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National Seminar

on

**IPR Management in Biodiversity Conservation:
Implications of Access Benefit Sharing, TRIP/CBD
and Biodiversity Acts**

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Legal Issues and Environment Protection Laws in India

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Abstract

The term environment though is defined in many ways can be simply termed as the synonym of our surrounding covering the whole biotic as well as abiotic world and their interactions. Since the advent of civilization humans have mindfully and unmindfully lead to over consumption, exploitation and deterioration of this biophysical environment. The degradation done in the shade of development was supposed to be multidimensional out of which only partial approach is followed. We have done wonders in term of economic development, political development, scientific advancement and many other; but at the same time left behind the ecological and moral development with this blind run of unbalanced development the need for sustainable development arises which is commonly defined as "Development that meets the needs of present generation without compromising the ability of future generations to meet their needs." Sustainability describes the tripods of development as – Environment concerns, economic resource base and social goals. Being evident that development cannot be considered in isolation from sustainability which safeguards coming generations it signifies that there are some "limits to growth" or limits to development". A positive check on the interruptions of disastrous development on environment can be done by three factors - Ethics, Education and Legislation.

Keywords- Environmental Laws, Sustainable Development, Constitutional Articles.

Introduction

The initiation of legislation for environment protection began globally with the UN conference at Stockholm in 1972 followed by 1983 Brundtland commission, Earth summit of 1992, Earth summit +5 1997, world summit on sustainable development (2002), Rio +20 (2012). With every assembly of world countries in these commissions now targets and laws were formulated, also the implementation plans were put up.

Indian environmental laws are a result of international conventions and judicial Pronouncements. Indian constitution provides the protection laws for environment in its core pronounced in fundamentals rights and Directive principals of state policy and fundamentals duties. Although the environmental laws of India accommodates several acts and constitutional power to

protect environment including acts on Wildlife, Forests, Air, Water, coastal regulations, Biodiversity Act and many more. In addition the government also provides the green benches, National Environment Tribunals, Eco mark, Bio safety protocol, Environment Impact Assessment for strengthening the laws.

Despite all these the judicial processes in India is sluggish, expensive and tedious. Deficiency of awareness in citizens, lack of remuneration for environmental cases result into a moribund system. "The Environment though clearly stated to be an important agenda in our lengthy constitution has always received a lower pedestal in comparisons to development". India have all laws that need to be there. A proper planning along with