



**POLICY AND LEGAL FRAMEWORK FOR BIODIVERSITY CONSERVATION IN
INDIA**

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Abstract

India is recognized as one of the world's megadiverse countries, possessing a rich variety of ecosystems, flora, fauna, and traditional ecological knowledge. However, increasing urbanization, industrialization, climate change, habitat destruction, and unsustainable resource exploitation pose significant threats to biodiversity. This paper critically examines the policy and legal framework governing biodiversity conservation in India by analysing constitutional provisions, statutory enactments, judicial interventions, and international commitments. The study explores the evolution of environmental jurisprudence, highlighting the constitutional mandates under Articles 48A, 51A(g), and Article 21, which collectively establish environmental protection as a shared responsibility of the State and its citizens. It further evaluates major legislations, including the Biological Diversity Act, 2002, the Wildlife (Protection) Act, 1972, the Environment (Protection) Act, 1986, the Forest (Conservation) Act, 1980, and other sectoral laws that contribute to biodiversity governance. The role of institutions such as the National Biodiversity Authority, State Biodiversity Boards, Biodiversity Management Committees, and the National Green Tribunal is also examined. Judicial activism through landmark environmental decisions has significantly strengthened biodiversity conservation by incorporating principles such as sustainable development, the precautionary principle, and the polluter pays principle into Indian environmental law. The paper also identifies persistent challenges, including weak enforcement, institutional coordination gaps, limited public participation, and conflicts between conservation and developmental priorities. It concludes that India possesses a robust legal and policy framework for biodiversity conservation, but effective implementation requires stronger institutional capacity, community participation, scientific integration, and coordinated governance. A balanced approach combining environmental protection with sustainable development is essential to safeguard India's biological heritage for future generations.

Keywords: Biodiversity Conservation, Environmental Law, Biological Diversity Act, Sustainable Development, Constitutional Framework

1. Introduction:

India, as one of the world's most biodiverse countries, faces the challenge of balancing rapid social and economic growth with the need to protect its rich natural heritage. From the Western Ghats and Himalayan ranges to the Sundarbans and Northeast forests, India's biodiversity is vast but constantly threatened by urbanization, industrial growth, land-use changes, and climate change.



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The country's approach to conserving biodiversity is closely tied to its social and political context, blending traditional ecological knowledge with modern laws. Understanding biodiversity governance in India means looking at how constitutional rules, laws, policies, and administrative actions by both federal and state governments work together. The Biological Diversity Act of 2002 and the Environment Protection Act of 1986 form the foundation of biodiversity governance in India. These laws are essential not only for protecting species and ecosystems but also for ensuring fair benefits for local communities and protecting indigenous rights. Policies such as the National Biodiversity Action Plan (NBAP) show India's commitment to international agreements like the Convention on Biological Diversity (CBD). These legal frameworks serve to prevent and address environmental harm, regulate the use of biological resources, and create bodies like State Biodiversity Boards.

Biodiversity governance in India is interdisciplinary, involving environmental science, law, social justice, and policy innovation. Legal decisions often reflect ecological realities and require flexible regulations that can handle complex local situations. Public interest litigations (PILs) in Indian courts have broadened the legal understanding of biodiversity and ecosystem services. Additionally, traditional laws and local governance through the Panchayati Raj system play a vital role in community-driven conservation, showing how formal laws and local customs work together. In this context, biodiversity policy is more than an environmental issue; it also touches on human rights, tribal autonomy, and national development goals. It is key to India's efforts toward sustainable development and environmental justice, especially in vulnerable and marginalized regions. The legal framework affects both the health of natural ecosystems and the economic well-being of communities that rely on biodiversity. Therefore, studying these policies and laws helps to understand how India meets its environmental commitments in line with global goals like the UN Sustainable Development Goals (SDGs).

2. Evolution of Environmental and Biodiversity Jurisprudence in India:

India's environmental and biodiversity laws have evolved from a colonial past focused on economic gain rather than ecological balance. The Indian Forest Act of 1927 was one of the first laws to regulate forests, mainly to control timber for British interests. It ignored ecological health and community rights, cutting indigenous people off from their resources. This centralized system prioritized revenue over conservation, and its influence still affects India's forest policies today. After independence, India gradually shifted its approach from just conserving species or forests to preserving overall ecological balance. This change came as industrial growth, population increase, and resource use threatened health and livelihoods. Environmental concerns were slowly included in government plans, but only piecemeal. The Wildlife Protection Act of 1972 was a key step, legally protecting species and creating national parks, though it lacked a focus on community rights. The 1972 Stockholm Conference sparked global environmental awareness, influencing India to update its Constitution with Articles 48A and 51A (g) in 1976. These articles made environmental protection a duty for the state and citizens, laying the groundwork for courts to



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become active in environmental issues. This helped India align with global environmental standard. Indian courts have played a vital role, especially through Public Interest Litigations (PILs), expanding the right to a healthy environment under Article 21. The 1996 Vellore Citizens' Welfare Forum case introduced important principles like Sustainable Development, Polluter Pays, and Precautionary Approach. This case marked a shift toward eco-centric law, recognizing nature's rights. Courts have since become key players in enforcing environmental protection, bridging law, enforcement, and public activism.

The judicial actions, such as in the M C Mehta case, led to pollution controls, relocation of harmful industries, and environmental education. Courts showed they could fix administrative failures in environmental regulation. Legal thinking moved from a human-centered view to one that values ecosystems and future generations. Courts also referenced global agreements like the Rio Declaration, helping bring India's environmental laws in line with international norms. Biodiversity laws advanced significantly with the Biological Diversity Act of 2002, aligned with the Convention on Biological Diversity. This law focused on conservation, sustainable use, and fair sharing of benefits. It created bodies like the National Biodiversity Authority and local committees, shifting governance from central control to community participation. The Act also acknowledged traditional knowledge and local rights, moving away from protectionist policies to more inclusive governance. Constitutional support for biodiversity grew through reforms improving federal and state cooperation. Environmental governance became part of mainstream development, led by the Ministry of Environment, Forest and Climate Change (MoEFCC). Tools like Green GDP and the 2006 Environment Impact Assessment Notification helped integrate biodiversity into broader policies, making conservation a cross-sector objective. The 73rd and 74th Constitutional Amendments empowered local governments, giving Panchayats and Urban Local Bodies a role in managing biodiversity. This created a legal framework for community involvement in ecological planning. Local biodiversity registers and conservation plans are now required, making biodiversity protection a shared responsibility across governance levels, better reflecting local ecological conditions.

India's environmental laws are also responding to new challenges like invasive species, biopiracy, and ecosystem damage. Laws like the Forest Rights Act (2006) and the Compensatory Afforestation Fund Act (2016) address past wrongs and promote ecological responsibility. Biodiversity concerns are slowly being included in laws on mining, urban planning, and agriculture, though enforcement is uneven. The legal system now faces the challenge of balancing economic growth with environmental protection, needing innovative approaches and better coordination. India's environmental and biodiversity laws have grown from colonial exploitation to constitutional protection and community-based governance. Each stage brought new players, ideas and tools to meet the complex task of conserving biodiversity amid social and economic change. While progress has been made, challenges remain in enforcement, policy coordination, and including marginalized voices. Going forward, India needs a flexible legal framework that



combines science, traditional knowledge, and democratic involvement to protect its rich natural heritage for the future.

3. Constitutional Mandates and Biodiversity:

Since the vast majority of Indians consider nature and its resources to be sacred, they strongly support protecting and conserving the natural environment. The Indian Constitution enshrines the Indian ethos through the state's constitutional obligations and citizens' fundamental duties, including the preservation of the natural environment. One of the nation's constitutional goals is to protect the environment and preserve the forests, which will aid in limiting climate change and preserving biodiversity. On the other hand, the nation's residents also have a duty to practice sustainable behaviour that is focused on enhancing and protecting the environment and its forests, as well as to show compassion for all living things. The environment is the culmination of all these outside factors and circumstances that have an impact on an organization's growth and existence. Owing to all of these reasons, government, academics, and non-profit organizations have begun to recognize the significance of environmental preservation and pollution control. Significant environmental measures were adopted by the 42nd amendment to the Constitution, four years after the Stockholm Conference. In accordance with the new regulations, the state will make an effort to preserve and enhance the environment, as well as the nation's forests and wildlife, when it comes to the set of directive principles that govern the state in crafting its laws. The duty to safeguard the environment is one of the most important fundamental duties of citizens included in the 42nd Amendment.

It is the primary responsibility of every person to preserve and enhance the natural environment, which includes lakes, rivers, forest, and wildlife, as well as to show compassion for all living things. The states used to have sole authority to enact laws pertaining to population management, wildlife, and forests, but the concurrent list now allows both the federal government and state governments to do so. The states were already able to enact laws pertaining to certain environmental protection measures. Therefore, the exclusive authority to enact laws pertaining to public health and sanitation, agriculture, land, and fisheries within state borders rests with the individual states. Water is included in the state list as well. Subjects for union law include atomic energy, oil fields and resources, mines, interstate rivers and valleys, fishing in territorial waters, and other aspects of environmental protection that are on the union list. The concurrent list includes industries, power, monopolies, social and economic planning, nomadic tribes, and factories. These industries may be closely related to environmental protection and are subject to legislation from both the State and federal governments. Environmental pollution is a societal issue that has an impact on society as a whole. Similar to the population issue, which affects industrialized, emerging, and poor nations equally, the pollution problem is growing.

Directive Principles of State Policy – Article 48A: Protection and Improvement of Environment:



Article 48A of the Indian Constitution, added through the 42nd Amendment in 1976, directs the State to work towards protecting and improving the environment, and to safeguard forests and wildlife. Although it is part of the non-justiciable Directive Principles of State Policy, this article provides a strong moral and ideological basis for environmental laws. It reflects the State's commitment to ecological sustainability and guides policy-making at both national and state levels. Over time, courts have referred to Article 48A to assess the State's actions on environmental issues, highlighting its importance despite not being legally enforceable. Essentially, it serves as a constitutional guide, aligning biodiversity governance with sustainable development goals. In *State of Himachal Pradesh v. Ganesh Wood Product*, the Supreme Court held that a decision-making authority must give due weight and regard to ecological factors such as the environmental policy of government and the sustainable use of natural resources. A government decision that fails to take into account relevant considerations affecting the environment is invalid.

Fundamental Duties– Article 51A(g): Obligation of Citizens to Protect Natural Environment:

Alongside the State's duty in Article 48A, Article 51A(g) places a fundamental duty on every Indian citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife. This article promotes a shared model of environmental governance, recognizing that protecting nature is not just the government's responsibility but a collective one. Courts have frequently highlighted this duty in their rulings, encouraging citizens to follow environmental ethics and reinforcing public accountability. While it is not directly enforceable by law, Article 51A(g) has been interpreted together with Article 21 to emphasize the importance of environmental rights and responsibilities, effectively involving individuals in biodiversity protection.

Schedule VII Analysis: Division of Powers and Biodiversity:

India's federal system divides legislative powers between the Union and State governments through three lists in Schedule VII – the Union List, State List, and Concurrent List. Environmental governance, including biodiversity conservation, usually falls under the Concurrent List after the 42nd Amendment, covering topics like forests, wildlife protection, and biological diversity. This allows both Parliament and state legislatures to make laws on these subjects. However, this overlap can sometimes cause confusion and calls for strong coordination between governments. Central laws such as the Environment (Protection) Act, 1986, and the Biological Diversity Act, 2002, reflect this shared responsibility, ensuring national consistency while allowing regional flexibility. Successful biodiversity governance depends on balancing central policies with local needs, a challenge made harder by administrative divisions.

Role of Judiciary in Expanding Constitutional Interpretation:

The Indian judiciary has played a key role in broadening the interpretation of constitutional provisions to strengthen environmental protection. By using Articles 48A and 51A(g), courts have connected the right to life under Article 21 with the right to a clean and healthy environment,



making environmental protection a fundamental right. Through important Public Interest Litigations (PILs), the judiciary has tackled issues like deforestation, wildlife protection, and industrial pollution, holding both government and private parties accountable. Cases such as *Subhash Kumar vs. State of Bihar* and *M.C. Mehta vs. Union of India* have been crucial in establishing environmental law. The Supreme Court's active role has also led to the development of principles like the Polluter Pays Principle, Precautionary Principle, and Intergenerational Equity, bringing international environmental standards into Indian law.

The court noted in *Virender Gaur v. State of Haryana*, that the right to life is protected as a basic right by Article 21. Life cannot be enjoyed without sanitation, which is included in the scope of the right to live with human dignity, ecological balance free from air and water pollution, and environmental conservation and preservation.

4. Key National Legal Instruments on Biodiversity Conservation:

The Biological Diversity Act, 2002:

The Biological Diversity Act, 2002 was created to meet India's commitments under the Convention on Biological Diversity (CBD), which focuses on conserving biodiversity, using it sustainably, and sharing benefits fairly. The Act protects India's biological resources and traditional knowledge by regulating access, ensuring communities benefit, and promoting conservation. It has a three-tier structure: the National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs), and local Biodiversity Management Committees (BMCs). These bodies prepare biodiversity registers, review access requests, and ensure the law is followed. The Act balances protecting ecosystems with allowing regulated use for research, business, and intellectual property. A key feature of the Act is Access and Benefit Sharing (ABS), which requires fair compensation to local communities when their biological resources or traditional knowledge are used commercially. This helps prevent biopiracy and supports inclusive growth. However, enforcing ABS is challenging due to lack of awareness, poor documentation, and weak monitoring. Even with benefit-sharing agreements and ABS funds, many communities face delays or are excluded from benefits.

The NBA oversees international access and benefit-sharing agreements, while SBBs handle state-level approvals and supervise BMCs. BMCs prepare People's Biodiversity Registers (PBRs), local inventories of bioresources and traditional knowledge. Although over 250,000 PBRs have been started, many lack consistent data, scientific validation, and public involvement. BMCs often lack training, funding, and support, which affects local biodiversity governance quality. Courts have emphasized the importance of the Act's ABS rules and community rights, requiring companies to comply with benefit-sharing, as in cases involving seed and pharmaceutical firms. However, audits by the Comptroller and Auditor General (CAG) have pointed out poor coordination between agencies, lack of standard benefit-sharing models, and weak protection against resource exploitation. While the Act has a strong legal base, its success depends on institutional strength, technology use, and ongoing community participation.



Wildlife (Protection) Act, 1972 (With Amendments till 2022):

The Wildlife (Protection) Act, 1972 is one of India's earliest and most comprehensive laws for protecting wildlife and habitats. It classifies species into six schedules, with Schedule I and II receiving the highest protection and strict penalties for poaching. Schedule V includes species that can be hunted legally under certain conditions. The Act allows for declaring Protected Areas like National Parks, Wildlife Sanctuaries, and Conservation Reserves. Amendments up to 2022 have expanded protected species, strengthened wildlife boards, and improved penalties. Protected Areas serve as core zones for conservation and research, managed through scientific plans and patrols. However, urban growth and development threaten these areas. Infrastructure projects, forest land diversion, and roads fragment habitats. Human-wildlife conflicts, such as crop damage and livestock loss, affect both conservation and local lives. Despite strict laws, poaching continues due to illegal trade and weak enforcement in remote regions. Recent reforms focus on creating wildlife corridors and buffer zones to support animal movement and genetic diversity. The 2022 amendments address invasive species and give more power to enforcement agencies. Conservation efforts now include community groups like Eco-Development Committees (EDCs) and compensation for wildlife attack victims. However, these measures are not consistently applied across states. While the Act provides a solid legal framework, successful implementation needs coordination between departments, public support, and sound ecological planning.

In *Chandmari Tea Co. V. State of Assam*, the extension of a sanctuary to provide greater habitat for rhinos and animal corridors was being contested. The petitioners came from various backgrounds. Rhinos and other related species can find adequate habitat in the alluvial flood plains. The region had to be included in order to preserve the forests, enhance the ecosystem and protect the wildlife. The court found no evidence of a flaw or lapse in the communication of the extension.

In *Bombay Burmah Trading Corporation V. Field Director Project Tiger and Conservator of Forests*, a sanctuary's access and mobility may be restricted. The Madras High Court dealt with issues related to road usage restrictions inside wildlife sanctuaries, private citizens' rights within the sanctuary and the rights of private individual are subjected to the grant of permission by Chief Wildlife Warden. *Tanu Bharat Singh Alwar V. Union of India*, examined the topic of mining operations in protected areas and its legality under the WLPA. In that instance, a mining license for a portion of a sanctuary was contested on the grounds that it violated rules protecting animals and forests and threatened the habitat of species, which would have a negative ecological impact.

Environment (Protection) Act, 1986:

The Environment (Protection) Act, 1986, passed after the Bhopal Gas Tragedy, is an umbrella law giving the Central Government broad powers to control pollution. Though it doesn't mention biodiversity directly, it supports biodiversity protection through rules on hazardous waste, eco-sensitive zones, and Coastal Regulation Zones (CRZ). The Act lets the government restrict industrial activities in sensitive areas, protecting biodiversity-rich regions. Under Section 3, the



government has issued notifications important for biodiversity. The CRZ notification limits activities in coastal ecosystems like mangroves and coral reefs, which are rich in marine life. The Environmental Impact Assessment (EIA) Notification requires ecological reviews for major projects. However, experts criticize the EIA process for poor public input, fast clearances, and weak follow-up. Despite these issues, these tools provide important legal support for biodiversity when used well. The National Green Tribunal (NGT), created in 2010 under the EPA, offers a judicial forum for environmental justice, including biodiversity cases. It has ruled on illegal mining, deforestation, and violations in sensitive areas. The NGT orders habitat restoration, fines offenders, and promotes sustainability and fairness for future generations. Its fast and expert handling of cases is a key innovation, though challenges remain with enforcement, jurisdiction limits, and case backlogs.

It is now widely acknowledged that a significantly degraded environment makes it impossible to attain human enjoyment and growth, which have since been accepted as essential human rights. Thus, recognition of the right to a natural environment as a basic human right is growing. Thus, maintaining the ecosystem is essential to human survival. Any release of materials or energy into the air, water or land that degrades the quality of life or threatens the earth's ecological balance over the short or long term is considered environmental pollution. Pollutants can create secondary damage, which manifests as little disturbances to the delicate equilibrium of the biological food chain that are only slightly noticeable or primary damage, which has an immediate and observable effect on the environment for long time period.

The massive amounts of industrial waste produced by unchecked industrial expansion are upsetting the natural balance by contaminating the air and water, which has dire consequences for both people and wildlife. The 1972 U.N. Stockholm Conference on the Human Environment discussed ways to enhance and prevent pollution, which led to the introduction of legislative measures for pollution control and prevention as well as environmental preservation. The Parliament passed the Environmental (Protection) Act, 1986 as a result.

This is the most significant piece of environmental law passed since independence where the President ratified The Environment (protection) Act 1986 on 23rd May. The Act covers every facet of the environment, with water ranking first in the definition of environment. It is an Act to provide for the "protection and improvement of the environment and for the matters connected therewith," as stated in its broad title. It presents some intriguing provisions in the content of its penal regulations. The people most immediately impacted by the Act and the statutory rules and orders that will occasionally be issued under the Act are the heads of industry in both the public and private sectors. There are currently several rules in place to prevent pollution. However, a lot is recognized about the Act that is being considered. The following terms have the following meanings according to the Sec 2(a) of Environment (Protection) Act of 1986: The term "environment" refers to the elements of water, air and land as well as the relationships that these elements have with one another, with humans, other living things, plants, microorganisms and



property. Any solid, liquid or gaseous material existing in a concentration that could be harmful to the environment or has the potential to do so is referred to as an "environmental pollutant".

Sec 2(b) defines, "Any environmental contaminant that is present in the environment is referred to as "environmental pollution."

The Supreme Court noted in *Hinch Lal Tiwari v. Kamla Devi*, that the preservation of the natural, healthy environment depends on the protection and preservation of community material resources including mountains, tanks, ponds and woods that uphold ecological equilibrium. The Supreme Court has previously noted in *Virender Gaur v. State of Haryana*, that the term "environment" had to be interpreted broadly to include an ecological balance and a hygienic atmosphere.

5. Cross-Sectoral Laws and Their Biodiversity Linkages:

Forest (Conservation) Act, 1980: Approval Process for Forest Land Diversion:

The Forest (Conservation) Act, 1980, is an important law that controls the use of forest land for non-forest purposes like infrastructure, mining, and industrial projects. It requires prior approval from the Central Government before any forest land can be diverted. This law helps regulate and reduce deforestation, supporting biodiversity by protecting forest ecosystems. It also requires compensatory afforestation and charges a Net Present Value (NPV) fee from user agencies, which goes into the Compensatory Afforestation Fund. However, some criticize it for allowing easy clearance of development projects and poor monitoring of afforestation efforts. The environmental damage caused by diverted land is often permanent, raising concerns about the long-term effects on habitats and biodiversity.

Indian Forest Act, 1927 (Reforms and Critique): Rights vs. Conservation Conflict:

The Indian Forest Act, 1927, was created during British rule to strengthen government control over forests. It classified forests into reserved, protected, and village forests, often limiting the traditional rights of forest communities. While it helped centralize forest management, it is criticized for criminalizing indigenous practices and focusing more on timber than ecological health. Current reform efforts aim to update the Act by including ecological roles, community rights, and biodiversity goals. Still, conflicts remain between government-led conservation and the needs of communities who depend on forests. Enforcement often limits community participation, leading civil society and tribal groups to call for a fairer forest rights system that respects biodiversity and social justice.

In the case of *Padavettal v. State of Tamil Nadu* is pertinent in this regard where a group of migrants to the forest had long engaged in agricultural operations with the benefit of adverse possession. The location was made reserved and asked for any concerns. The notifications elicited no response from the migrants. As a result, the Madras High Court ruled that a local community's agricultural grounds were not excluded from a restricted forest. It can establish guidelines for managing these types of forests, defining the terms and conditions under which the local



community would receive wood or other forest products as well as assigning duties for the preservation and enhancement of these types of forests.

It was decided in *Divisional Forest Officer V. S. Nageswaramm*, that lessees do not have a vested right to renew their leases. Granting a mining lease in a forested area without the Central Government's prior approval is strictly forbidden.

The State Government's decision to revoke a license due to complaints from the forest department was contested in *State of Madhya Pradesh v. Krishnadas Tikran*. In the absence of appropriate approval, the Supreme Court ruled that the cancellation was appropriate.

Panchayats (Extension to Scheduled Areas) Act, 1996 – PESA: Role of Tribal Communities and Customary Practices:

The Panchayats (Extension to Scheduled Areas) Act (PESA), 1996, brings decentralized governance to tribal areas in India, recognizing the traditional rights of indigenous people. Under PESA, Gram Sabhas in Scheduled Areas have the power to manage local resources like forests, water, and minor forest products. This law supports community-led biodiversity conservation based on traditional knowledge and practices. PESA promotes democratic participation and respects diverse legal traditions in resource management. However, its implementation varies across states due to political resistance, bureaucratic hurdles, and weak institutions. Where properly applied, PESA provides a decentralized, culturally aware model of biodiversity management.

Coastal Regulation Zone (CRZ) Notifications: Marine Biodiversity Governance:

The Coastal Regulation Zone (CRZ) notifications, under the Environment (Protection) Act, 1986, control development along India's 7,500 km coastline to protect coastal ecosystems such as mangroves, coral reefs, estuaries, and nesting sites. First issued in 1991 and updated most recently in 2019, these notifications classify coastal areas into zones and restrict activities like construction, industry, and land reclamation. The CRZ rules play a key role in conserving marine biodiversity by limiting harmful coastal development and pollution. However, recent relaxation of rules and lack of community involvement have raised concerns among conservationists. Effective coastal biodiversity management must balance environmental protection with the livelihoods of fishing and coastal communities.

Water (Prevention and Control of Pollution) Act, 1974:

Water is essential to the life of all living things, including plants and humans. Even though water covers about one-third of the earth's surface, most regions of the world still lack access to clean drinking water due to pollution. Article 21 of the Indian Constitution has been interpreted to include the provision of potable water as part of the fundamental right to life. In *Susetha V. State of Tamil Nadu*, AIR 2006 SC 2893, the Supreme Court ruled that water is a natural gift. This bounty cannot be allowed to be turned into a curse or an oppressive system by human hands. The right to water and a healthy environment are integral parts of the right to life and are considered as fundamental freedoms.



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In *Shailesh R. Shah v. State*, the Gujarat High Court reaffirmed the necessity of appropriate water management, citing the numerous illnesses that can arise from contaminated water supplies and endanger public health. Water should not include any pollutants because it is necessary for life to exist. It is the responsibility of the municipal authorities to set up a drinking water supply that is safe for human health. A state water strategy should be developed by the State Government and a council for water resources should be established. The State's departments of agriculture, urban and rural development, and water resources management should be in charge of managing and maintaining these resources. Given that water pollution is a national issue that affects all states regardless of their geographic location or territorial makeup, the legislatures under Arts. 249 and 252 of the Constitution where majority of the states passed motions requesting that the Parliament enact a central law to prevent and control water pollution. In light of this, the Water (Prevention and Control of Pollution) Act, 1974 was passed by the Parliament. The "prevention and control of water pollution" as well as the preservation or restoration of the "wholesomeness of water" are the key goals of this Act. The application of this Act is limited. The Act is only in effect in the states that have asked for it or approved it through a state legislature resolution.

The Air (Prevention & Control of Pollution) Act, 1981

While scientific and technological advancements have undoubtedly benefited humanity, they have also brought about some grave issues, one of which is the pollution problem. Because all living things depend on air to survive, the presence of different contaminants in the air for an extended period of time is damaging to both plants and living beings. As everyone knows, air is essential to life. Even over a little period of time, no living thing can exist in the absence of oxygen in the atmosphere. The percentage of different components in the air, such as oxygen, hydrogen, nitrogen, etc., is fixed; any alteration in the composition of the air brought about by the addition of hazardous substances produces is known as pollution. The main sources of air pollution in modern cities include automobiles, factories, railroads, and a variety of household activities. Gaseous emissions are released by several companies throughout different operations. Coal, coke, petroleum products, etc. are used by several businesses as energy sources. It is a well-known fact that the majority of enterprises either treat gaseous emissions inadequately or not at all. These emissions typically contain hazardous substances such carbon oxides, lead, heavy metals, complex organic metals, and toxic gases. They travel great distances and alter the surrounding air's composition, which pollutes the air over a wide area. The main industries that pollute the air include those that produce iron and steel, cooking ovens, pulp and paper, refineries, chemical plants, and cement factories, among others. Fly ash is a nuisance in almost every neighbourhood near a thermal power plant. Another example of industrial air pollution is bad odours in the atmosphere caused by enterprises producing pulp, paper and sugar, among others. Another significant industrial activity that pollutes the air in India is mining. Significant air pollution has been caused by coal dust and other solid particles produced during the mining process in areas like Bihar, West Bengal and Orissa. Because most urban areas lack adequate facilities for disposing of solid waste, much of it is burned outside. For hours on end, the slowly burning trash emits toxic fumes.



There are major negative effects of air pollution on living things' health. Air pollution is known to be connected to several illnesses, including cancer, asthma, and bronchitis. Air pollution has a major negative impact on a baby's or foetus mental development. Our properties are also impacted by tainted air. Structures exposed to contaminated air, such as our historic sites, gradually decay. We are all aware of the significant harm that the nearby air pollution has done to the well-known Taj Mahal. We are being exposed to dangerous UV radiations as a result of the ozone layer being destroyed, which can lead to skin cancer, cataracts and other deadly illnesses. The rapid melting of icebergs is a result of global warming, which is an increase in Earth's temperature. This will cause a large number of coastal areas to permanently submerge below the sea. "Acid rains" are the outcome of chemical changes in the earth's atmosphere caused by pollution. All that's happening here is rainfall in highly acidic water. Such water poses a serious risk to people, pets, plants, and property. The Madras High Court ruled in *South India Salt Manufacturing Association v. Tamil Nadu Electricity Board*, that environmental pollution is a social issue that needs to be managed carefully to protect public health since it has an impact on society as a whole. Numerous regulations exist to prevent and manage pollution in the air, water and environment; however, their implementation requires careful planning and the Pollution Control Board is essential to the enforcement of environmental laws.

6. Conclusion:

India's policy and legal framework for biodiversity conservation is comprehensive, informed by constitutional requirements, legislation, administrative regulations, strategic plans, and international commitments. Core legislations such as the Biological Diversity Act, 2002, the Wildlife (Protection) Act, 1972, and the Environment (Protection) Act, 1986, and policy tools such as the National Biodiversity Action Plan (NBAP) and National Environment Policy (2006) reflect a tiered and progressive commitment to environmental management. Moreover, judicial intervention via Article 21 of the Constitution and the establishment of institutions such as the National Green Tribunal (NGT) has further widened the horizon of environmental rights and enforcement. Case studies from Western Ghats, sacred groves, and agro-ecological zones demonstrate how the national laws play out on the ground, frequently intersecting with customary usages, community governance, and developmental disputes.

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