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**GLOBALIZATION AND EVOLUTION OF ENVIRONMENTAL LAW IN INDIA**- Apoorva Singh<sup>1</sup>**ABSTRACT**

Globalization is a process of integration of world economies and encompasses the various factors of the process of on going global integration including integration of economies, nations, political interactions, culture and people. However globalization has created some concerns, among which are the far reaching effects of globalization on the environment. This is because the on-going process of globalization between the nations has increased the consumption of products which in turn increases the production of those goods, putting the stress on the environment for its needs. This also sparked a debate about how the liberalization of trade affects the environment. These globalization activities between different countries had an adverse and alarming effect on the environment as well leading to various environmental problems, some them being depletion of ozone, rise in the pollution level, damage to ecosystem, degradation of air, water and soil quality, usage of plastic, exhaustion of non-renewable resources and encroachment of land. The UN Conference on the Human Environment commonly known as Stockholm, 1972, Rio Declarations, 1986, United Nations Framework Convention on Climate Change, 1992 and Kyoto Protocol are some of the conventions, policies and regulation that have helped in laying down rules and procedures for the protection of environment. The global environmental problem caused by globalization has also led to development of environmental laws on international platform in new important ways. The themes that are mainly focused in this research paper are the effects of globalization on our environment, the environmental law developing throughout the world in the epoch of globalization and various environmental laws in India and judicial pronouncements.

**INTRODUCTION**

Globalization is the reason why the economies and nations have grown interdependent on each other by the process of integration between the people, cultures and economies by the spread of

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cross border trade in goods, services, employment opportunities, information and cultures. Globalization has positive as well as negative effects. Even though globalization holds great advantages in terms of economic development and integration of societies around the globe, it has a major disadvantage that overcomes the many advantages. The major disadvantage is the threat posed by globalization to the environment. Therefore it is important to understand the nexus between the environment and globalization in order to understand to importance of environment in this epoch of globalization<sup>2</sup>. Environment itself is global phenomenon with no national or international boundaries. Environment is interlinked with the process of globalization as the environment provides the natural resources that are used to fuel the economy and it is the rising globalization that has resulted in the diminution of natural resources and in result has destroyed the balance in the ecosystem. Climate change and global warming are the most bothersome problems caused by globalization around the world. The increased level of greenhouse gases in the atmosphere is the cause for climate change. Globalization promotes CO<sub>2</sub> emissions in the atmosphere by the transportation of raw materials and good from one place to another which in turn raises the level of pollution. The sources of CO<sub>2</sub> emissions include transportation, industrial production and deforestation.

Globalization is a process that is happening at the cost of environment. Globalization makes the way for multinational companies to enter countries in manner of their convenience and profitability. The reason why the MNCs move their operations to the developing countries in order to save costs on labour and raw material because of the environmental regulations being not much stringent. This happens when the environmental standards are low and even if the regulations exist, there implementation procedure is weak. While globalization facilitates one part of the world to enjoy benefits of good produced somewhere else, the other part bears the consequences of environmental degradation and pollution. The Bhopal Gas Tragedy<sup>3</sup> is an example of effect of globalization wherein the human lives along with the environment were impaired by a MNC. It was an eye opener for the legislature and drew their attention towards the protection of environment. This resulted in the implementation of The Environment Protection Act, 1986 under Article 253<sup>4</sup> of the constitution. The act provided a shield to the environment against the hazardous industries by strengthening the regulations on pollution control for the protection of environment.

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<sup>2</sup> Indian context

<sup>3</sup> Union Carbide Corporation v. Union of India (1991) 4 SCC 584

<sup>4</sup> Legislation for giving effect to international agreements

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The international agreements and conventions of Stockholm, Rio Declaration, United Nations Framework Convention on Climate Change, 1992, Kyoto Protocol played a major role in protection of environment. However, the United Nations Conference on the Human Environment (Stockholm, 1972) was a turning point for environmental protection laws and regulations in India. The Stockholm declaration influenced the policy framers and a well-developed framework known as the National Council for Environmental Policy and Planning, 1972 came into existence. However several legislations existed before the Stockholm Convention, some of the notable legislations passed for the environmental protection after it include the Prevention and Control of Pollution Act, 1974, Forest Conservation Act, 1980, Environmental Protection Act, 1986, Biological Diversity Act, 2002 and National Green Tribunal Act, 2010. The environmental concerns were also incorporated in the Constitution of India under the Directive Principles of State Policy and Fundamental Rights and Duties by the virtue of 42<sup>nd</sup> Amendment. They are enunciated in Article 21, Article 48 and Article 51A. The judiciary has also played a major role in environmental regime by including the polluter pay principle and precautionary principle as a part of the environmental law and passed many judgements on the same.

### 1.1 RESEARCH QUESTIONS

In the light of above mentioned study, the following questions have been construed that will guide the research paper:

1. What is the impact of globalization on the environment and why has a debate sparked between supporters of trade liberalizers and environmentalists?
2. What are the various environmental laws in India?
3. What is the role of the judiciary in protection of environment in the context of globalization?

### 1.2. OBJECTIVES OF THE STUDY

While research was conducted to formulate a thought of process as to how the paper should be presented, the following objectives were formulated:

1. To examine the environmental costs of globalization and the threats possessed by globalization. To probe the extent of environment affected by trade liberalization (globalization) in the light of argument between two different schools of thought.

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2. To trace the constitutional provisions on environment, environmental laws and policies prevalent in India by the virtue of constitution and legislature.
3. To analyze the implementation of environmental laws by the interverntion of judiciary for resolving environmental controversies.

### 1.3. SIGNIFICANCE OF THE STUDY

Environmental Law is a study of ways to protect and manage the environment. This research work will be helpful to understand the concepts of globalisation and environment with the importance of environment protection from globalization and the role played by globalization in context of environment. The research work will be useful in understanding the relation between globalization and the environment in depth along with the forces that have impacted the environment, main impacts of globalization on environment and how the process of globalization has nurtered a variety of environmental problem. The research paper brings attention to the various steps taken at international and national level by way of policies, procedures and laws existing to protect the environment from the forces of globalization.

### 1.4. RESEARCH METHODOLOGY

The method of research used in the paper is mainly based on secondary sources of data such as books, articles and online sources. A doctrinal method of research has been used. Facts and other points of issues have been discussed based on various articles and sources. Various case studies have been read to trace the development of the topic at hand. Apart from this, ideas and opinions based on articles and other papers have also been looked into. The paper mainly tries to study and develop an understanding about the effects of globalization on the environment and relation between the two. Research questions have also been framed along the lines of which his paper will operate.

### 1.5. SOURCES OF DATA

There are primarily two sources of data, primary and secondary data. This research work is basically concentrated on the analysis of the secondary data. The research paper solely depends on secondary data such as text books, commentaries, articles on various national and international journals found on online databases and other materials like case laws and comments available on the internet.

### 1.6. REVIEW OF LITERATURE

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The works which have been referred to are, “Globalization, Climate Change and Global Environmental Law”, by Dr. Rehana Parveen<sup>5</sup>, this research paper broadly focuses on the link between climate change, global environmental laws and globalization by analyzing the aspects related to climate change. The paper talks about the effectiveness of the environmental protection mechanism and suggests the improvement in environmental laws and adoption of new laws. “The Globalization of Environmental Law”, by Robert V. Percival<sup>6</sup>, the paper explains the concept of international environmental law and explores the factors that led to the development of it. The researcher had observed effects of environmental law. “International Trade and Environmental Development: A View from India”, by R.S. Pathak<sup>7</sup>, the author in the paper has discussed the India’s environmental philosophy, the traditions and environmental policies and laws with reference to the view on globalization and environment. “Role of Environmental Law in Development”, by Bondi D. Ogolla<sup>8</sup>, this research paper explains the role of environmental law in the process of development and the legislative frameworks on the same. It also establishes a relationship between development and the environment. “A Study on the Relationship of Environmental Regulations and Economic Performances”, by Nisha Jia and Chen Shen<sup>9</sup>, the researchers in this paper have examined how the environmental laws and regulations affect the economic performance of a country. They do so by analyzing the mechanism transmission from a diverse perception of direct and indirect transmission. “Trade Liberalization and Environmental Protection”, by Marvin Spence<sup>10</sup>, the paper examines the influence of globalization leading to emergence of environmental concerns by instituting a link between these two. The author also attempts to create balance between them by the concept of sustainable development. “Globalization and Environment in India”, by Sugata Marjit and Eden Yu<sup>11</sup>, the research paper has been formed on the theme of how the climate and the environment in India is impacted due to globalization. The paper discusses in length about how the environment in India has been affected by the contribution of forces of globalization. Globalization: Effects on Biodiversity, Environment and Society, by David Ehrenfeld<sup>12</sup>, the author in the paper has discussed about the ill-effects of globalization on the environment. He had given in depth information on how the economic trade and technological advancements

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<sup>5</sup> International Journal of Environmental Science, Volume 4, 2019

<sup>6</sup> Pace Environmental Law (PELR) Review, Vol. 26, p. 451, 2009, U of Maryland Legal Studies Research Paper No. 2009-34

<sup>7</sup> Indiana Journal of Global Legal Studies: Vol. 1 : Iss. 2 , Article 3

<sup>8</sup> Journal of the Indian Law Institute, Vol. 29, No. 2 (April-June 1987), pp. 187-200

<sup>9</sup> Jia Nisha and Shen Chen 2017 IOP Conf. Ser.: Earth Environ. Sci. 94 012035

<sup>10</sup> Marvin Spence, March 15 2011, E-International Relations

<sup>11</sup> Marjit, S. and E. Yu. 2018. Globalization and Environment in India. ADBI Working Paper 873

<sup>12</sup> Conservation & Society , January-June 2003, Vol. 1, No. 1 (January-June 2003), pp. 99-111

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have led to depletion in the generic diversity of in wild species and agriculture, increased greenhouse gas emissions, climate change and many such climatic and environmental disruptions in India and around the world.

## 1.7. CHAPTERIZATION

### ▪ CHAPTER 1- INTRODUCTION

The first chapter of the research paper gives us a brief introduction about the topic- “Globalization and Evolution of Environmental Law in India”. It talks about the importance of environmental laws, effects of globalization on the environment and climate change and the role of globalization in environmental laws. It also talks about facets associated to climate change kept in check through the national and international environmental laws and agreements. Besides, the chapter includes the research questions, research objectives, statement of problem, significance of study, methodology used, and sources of data and review of literature.

### ▪ CHAPTER 2- GLOBALIZATION AND ITS IMPACT ON ENVIRONMENT

The second chapter explains the impact of globalization on the ecological cycle and how it has contributed to the widespread environmental degradation as well. It talks about the increase in consumption and production of goods due to globalization had affected the environment. This chapter also explores argument of whether the trade liberalization is good or bad for the environment.

### ▪ CHAPTER 3- ENVIRONMENTAL LAWS IN INDIA

This chapter throws light on the environmental laws that are established in response to international conventions and also the laws prevailing in order to ensure protection of biodiversity and environment. The legal provisions on environment, environmental laws and policies prevalent in India by the virtue of constitution are also discussed.

### ▪ CHAPTER 4- ROLE OF JUDICIARY

The fourth chapter elucidates the intervention of judiciary for resolving environmental controversies. It includes the judicial pronouncements on polluter pays principle. It also contains numerous judgements passed by the judiciary concerning many other environmental issues as well.

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- CHAPTER 5- CONCLUSION

This chapter includes the conclusion about the environmental pollution caused by globalization and the significance of environmental laws and sustainable development in the era of globalization.

- CHAPTER 6- REFERNECES

The last chapter includes various sources and names of articles, research papers used for references and data collection.

## 2. GLOBALIZATION AND ITS IMPACT ON ENVIRONMENT

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Globalization has created some concerns, among which are the far reaching effects of globalization on the environment. This is because the on-going process of globalization between the nations has increased the consumption of products which in turn increases the production of those goods, putting the stress on the environment for its needs. Prior to globalization, the products consumed by the consumer included those available in the vicinity, however with globalization in place the consumption of foreign products has been increased drastically which requires their transportation which in turn has increased the pollution level because of quantum of fuel being used for it. These globalization activities between different countries had an adverse and alarming effect on the environment as well leading to various environmental problems, some them being depletion of ozone, rise in the pollution level, damage to ecosystem, air, water and soil degradation, usage of plastic, exhaustion of non-renewable materials and encroachment of land. Climate change and global warming are the most bothersome problems caused by globalization. The increased level of greenhouse gases in the atmosphere is the cause for climate change. Globalization promotes CO<sub>2</sub> emissions in the atmosphere by the transportation of raw resources and good from one place to another which in turn raises the level of pollution. The sources of CO<sub>2</sub> emissions include transportation, industrial production and deforestation. The incident of 2010 of leakage of oil from the containers of British Petroleum is an example wherein globalization marred the ecosystem and the environment.<sup>13</sup>

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<sup>13</sup>An industrial disaster that took place in the Gulf of Mexico on April 2010 exterminating the marine life and habitation

The consumption of fuel required for transportation of the products has led to an increase in the levels of pollution in the environment all over the world. Non-renewable resources, for instance, gasoline are also strained due to the activity of transportation. In addition to increasing greenhouse effect depletion of ozone layer is also seen because of the gases being emitted from aircrafts. The ships are burdened with the disposal of industrial waste in the oceans leading to deposition of hazardous chemicals in the marine water and extermination of the marine organisms.

Climate change is a convoluted issue; a phenomenon being environmental in nature poses magnitude for each and every realm of life on the planet. Global issues such as population growth, poverty, economic development, resource management, sustainable development are some that either impacts or are impacted through this phenomenon. Being a threat to the environment on global scale requires a global solution to tackle it. Greenhouse gases emitted by an industry in any country irrespective of the region where they originate have an adverse impact on the atmosphere contributing to climate change. Thus every country needs do their part to reduce the emissions because action taken by any one country cannot help to curb global warming unless every country contributes to do the deed. An effective strategy not only requires its rightful implementation but also requires the action, discipline and commitment by all the major greenhouse gas emitting countries in order to combat global warming.

In order to think over the solutions and deal with the impact of increasing global temperature, climate change because of it, many countries in the year 1992 joined an international treaty named the United Nations Framework Convention on Climate Change<sup>14</sup> (UNFCCC). By the year 1995 the member countries comprehended that the provisions in the convention and measures taken by the convention are scant to reduce the emissions. Kyoto Protocol<sup>15</sup> was adopted in 1997 to operationalize the convention in order to intensify global retort to climate change. Based on the principles laid in the convention, the protocol commits the developed nations to stabilize their greenhouse gas emissions. The Kyoto Protocol's central principle puts substantial burdens on developed nations and binds them to fulfill the target of emission reduction. The first commitment period of the Protocol initiated in the year 2008 ending in the

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<sup>14</sup> An international treaty for the protection of environment, addressed climate change, known as Earth Summit

<sup>15</sup> An extension of UNFCCC committed for the reduction of emission of greenhouse gases



year 2012 and the second commitment period were set off in January 2013 and ended in 2020.

Various chemicals and pollutants are tossed into the soil by the industries because of globalization. These chemicals in return help in growth of different poisonous plants and weed. The genetic character of the plants is also damaged by this chemical discharge. The pollution in the soil of that region puts pressure on the land resources that are yet unused in this era of globalization. In order to facilitate uninterrupted transportation of raw materials mountains are cut to construct highways and tunnels in several locations around the world. New industries are being built by encroaching vast barren lands. These constructions may facilitate the development and globalization now, but they possess perpetual effects on the environment. Globalization has also led to an immense increase in the use of non-biodegradable plastics in shipments for the purpose of preserving and packaging the products. Packaging is important in order to export them to fuel the process of globalization. This in return causes environmental pollution.

Globalization has also led to reduced genetic diversity in agriculture because of higher demands and consumption of only few particular produces. One such example for reduced genetic diversity in agriculture is the agriculture of rice. Prior to globalization, more than 30,000 indigenous species of rice was grown in India. With the introduction of globalization in the past decades, the rice diversities drastically changed and it is predicted that in the upcoming decades, the rice diversity would come down to just 50 variety. Globalization has not only impacted domestic varieties but this is also experienced by the wild relatives of food plants. Several of them are rare and are depleting at a fast pace with the evolution of globalization.<sup>16</sup>

Globalization of trade and technologies reached new heights in the beginning of the twentieth century with the rapid increase of exploitation of non-renewable resource and natural resources. The loss of species could be compared to that with the extinctions of earlier terrestrial era. The visible decline in the biodiversity is one of the many gifts given by globalization to the environment<sup>17</sup>. There are numerous factors that aid to the adverse impact of globalization on the environment. Encroachment for production agriculture, excessive marine fishing<sup>18</sup>, exploitation of natural resources, discharge of industrial waste into soil and water<sup>19</sup>,

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<sup>16</sup> Prescott-Allen 2019

<sup>17</sup>Ehrenfeld 2002

<sup>18</sup> Edwards 2002; Murray et al. 2002

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ecotourism<sup>20</sup>, climate change due to emission of greenhouse gases are some them.

Economic globalization has given rise to the global environmental concern for the world and has sparked an argument between environmentalists and free traders. The environmentalists' view globalization as an originator of environmental degradation and that it has also led to unsustainable utilization of natural resources. However the free traders' believe that globalization has brought environment friendly technology replacing the traditional methods and technology. This debate had led to the introduction of the model of sustainable development with using the resources in such a manner for economic development that there exists a balance between the growth and environment by fulfilling the needs of present generation while saving for the future generation as well.

### 3. ENVIRONMENTAL LAWS IN INDIA

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In order to restraint the damages caused to the environment, the government had passed several legislations. Those legislations include Water Prevention and Control of Pollution Act, 1974, Forest Conservation Act, 1980, Environmental Protection Act, 1986, Public Liability Insurance Act, 1889, Biological Diversity Act, 2002 and National Green Tribunal Act, 2010.

Various environmental legislations existed even before India's Independence, but after the United Nations Conference on the Human Environment<sup>21</sup> (Stockholm 1972) real momentum for a well-developed framework was put forward. The first crucial attempt to sustain and look after the human environment at international level was at Stockholm Declaration of 1972. Adopting the legislative measure to safeguard and refine the environment by the States was the requirement as the outcome of Declaration. In the year 1972, the National Council for Environmental Policy and Planning inside the Department of Science and Technology was set up under the influence of the Declaration. The head of administrative bodies in India for amending and assuring environmental protection is the Ministry of Environment and Forests

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<sup>19</sup>Laurance and Fearnside 2002

<sup>20</sup> Klein et al. 1995

<sup>21</sup> Held in Stockholm, Sweden in 1972. The need for environmental protection was acknowledged here. For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

(MoEF) 1985 which is the transformation of the council. Environmental issues got constitutional authorization in 1976, after Stockholm Conference, with the introduction of 42nd Amendment. This amendment assimilated them into the Directive Principles of State Policy and Fundamental Rights and Duties.

The state commitment to look after and recover the environment is categorically vocalized in The Directive Principles of State Policy and the chapter on Fundamental Duties. Following provisions for protection of environment are constituted in the Indian Constitution:

1. "No person shall be deprived of his life or personal liberty except according to procedure established by law" stated in Article 21. The apex court acknowledged various autonomies that are suggested by Article 21, including the right to a healthy environment in *Subhash Kumar v. State of Bihar*<sup>22</sup>, and *Virendra Gaur v. State of Haryana*<sup>23</sup>. Following the apex court's lead all the State High Courts take environmental issues under article 21.
2. Article 48A enforces, "The State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country."
3. Article 51A provides, "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wild life and to have compassion for living creatures."

The Polluter Pay Principle has been held as law of land by the Supreme Court in several of their judicial pronouncements. The Organization for Economic Cooperation and Development<sup>24</sup> (OCED) in 1972 introduced the Polluter Pays Principle. Under Polluter Pays Principle the polluter is accountable for the environmental pollution and environmental damages. Later the guidelines for sustainable development were enshrined in the Rio Declaration<sup>25</sup>. Sustainable Development is a concept that aims to maintain a balance between satisfying the needs of present and future generation. The Principle 16<sup>26</sup> of Rio Declaration adopted in 1992 assists the concept of sustainable development asserting the polluter to compensate for damages caused by him.

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<sup>22</sup> A.I.R 1991 SC 420

<sup>23</sup> (1995) 2 SCC 577

<sup>24</sup> An economic organization established in 1961 for carrying out economic development and world trade

<sup>25</sup> Principles for relationship between states and their citizens for environment and development are laid down in the document

<sup>26</sup> Polluter Pay Principle

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#### 4. ROLE OF JUDICIARY

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The intervention of judiciary for resolving environmental controversies are elucidated stating various judgements passed by it. It includes the judicial pronouncements on polluter pays principle. It also contains numerous judgements passed by the judiciary concerning many other environmental issues as well.

The polluter pay principle is professed as a fragment of environmental legal system of India in many judgements passed by the Indian judiciary. The polluter pay principle was defined and applied first time in India in the case of Indian Council for Enviro-Legal Action v. Union of India<sup>27</sup>. It was determined by the court that the responsibility to take proper precautionary measures should rest upon the industry which has caused pollution. The court held that the person carrying hazardous activity is solely responsible and liable for the financial burden caused to any other person by his acts and that such burden cannot be shifted on to the government. Further, it was also stated that the government is empowered to give effect to this principle by taking adequate measures under Section 3 and giving direction under Section 5 of the Environment (Protection) Act, 1986.

The 'polluter pays principle' was declared as a part of environmental jurisprudence of India by the Supreme Court in Vellore Citizens' Welfare Forum v. Union of India<sup>28</sup>. The court held, it is absolute liability of the polluter for harming the environment and it includes liability to compensate to the victim of the pollution along with cost of refurbishing the environmental degradation. The court observed that "remediation of the damaged environment is part of the process of 'Sustainable Development' and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology."

In M.C. Mehta v. Union of India<sup>29</sup>, (Oleum Gas Leak case), the court held that it is the duty and responsibility of the enterprise that deals in a hazardous or dangerous industry to ensure that no harm is posed due to the activity been carried by them to the persons working in the factory and

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<sup>27</sup> AIR 1999 SC 1502

<sup>28</sup> AIR 1996 SCC 647

<sup>29</sup> AIR 1987 SC 1086

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the people residing in the surroundings, any such enterprise owes an absolute and non-delegable duty to the community to ensure their safety. The enterprise must be absolutely liable for any damages caused thereafter by them despite taking utmost care and precaution while undertaking their activity. The court opined that the scale of compensation for any accident caused by them during dangerous operations must be in proportion to the magnitude of operation of the enterprise, larger and prosperous the enterprise, greater must be the amount of compensation.

In *M.C. Mehta v. Kamal Nath & Ors.*<sup>30</sup>, known as Span Motel case, the court stated that “one who pollutes the environment must pay to reverse the damage caused by his acts”. The motel management altered the passage of River Beas to protect the motel from forthcoming floods. The court ordered the removal of construction by the riverbed and river banks. It was held using the polluter pays principle that the motel must reimburse for the restoration costs of the damages caused to the environment and ecology by the construction activity. The National Environmental Engineering Research Institute (NEERI) asked by the court to submit a report calculating the amount of compensation required to reverse the damage cause to the environment and ecology by the motel.

The court recapitulated the ‘polluter pays principle’ in *M.C. Mehta v. Union of India*<sup>31</sup>, known as Taj Trapezium case. The matter in this case was that Taj Mahal was starting to get yellow stained because of polluters including the chemical industries and Mathura refiners surrounding the monument. Order was passed by the court for the industries to use gas instead of fuels for carrying their operation. The ones not complying with the order were shut down unconditionally. It was stated by the court that rights of the people working in the industries was not to be conceded and they were to be given compensatory benefits along with the continuity of job until the industries restart their operation.

The judiciary has covered wide range of environmental concerns such as forest depletion, pollution caused by industrial discharge, river pollution and many other fields. It has passed numerous judgements, orders and guidelines relating to environmental law as well. The issue of pollution caused by hazardous industries located at the bank of River Ganga was addressed by the apex court in *M.C. Mehta v. Union of India*<sup>32</sup> and order was passed with regards to shut

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<sup>30</sup> (1997)1 SCC 388

<sup>31</sup> AIR 1997 SC 734

<sup>32</sup> AIR 1988 SCR (2) 538

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down those industries and tanneries near Kanpur. The apex court passed a number of guidelines for the forest dwellers in T.N. Godavarman Thirumulpad v. Union of India & Ors<sup>33</sup>, concerning the issue of dwellers livelihood affected because of forest destruction in the Nilgiri region of the state of Tamil Nadu. The definition of forest was expanded in the case of State of Himachal Pradesh v. Ganesh Wood Products<sup>34</sup>. The Principle of Inter-Generational Equity<sup>35</sup> for the forest conservation and sustained development were recognized with invalidating the forest based industry.

## 5. CONCLUSION

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The environmental laws and regulation are important in globalization as law is an instrument that translates the policy formulation into practice. The importance of environmental law in the process of globalization is far-fetched and includes the facilitation of the allocation of natural resources, regulates their usage and reprimands upon violation. Standards are set for the treatment and disposal of harmful and toxic discards by the industries into the environment, use of environment friendly technology that promotes environment protection and does not affect the environmental quality. Institutions are created and given powers by the virtue of environmental law to keep in check the nature of industrial projects, the impact it has/will have on the environment and set of environmental protection measures for the projects before they commence their operations. The integrated environmental policies are important as they play a major role in economic growth and sustainable development.

In the years after 1990s, India was on the path of liberalization of trade with regulated and controlled measures. This embarked an increase in terms of prosperity, trade, investment and growth at the cost of environmental deterioration. The need to safeguard the environment and protection of natural resources has been felt by the policy framers and there are provisions provided for the same. The judiciary has also played an active role in the regime of protection of environment and it is evident from the numbers of judgement passed.

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<sup>33</sup> W.P.(C) No. 202 of 1995

<sup>34</sup> AIR 1996 SC 149

<sup>35</sup> Concept of fair use of natural resource among generations for conservation of the environment

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