromising the capacity of future generations to satisfy their own needs." This definition was derived from the concept of "sustainable development."

It demands a knowledge that actions have consequences and that we must develop creative approaches to transform both institutional structures and human behaviour in order to accomplish this goal. To put it another way, it entails taking action, modifying policies and practises on all levels, and bringing about widespread change. The goal of sustainable development is to improve the standard of life of every person on the globe without jeopardising the ability of the environment to endlessly supply those people with the resources they require.

According to the Supreme Court of India, the United Nations Conference on Human Environment was successful in raising people's awareness of environmental issues. Additionally, the idea of "sustainable development" was presented for the very first time at the Stockholm Conference in 1972; now, it is recognised as an element of customary international law.

The Indian judiciary's crucial role in interpreting laws to suit the sustainable development doctrine

The Sustainable Development Doctrine has been successfully defended, in large part, by the Supreme Court of India as well as by the High Courts. In order to stop the deterioration of the natural environment, numerous laws have been enacted in India. In this particular case, the interpretation of those laws provided by the higher court in light of the Sustainable Development Doctrine was essential.

The Indian judiciary has played a significant role in the development of both public and private businesses, as well as in the promotion of sustainable growth while simultaneously decreasing the risk of long-term damage to the environment, in order to protect the healthy flora and fauna of India and the world as a whole. It is important to note that Public Interest Litigation (PIL), which is authorised by either Article 32 or Article 226 of the Indian Constitution, has been utilised to bring before the court any conflicts that deal with issues pertaining to the environment.

The ecology, the ecological system, and the creatures that live in the forest have all benefited substantially from the enormous contributions made by the Supreme Court of India (Indian Supreme Court). The court has had a considerable impact in this field despite the limited extent of jurisdiction that it possesses. Even if we have enough environmental

laws, it is up to the administrative authorities to carry it out. Because of this, the most important requirement for the protection of the environment in this regard is excellent governance that is free from corruption.

It is perplexing because even though there are several regulations in place, pollution is still occurring at a rate that is intolerable. This is most likely a result of the law's complexity and ambiguity, which makes it possible that even those who are well-versed in it may not fully comprehend all of its subtleties. The Indian court system has been taking steps to pressure state agencies to strictly abide by the laws put in place to protect the environment and put an end to the countless staged calamities. Because of the numerous lawsuits in the public interest that have been brought about as a result of man-made disasters like the Bhopal Gas tragedy, etc., the judiciary has made these efforts in particular. Sustainable development is one of the essential ideas that underpins environmental law, according to the ruling in the case of MC Mehta v. Union of India¹³ and others. Growth must be carried out in a way that respects the environment in order to be consistent with this philosophy. Additionally, it was stated that the precautionary principle and the polluter pays principle are the two cornerstones of sustainable development.

The Patna High Court ruled in Rajiv Ranjan Singh v. State of Bihar that the failure to protect the locals from the poisonous and seriously harmful effects of the distillery's effluents and fumes amounted to a violation of the rights guaranteed to them by Articles 14 and 21 read with Articles 47 and 48-A of the Indian Constitution. The Indian Constitution protects certain rights. In this case, the court further ordered that if anyone becomes ill and it is determined that their illness was caused by the distillery's effluent discharge, the company is required to pay for all of his medical expenses, and the issue of providing the victim with the appropriate compensation may also be considered. This instruction was provided in light of the fact that the corporation would be responsible for all costs if someone became ill and the cause could be traced back to the wastewater that the distillery released.

The case of M.C. Mehta v. Kamal Nath was the first time that this strategy was utilised to address an environmental concern by the Supreme Court of India. This piece of writing makes reference to a news item that was published in the Indian Express on February 2, 1996. The respondent's family had a strong association with Span Resorts, which was a resort that was owned by Span Motel and was located in the same area. The

family proposed yet another venture known as Span Club, which would involve encroaching on a parcel of property that already contained a forest. According to the sources, this invasion was sanctioned at the time that the first respondent functioned as the Minister of Environment and Forest for the Central Government. The administration of Span Resorts made use of earthmovers and bulldozers in order to modify the course of the Beas River and direct the high-velocity flow of water away from the hotel. It is believed that this change was the cause of the landslides and floods that occurred. After the process of redirecting the river is complete, the administration of Span plans to work on the landscaping. The Minister had responded to the allegations brought against him by filing a rebuttal affidavit, in which he called the allegations baseless and exaggerated.

Section 'B' - International Instruments on Environmental Protection And Regulation

The subsequent sequence of occasions acted as the catalyst for the development of many of the most important tools addressing environmental protection-related challenges.: -

The initiative of the united nations for the prevention of pollution

On July 30, 1968, the United Nations Economic and Social Council debated whether or not to hold a worldwide conference on issues connected to the environment and how they impact people. The council published resolution number 6, which discussed the topic. After this, on December 3, 1968, the General Assembly of the United Nations approved another Resolution, which may be seen written in its official record. The following is an excerpt from the text of the resolution: In light of the progress that has been made in science and technology in recent times, "Taking into consideration the fact that the connection between man and his environment is undergoing significant shifts; Aware of the fact that these advancements, despite the fact that they present never-before-seen opportunity to alter and mould the environment of man in order to satisfy his requirements and ambitions, also carry considerable risks if they are not properly regulated; Noting in particular the persistent and quickening decline in the quality of man's interaction with the world around him; Concerned about the impact that this will have on man's situation, including his physical, mental, and social well-being as well as his dignity and his ability to enjoy basic human rights, not just in developing countries but also in developed ones. Aware of the fact that these developments, while providing unprecedented opportunities to change and shape the environment; Conscientious of the fact that these developments provide unprecedented opportunities

to change and shape the environment. Having determined that attention should be paid to the problems caused by the environment for healthy economic and social development; Having taken into consideration the resolution passed by the Economic and Social Council on July 30th, 1968 on the topic of whether or not an international conference should be held to discuss the issues facing the human environment; Keeping in mind the recommendations made by the Intergovernmental Conference of Experts on the Scientific Basis for Rational Use and Conservation of the Resources of the Biosphere, which was organized by the United Nations Educational, Scientific, and Cultural Organization with the participation of the United Nations, as well as the Food and Agriculture Organization of the United Nations and the World Health Organization; Convinced of the necessity for increased action at the national, regional, and international levels in order to limit, and where possible, eliminate, the impairment of the human environment and in order to protect and improve the natural surroundings in the interest of man; Believing that it is desirable to provide a framework for comprehensive consideration within the United Nations of the problems of the human environment in order to focus the attention of governments and public opinion; Believing that there is a need for increased action at the national, regional, and international levels in order to protect and improve the human environment;

The United Nations Framework Convention on Climate Change, 1992

The contamination of the environment has an effect on the weather in every single part of the globe. As of right now, there are 150 nations who are members of the Convention on Climate Change. The aim of this convention is to safeguard the climate of the globe. The temperature of the planet is precisely controlled by the mixture of gases and particles that make up its atmosphere. The phenomenon at hand may be traced back to the existence of greenhouse gases in the surrounding environment. The quantities of greenhouse gases in the atmosphere have been dramatically growing as a direct result of the activities that have been carried out by humans. The majority of historical and current global emissions of greenhouse gases may be traced back to nations that have undergone industrialization. These emissions from emerging nations are now at a relatively modest level; however, it is projected that they will increase as these nations try to fulfil their social and developmental responsibilities. In light of the fact that climate change is a phenomenon that is experienced on a global scale, the treaty requires the highest possible degree of collaboration from all states and their participation in an efficient and appropriate international response.

Johannesburg Declaration on Sustainable Development (26th August to 6th September 2002, South Africa)

In the declaration, the countries of the world affirmed a commitment to the concept of sustainable development. We make the commitment to strive towards making the world a more just, caring, and equitable one in which everyone is shown the respect they deserve.³⁶ It offered a new impetus for the fight against poverty as well as for the conservation of the environment. The most important change that took place was the establishment of a "world solidarity fund" with the purpose of eradicating poverty. Other notable programmes were those that dealt with health, water and sanitation, energy, agriculture, biodiversity and ecosystem management, corporate responsibility, and the long-term sustainable development of small island developing states.

According to the political agenda of the group, we accept the collective responsibility of advancing and strengthening the interdependent and mutually reinforcing pillars of sustainable development, economic development, social development, and environmental protection at local, national, regional, and global levels. As a result, eradicating poverty, shifting patterns of consumption and production, and protecting and responsibly managing the natural resource base in order to foster economic and social growth are all aims that are essential components of sustainable development.

The role of water and sanitation in the global sustainable development agenda is the topic of the 2013 Budapest Water Summit.

The objective of this high-level summit was to review how far along the process of preparing water-related goals for the post-Rio+20 development agenda both inside and outside of the UN system was at the time of the summit's convening.

The Budapest Water Summit was meant to act as a policy forum for many stakeholders to convene and reach consensus on the goals of water and sanitation policy. During the course of these four days of talks in Budapest, the most pressing issues of water and sanitation were discussed between governments (from both developed and developing nations), international organisations, financial institutions, companies, members of civil society, and members of the scientific community. These meetings were held in Hungary. The objective of the summit was to make a substantial contribution towards the formulation of a single, all-encompassing SMART (Specific, Measurable, Attainable, Realistic, and Timely) Sustainable

Development Goal (SDG) on water and sanitation that is in line with and addresses a number of problems.

Some of the subjects that will be covered include the following: fighting for universal access to water and sanitation; integrated water resources management for the 21st century; good water governance; green economy for blue water; and investment and funding of water and sanitation implementation. The Objectives of Sustainable Development Goals

Conference of The United Nations On The Human Environment, Held In 1972

The United Nations Conference on the Human Environment, which took place in Stockholm from June 5 to June 16, 1972, resulted in the conclusion that a unified viewpoint and a set of guiding principles were required to inspire and guide people all over the world in their efforts to safeguard and improve the human environment. This conclusion was reached at the end of the conference. This declaration is formally known as the "Stockholm Declaration on the Human Environment." During the course of this conversation, it was revealed that

1. Man is the creator and shaper of his environment, which in turn provides him with the means to preserve his bodily well-being and the opportunities to develop his intellectual, moral, social, and spiritual capabilities. The evolution of the human race on our planet has been a slow and laborious process, but it has been accompanied by a remarkable acceleration in science and technology, and as a result, man today has the potential to change his environment in an unimaginable vast variety of ways and on a scale that has never been seen before. Both the natural and artificial components of an individual's environment have an effect on that person's state of health and welfare, as well as their capacity to exercise fundamental human rights such as the right to life.
2. The maintenance and enhancement of the human environment is a significant challenge that has an effect on the well-being of people as well as the advancement of the global economy; it is the immediate desire of all peoples and the responsibility of all governments.

CONCLUSION

In the years that immediately followed India's independence, environmental protection was not the government's primary concern. This was largely attributable to the fact that the country was focused on fostering economic development and was experiencing significant political upheaval at the time. The concept of judicial review, which is also one of the two features that define Indian constitutionalism, is one

of the most significant contributions that American constitutionalism has provided to constitutional governments in Asia. One of the two most significant gifts that American constitutionalism has delivered to Asian constitutional governments is judicial scrutiny. The other gift is the separation of powers. As the right to a pollution-free environment is an element of the right to life, which is one of the fundamental rights guaranteed by Part-III of the Constitution, and as the right to life is one of the rights that can be enforced against actions taken by the state, it is essential to investigate and gain an understanding of the constitutional framework that governs the enforcement of these rights. If we accept the idea that environmental law encompasses not only particular sets of regulations outlined in statutes but also any mechanism intended to control or influence actions that have a negative impact on the environment, then we might come to the conclusion that all of the potential sources of environmental law cannot be adequately captured in a writing of this nature. This is because environmental law encompasses not only specific sets of regulations outlined in statutes but also any mechanism intended to control or influence actions that have a negative impact on the environment. This is due to the fact that environmental law embraces any mechanism that is meant to restrict or influence behaviour that has a detrimental impact on the environment. This is in addition to the specific sets of laws that are codified, which is another reason why this is the case. As the number of sources of environmental law increases along with the complexity and variety of environmental concerns, it is becoming increasingly difficult to determine where the conventional boundaries and constraints of legal processes should apply. The formulation of environmental policies led to the occurrence of this consequence.

REFERENCES

- [1] Adams, B ., The environment in the developing world: the case of sustainable development, 1988, London, Routledge.
- [2] Agarwal, S.L. (ed.), Legal control of environmental pollution, 1980, Bombay, Tripathi and New Delhi, Indian Law Institute.
- [3] Agrawala, S.K., Public interest litigation in India: a critique, 1985, New Delhi, Indian Law Institute.
- [4] Allott, Antony, The limits of law, 1980, Butterworths, London
- [5] Allott, Antony and Gordon R. Woodman (eds.), People's law and state law: the Bellagio papers, 1985, Dordrecht-Holland, Foris Publications.

- [6] Anand, C .L ., Constitutional law and history of government of India, (6th edn.), 1990, Allahabad, The University Book Agency.
- [7] Baxi, Upendra, Courage, craft and contention: the Indian Supreme Court in the eighties, 1985, Bombay, Tripathi
- [8] Baxi, Upendra, Inconvenient forum and convenient catastrophe: the Bhopal case, 1986, New Delhi, The Indian Law Institute.
- [9] Baxi, Upendra and Amita Dhanda, Valiant victims and lethal litigation: the Bhopal case, 1990, Bombay, Tripathi.
- [10] Birnie, Patricia W. and Alan E. Boyle, International law and the environment, 1992, Oxford, Clarendon Press.
- [11] Chiba, Masaji (ed.), Asian indigenous law: in interaction with received law, 1986, London and New York, KPI Ltd.
- [12] Chiba, Masaji, Legal pluralism: towards a general theory through Japanese legal culture, 1989, Tokyo, Tokai University Press.
- [13] Clerk and Lindsell on Tort, (14th edn.), 1975, London, Sweet & Maxwell.

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