

Research Article

Legal Framework for Environment Conservation in India

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Abstract:

India, with its rapidly growing economy and population, faces significant environmental challenges. This paper explores the crucial role of environment conservation in achieving a prosperous and safe Bharat. We discuss the current state of India's environment, legal frameworks, and initiatives undertaken. We also identify key areas for improvement and propose a multifaceted approach that incorporates sustainable development, education, community engagement, and effective governance. Our findings highlight the need for a paradigm shift in environmental management, emphasizing a proactive and inclusive approach to ensure a prosperous and safe future for India.

Keywords: Environmental Law, Intentional Conferences, National Movement, Sustainable Development, UNFCCC.

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INTRODUCTION

India's remarkable economic growth and development have come at a significant environmental cost. The country faces severe deforestation, air pollution, water pollution, climate change, and biodiversity loss. Environmental degradation poses severe risks to human health, economic growth, and national security. The significance of environmental law is seen in its role of facilitating the inclusion of environmental factors into decision-making procedures at several levels, encompassing individual behaviours, corporate strategies, and governmental laws. The careful balancing of economic, social, and environmental factors facilitates the promotion of sustainable development can be achieved by the careful balancing of economic, social, and environmental factors. Moreover, environmental law provides a legal framework for imposing accountability on individuals and entities for their activities that harm the environment.

The term "sustainable development," which was coined over the course of the 1970s psycho statement on environment and development, is known by a number of names, including "common concern of mankind," which was used in the UNFCCC. The space treaty mentions the "common interest of humankind" and the UN Convention on the Law of the Sea refers to the "world heritage of mankind as a whole" or "a common heritage of mankind," among other things. The notion of the "common heritage of mankind" is predicated on the notion that, rather than being a component of something, all people on the globe share a collective legal interest or concern in the preservation of the environment.

A comprehensive and effective environmental legal system is necessary for worldwide environmental sustainability. Addressing global environmental difficulties, such as climate change, loss of biodiversity and pollution can provide aid in mitigating these pressing issues. Additionally, it has the potential to encourage international collaboration and synchronisation about environmental issues, which is crucial for effectively tackling environmental challenges that transcend national boundaries'

LEGAL FRAMEWORK OF INDIAN LEGISLATION:

India has a vigorous legislation for environmental conservation, including the Environment (Protection) Act, Water

Pollution Act, Air Pollution and the Wildlife Protection Act. The legal framework serves as a mechanism for effectively resolving environmental concerns, ensuring that both persons and entities are held responsible for their activities, and actively promoting environmental sustainability. However, implementation and enforcement remain significant challenges.

Wildlife Protection act 1972

The Act provides legal protection to wildlife and imposes punishment for contravention of act such as trade, possession and hunting of wildlife and their parts. It also enables the government to declare certain areas as protected, which helps in conserving biodiversity and ecosystem services.

Water (Preservation and Control of Pollution) Act 1974

This act is a vital tool for ensuring the conservation of water resources and maintaining a healthy environment in India, this act Protect water bodies from pollution, preserve water quality for human consumption, agriculture, and wildlife, Promote sustainable water management practices, Support the health and well-being of living beings and Contribute to the overall environmental conservation.

Forest Conservation Act 1980

This Act is a crucial legislation in India that plays a vital role in environmental conservation. It helps preserve forest cover & biodiversity and supports sustainable forest management & conservation. It regulates forest clearance for development projects as well as contributes to climate change mitigation and adaptation efforts. Also this act protects indigenous communities' rights and interests.

Air Pollution (Prevention and Control of Pollution) Act 1981

The Air pollution act Air (prevention and control of pollution) act 1981 regulating and mitigating air pollution in India, contributing significantly to environmental conservation and public health protection. This act helps reduce air pollution from industries, motor-vehicles and other sources, improves ambient air quality, protects public health and environment, supports sustainable development and enhances enforcement & compliance mechanism.

National Forest Policy 1988

In India's efforts to conserve the environment, the National Forest strategy of 1988 is a seminal strategy that attempts to reconcile environmental protection with development. Its goal is to protect the nation's natural resources while guaranteeing ecological balance and environmental stability

Hazardous Waste (Management and Handling) Rules

The Hazardous Waste (Management and Handling) Rules of 1989 are a crucial regulation in India's environmental conservation efforts, aiming to mitigate the harmful effects of hazardous waste on the environment and human health. This rule reduced environmental pollution, minimized health risks to humans and animals, increased recycling and reuse of hazardous waste and improved transparency & accountability in hazardous waste management

Environmental Impact Assessment

Its object to identify and evaluate the potential environmental impacts of projects and activities, and to ensure that they are environmentally sound and sustainable. This Environment assessment is a pivotal tool in Bharat's environmental conservation efforts, ensuring that development projects are environmentally sustainable and socially responsible.

Coastal Regulation Zone

The CRZ Notification of 1991 is a crucial regulation in India's environmental conservation efforts, aiming to balance development and environmental protection in coastal areas. It regulates human activities in coastal areas to conserve natural resources, protect the environment, and promote sustainable development.

National Environmental Tribunal Act 1995

The National Environmental Tribunal Act of 1995 is a significant legislation in Bharat's environmental conservation efforts, providing a legal framework for addressing environmental harm and promoting environmental justice. This act provides a legal framework for compensation and relief to victims of environmental damage and to punish those responsible for environmental harm. It provides a dedicated forum for environmental disputes, ensures accountability for environmental damage, offers relief and compensation to victims of environmental harm and strengthens environmental governance and enforcement

Biomedical Waste (Management and Handling) Rules

Animal waste, human anatomical waste, microbial waste, sharp waste, disposable trash, and chemical waste are the six main categories into which biomedical waste is divided. By ensuring the treatment and management of biomedical waste, these regulations hope to reduce threats to the public's health and the environment. To control biomedical waste processing and management to avoid risks to the environment and public health.

Environment (Sitting for Industrial Projects) Rules

These rules aim to ensure that industrial projects are set up and operated in a manner that minimizes environmental harm and promotes sustainable development. To regulate the setting up of industrial projects and ensure environmental safeguards.

MUNICIPAL SOLID WASTE (MANAGEMENT AND HANDLING) RULES

These rules aim to ensure proper manage and handling of municipal waste to prevent environmental pollution, public health risks, and promote sustainable waste management practices. These rules play a major role to regulate the management and handling of municipal waste to prevent environmental and health hazards.

BIOLOGICAL DIVERSITY ACT 2002

India's biodiversity is intended to be preserved and protected by the Biological Diversity Act, 2002. This Act ensures that India's biodiversity is preserved for future generations by striking a balance between benefit sharing, sustainable use, and conservation. The National Biodiversity Authority which regulates access to biological resources and related knowledge, State Biodiversity Boards (SBBs), which carry out Act implementation at the state level, and Biodiversity Management Committees which are established at the local level to encourage conservation and sustainable use, are just a few of the bodies that this act established and play a significant role in environmental conservation.

Schedule tribal & other traditional forest develop (recognition of forest right) Act 2006

The goal of the historic Forest Rights Act (FRA) of 2006, also known as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, is to grant particular forest-dwelling populations the status of forest rights. It acknowledges the rights of ST and other traditional forest inhabitants to keep and occupy forest land for personal or communal forest occupation, as well as the right to engage in self-cultivation as a means of subsistence. The rights of forest dwellers are safeguarded by this act, including the ability to manage, preserve, and protect forest resources; the ability to access and gather small amounts of forest produce; the ability to graze cattle; and the right to habitat and habitation.

National Green Tribunal Act 2010

This Act to provide a specialized forum for environmental disputes and promote sustainable development and environmental conservation in India. NGT is an Act of the Parliament of India that establishes a specialized environmental court to handle environmental cases and disputes. NGT has jurisdiction over civil cases involving: Environmental pollution, Conservation of forests, Protection of endangered species and natural resources, Wildlife protection, Climate change, public health and pollution-related issues

E- WASTE MANAGEMENT RULES

The E-Waste Management Rules, 2011, were notified by the Ministry of Environment and Forests, Government of India, on May 12, 2011. These rules aimed to regulate the management of electronic waste (e-waste) in Bharat, including its generation, collection, storage, transportation, and disposal. These rules were amended in 2016 to include more comprehensive guidelines for e-waste management.

PLASTIC (WASTE MANAGEMENT) RULES

The Plastic Waste Management Rules, 2016, were notified by the Ministry of Environment, Forest and Climate Change, Government of India, on March 18, 2016. These rules aimed to regulate the management of plastic waste in Bharat, including its generation, transportation, storage, collection, and disposal. These rules were further amended in 2018 to include more stringent regulations and guidelines for plastic waste management.

These laws and regulations form the legal framework for environment conservation in India, aiming to promote sustainable development, protect the environment, and ensure a prosperous and safe Bharat. Effective implementation and enforcement are crucial to achieving these goals.

ROLE OF NATIONAL MOVEMENT IN ENVIRONMENT CONSERVATION

National movements can inspire collective action, drive systemic change, and hold leaders accountable for environmental stewardship. It is pushing governments to enact and enforce laws protecting the environment and promoting sustainability. Movement also highlighting the disproportionate impact of environmental degradation on vulnerable populations and pushing for equitable solutions. It'splayed a major role organizing local initiatives and activities that foster a sense of ownership and responsibility for environmental protection. Promoting economic growth while ensuring environmental protection and social equity. National movements play a significant role in environmental conservation by raising awareness, mobilizing public support, influencing policy, promoting education and research, building partnerships.

CHIPKO MOVEMENT 1973

This Movement also known as the Chipko Andolan, was a first environmental movement that started in 1973 in the Garhwal region of Uttarakhand, India. The movement was led by rural women, who protested the logging of trees in their forests by hugging the trees (Chipko means "to hug" in Hindi) to prevent them from being cut down. This movement was a significant event in India's environmental history, demonstrating the power of community-led activism and non-violent resistance in protecting natural resources. It also highlighted the crucial role of women in environmental conservation.

SILENT VALLEY MOVEMENT 1978

The movement prevented the destruction of the Silent Valley, a unique and untouched evergreen forest in Kerala, India, which is home to a wide variety of flora and fauna. It is important to preserving biodiversity, ecosystems, and the impact of human activities on the environment. The movement involved local communities, scientists, and activists, setting an example for collaborative conservation efforts. The movement emphasized the need for balancing development with environmental concerns, influencing India's approach to sustainable development. The Silent Valley movement marked a significant milestone in India's environmental conservation journey, demonstrating the power of collective action in protecting the country's natural heritage.

THE APPIKO MOVEMENT 1983

The Appiko movement, launched in 1983 in the Karnataka (Uttara Kannada), India, played a significant role in environmental conservation. The movement's primary objective was to save the Western Ghats from deforestation and promote sustainable forest management. The movement employed non-violent resistance, inspired by Gandhian principles, to protest deforestation. Appiko raised focus on the importance of forest conservation, ecological balance, and sustainable development. The movement influenced India's environmental policy, leading to the implementation of more stringent forest conservation laws and regulations.

NARMADA BACHAO ANDOLAN 1985

Narmada Bachao Andolan 1985 against the construction of large dams on the Narmada River, particularly the Sardar Sarovar Dam, highlighting their devastating environmental and social impacts. The movement brought attention to the plight of communities displaced by dam projects, pushing for fair rehabilitation and resettlement policies. NBA's efforts led to significant policy changes, including the establishment of the Ministry of Environment and Forests (MoEF) in 1985 and the Environmental Impact Assessment (EIA) notification in 1994. The movement inspired a new wave of grassroots environmental activism in India, encouraging community-led initiatives and campaigns. This movement has been a powerful force in shaping India's environmental discourse, promoting sustainable development, and advocating for the rights of marginalized communities.

INTERNATIONAL ENVIRONMENTAL AGREEMENTS AND INDIA'S COMMITMENTS

The conferences have enormously impacted the development of environmental legislation and policy in India. A prime example of this may be seen in the implementation of the National Environmental Policy by the Indian government in 2006, which was influenced by the sustainable development ideas deliberated upon in international forums. Likewise, the Wildlife Protection Act of 1972, which encompasses provisions for preserving wildlife and their respective ecosystems, was additionally shaped by the influence of international conventions and agreements.

Rio Declaration

The Rio Declaration, sometimes referred to as the Earth Summit, is a collection of 27 sustainable development principles that were agreed upon during the June 1992 Rio de Janeiro, Brazil, UN Conference. The proclamation lays out fundamental guidelines for accomplishing these objectives and highlights the significance of fostering sustainable growth and environmental protection. The Rio Declaration continues to direct global efforts at sustainable development and has influenced the formation of international environmental law and policy.

Paris Agreement

By adopting the Paris Agreement, India demonstrates its commitment to addressing climate change and promoting sustainable development, aligning with its national priorities and global cooperation. India has committed to reducing its carbon footprint by 33-35% by 2030 from 2005 levels, promoting clean energy and energy efficiency. India aims to achieve 40% of its installed electricity capacity from non-fossil fuels by 2030, driving growth in solar and wind power. India is enhancing its capacity to adapt to climate change impacts, such as extreme weather events and changing weather patterns. India collaborates with global partners to address shared climate challenges, promoting technology exchange, and cooperative research.

Convention on Biological Diversity

India is home to 8% of global biodiversity and the CBD helps conserve and protect threatened and endangered species. The CBD promotes sustainable use of biological resources, ensuring their availability for future generations. India benefits from the CBD's framework on access to genetic resources and fair sharing of benefits arising from their use. The CBD encourages protection of ecosystems, such as forests, wetlands, and coastal areas, which provide essential services like water and air purification. India has developed a National Biodiversity Action Plan, aligning with CBD objectives, to conserve and sustainably use biodiversity.

United Nations Framework Convention on Climate Change

India may participate in international efforts to combat climate change because the UNFCCC offers a framework for such collaboration. India's intentions to cut greenhouse gas emissions and prepare for the effects of climate change are outlined in its NDCs, which it has submitted. India is urged by the UNFCCC to shift to a low-carbon economy by advancing sustainable energy and energy efficiency. It backs India's initiatives to strengthen climate resilience, especially in populations who are most at risk. India is able to exchange knowledge, skills, and best practices in climate change management thanks to the UNFCCC's promotion of international collaboration. India has demonstrated its commitment to tackling climate change, advancing sustainable development, and participating in international efforts to lessen and adapt to its effects by ratifying the UNFCCC.

Recommendations for Strengthening India's Legal Framework

Strengthening India's legal framework for environmental conservation is crucial for protecting the country's natural resources and addressing environmental challenges. Here are some recommendations:

- ❖ Review and revise existing laws, such as the Environment Protection Act, 1986, to make them more effective and comprehensive.
- ❖ Establish independent environmental regulatory bodies with sufficient powers and resources to enforce laws effectively.
- ❖ Encourage public involvement in environmental decision-making through transparency, awareness, and education.
- ❖ Encourage courts to take a proactive role in environmental protection through judicial reviews and public interest litigations.
- ❖ Collaborate with international organizations and countries to address transboundary environmental issues.
- ❖ Make environmental impact assessments mandatory for all development projects.
- ❖ Impose stricter penalties for environmental violations and offer incentives for sustainable practices.
- ❖ Encourage scientific research and innovation to address environmental challenges.
- ❖ Foster coordination among government ministries to address environmental issues holistically.
- ❖ Promoting environmental education and awareness among citizens, especially children and youth.
- ❖ By implementing these recommendations, India can strengthen its legal framework for environmental conservation and effectively address environmental challenges.

CONCLUSION

Environment conservation is crucial for a prosperous and safe Bharat. We need a paradigm shift in environmental management, prioritizing sustainability, education, community engagement, and effective governance. By working together, we can mitigate environmental challenges and ensure a healthy, prosperous, and safe future for India. The Indian government has launched various initiatives, such as the Swachh Bharat Abhiyan, Namami Gange, and the National Clean Energy and Environment Policy. While these efforts are commendable, more needs to be done to address the scale and complexity of environmental issues.

The development of India's environmental legislation has been influenced by various causes, encompassing evolving public perceptions towards the environment, the impact of global environmental treaties, and the endeavours of environmental advocates and non-governmental groups. The court has significantly influenced the development of environmental legislation in India by primarily engaging in interpreting and enforcing environmental rules and acknowledging the right to a clean environment as a fundamental right. The development of environmental legislation in India has had a progressive trajectory, mirroring an increasing acknowledgement of the significance of safeguarding the environment for the welfare of both present as well as future generations. The initial environmental legislation predominantly prioritised addressing air and water pollution concerns. However, as time has progressed, the field of environmental law has seen significant expansion to embrace a more extensive array of concerns, such as mitigating climate change, preserving biodiversity, and promoting sustainable development.

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