

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 3

2024

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Laws related to Environment Protection Act in India with special reference to Mining Provisions

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ABSTRACT

The Constitution of India is not static but a living document. Which evolved and developed over time. This evolution in the constitution also affected the provisions contained in the constitution regarding environmental protection. Today, India has vast reserves of mineral wealth, from which industries especially the iron-industry, get raw materials. Almost around 50 areas of mineral wealth in India and minerals are found at about 400 sites in those areas. we see that environmental conservation has become necessary in times of changing climate and uncertainty. Whether it is the infrastructure network built by man in the name of development with changing climate, which includes projects like mines, mega buildings, metros, huge funds are raised for it. However, while doing development like this project are implemented without considering whether there is any harm to the environment. Today, we see that environmental conservation has become necessary in times of changing climate and uncertainty. Indian Government has taken different environment protection steps like mining provisions.

India is first country, which has made provisions for the protection and improvement of environment in its constitution. This paper deals with laws with reference to environment protection act in India with special reference to mining provisions the environmental damage caused by mining is a matter of serious concern. The Government of India has formed several organizations and institutions for the exploration and development of mineral resources. include environmental law and mining provisions. Environment protection and improvement related provisions were explicitly incorporated into the constitution by the 42nd amendment act of 1976. The Mines and Minerals (Development and Regulation) Act was enacted in the year 1957 to give the statutory status to mining. Environmental laws applicable to the mining industries including environment protection act 1986 (EPA), this act is an umbrella of legislation under which various rules and notification has been framed and issued to take care of the different dimensions on environmental challenges. Also alongside with the mines act,1952, The mineral conservation and development rules,1988.

Keywords: Constitution, Mines, Environment.

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I. INTRODUCTION

Preservation and conservation of environmental biodiversity is very important for sustaining human existence. However, changing lifestyles, increasing urbanization, massive deforestation, unlimited use of water, excavation of hills and mountains for construction, sand mining from rivers and creeks, water and air pollution, nuclear tests, air and noise pollution from increasing number of vehicles are all affecting the environment and beyond. Environment is suffering huge losses due to mining Air pollution, water pollution, noise pollution, deforestation, loss of habitat, loss of aesthetic value, ecological imbalance and health impacts Lack of awareness of environmental damage due to pollution is a sign of intellectual backward nested. Mining has a huge impact on people and the environment from the displacement of local communities to the pollution of water sources.

The word 'Environment' did not exist in the Constitution of India and therefore, it was imperative to amend the Constitution. Until the 1976 amendment of the Constitution of India, adopted in 1950, the topic of 'Environment or Prevention' was never discussed. The subsequent development of environmental law can be divided into two periods. Prior to 1972, the subject of 'environmental protection' included 'mining', water laws, forest laws, etc. was used. We can say that there was not much development in Indian environmental law during this period. After 1972 United Nations Conference on the Human Environment held in Stockholm in 1972, the field of international environmental law underwent a lot of development. The Stockholm Conference highlighted the concerns of the entire world about environmental protection, and its repercussions were felt in India. This led to the establishment of the National Council for Environmental Policy and Planning in 1972 within India's Department of Science and Technology. A regulatory body was established for environmental issues. The Council was later converted into the Ministry of Environment and Forests (MoEF) in 1985. One of the fundamental objectives of the preamble of the Constitution of India is socialism and states that it is the responsibility of the state to provide a pollution-free environment to the citizens by conserving the environment. Regarding fundamental rights and environment, under Part III of the Constitution of India, fundamental rights are guaranteed and the right to environment is also considered a fundamental right. is Sections 21, 14 and 19 of this section have been used to protect the environment.

(A) What is Environment?

According to the constitution of India Environment (Protection) Act 1986, describe environment word as follows. "Environment consists of water, air and land, and the relationship

between air, water, land and humans, other organisms, trees, small organisms and resources is in the environment. "It is clearly mentioned in the chapter of Fundamental Duties of the Constitution of India that it is the duty of every citizen of nation to protect the environment. Article 51A (c) states that, "The natural environment including forests, valleys, rivers, land, waters and wildlife. It is the duty of every citizen of India to protect and develop them.

II. MINING INDUSTRIES AND ENVIRONMENTAL PROTECTION

Mining is the process of getting minerals, metals etc. out of the ground by digging's mining and underground mining these are the two process or methods of mining. Stiff mining is also known as open mining the effect of stiff mining on air pollution, water pollution, soil pollution. Underground mining is also known as close mining, this mining method is affecting land collapse and water level down. Extraction of valuable minerals or any other non-renewable resources from earth usually from and ore on any material that cannot be grown through agriculture process or created artificially in a laboratory is usually mine. The Environment Protection Act 1986 that came into in the Constitution of India in 1986 was strengthened in four phases through different provisions. act Born in 1986, it took four years to come to know about this law. Over the next four years, few people noticed the flaws in this law. As the projects are coming up without taking the decision with local people there have been protests at various places against Ganga pollution, coal mines. Mining has a huge impact on people and the environment — from the displacement of local communities to the pollution of water sources. India's Mining sector is being one of the core sectors of the economy of India. Mine industries provide basic raw materials to many important industries like power generation, iron, steel, cement, petroleum and natural gas, petrochemicals, and fertilizers. In the constitution of India Sections 14,19 and 21 of the Constitution provide detailed information in the subject of environmental protection.

Section 21 provides that a person can eliminate himself through the procedure established by law, he is not allowed to violate this law. The Supreme Court judgment in *Maneka Gandhi vs. Government of India* sheds light on Article 21 which has been given from time to time in line with liberal policy. Article 21 gives the right to life and assurances thereof. Environmental rights include the right to be free from disease and infection. The right to life includes the right to a healthy environment and is a vital to humanity. In this context, AIR 1988 Supreme Court *Center for Rural Litigation State* all three rights were pursued using Article 21. This was the first case related to mining and environment in India where the Supreme Court ordered a ban on illegal mining as it involved in environmental issues. These orders were issued under the

Environment Protection Act 1986. In the case of *MC Mehta v. Government of India*, AIR 1987, the Supreme Court has held the judgment that everyone has the right to live in a pollution free environment under Article 21. Through different provisions and judgments.

III. ENVIRONMENTAL LAW IN INDIA WITH SPECIAL REFERENCE TO MINING PROVISIONS

India is well prosperous with natural resources, especially in minerals, which serve as raw materials for many industries, like power generation, iron, steel, cement, petroleum and natural gas, petrochemicals, and fertilizers. to cover and protect the way for quick industrialization and infrastructural developmental activities. In order to realize the mineral wealth of the country, ample amendments and provisions have been made for the Mines and Minerals (Development and Amendment) Act, 1957 (MMDR Act) by the MMDR Amendment Act, 2021 and the corresponding Rules with the motive of creating employment and investment in the mining sector, increasing profits to the States, improving the production and targeted operationalization of mines.

(A) Acts & provisions for the Mining Sector:

The Ministry of Mines regulates the Mines and Minerals (Development and Regulation) Act, 1957 which is the Central Act that governs the development and regulation of mines and minerals. The Act has been amended from time to time to promote and conserve the mineral resources of the country.

In 2015, the Act was amended to mandate the grant of mineral concessions through a transparent and non-discriminatory method of auction. The move has been executed to ensure the fair value of mineral resources to the States.

Some other alterations have also been made for providing a boost to mineral production, improving ease of doing business in the country and increasing mineral production. The provisions have enabled simplification of the exploration regime by including the seamless transition of the concession from exploration to production. Further, Private entities may also be notified for conducting exploration. National Mineral Exploration Trust for Funds Moreover, a National Mineral Exploration Trust, a non-profit autonomous body, looks after the funding provided to entities. The objective of the trust is to use the accrued funds for taking up regional and detailed exploration, coal and non-coal minerals, by giving priority to strategic and critical minerals.

In addition, the Central Government also comes up with diverse initiatives for the conservation

and systematic development of minerals. Focus is also being laid on the protection of the environment by preventing or controlling any pollution which may be caused by prospecting or mining operations. Mining Plan for the development of mineral deposit It is worth noting that no mining lease can be granted unless a mining plan for the development of mineral deposits has been approved by the government. The Mining Plan incorporates detailed proposals for systematic and scientific mining, conservation of minerals and protection of the environment. To monitor the conservation of minerals, the Indian Bureau of Mines carries out periodic inspections of mines. The monitoring is being performed for systematic and scientific mining and protection of the environment in the leasehold areas of minerals other than minor minerals, coal and atomic minerals. Minerals are a valuable natural resource being the vital raw material for infrastructure, capital goods and basic industries. As a major resource for development, the extraction and management of minerals have to be integrated into the overall strategy of the country's economic development. The government is guiding the utilization of minerals by long-term national goals and dynamic perspectives.

IV. CONCLUSION

The current process of Globalization, Urbanization, Industrialization is adversely influencing the natural resources like forest, land and water, etc. There is utmost need to protect and utilize these resources in a sustainable manner since they are very basic components of human development.

The Government of India and our parliament has been increasingly supportive of stringent environmental laws and regulations but there has been lack of enforcement of laws. This has given rise to judicial activism related to environmental issues. Mining has a huge impact on people and the environment from the displacement of local communities to the pollution of water sources. India's Mining sector is being one of the core sectors of the economy of India. Mine industries provide basic raw materials to many important industries like power generation, iron, steel, cement, petroleum and natural gas, petrochemicals, and fertilizers. In the constitution of India Sections 14,19 and 21 of the Constitution provide detailed information in the subject of environmental protection.

Through the public interest litigation, the supreme court has dealt with variety of issues related to protecting the rights of tribal people, conservation of forest, pollution, mining preservation and protection of wild life and balancing the symbiotic relationship between the goal of forest conservation and forest dwellers. The court has also addressed the issues of balancing the right to freedom of trade and business and the conservation of environment. And issues related to

biodiversity. With the help of public interest litigation, the Supreme Court has interpreted the provisions of The Coal Mines Regulation 1957. The Metalliferous Mines Regulation 1961. The Mines Vocational Rules 1966. The Oil Mines Regulations 1984. Forest Conservation Act, 1980. The supreme Court has gave number of judgements and orders and issued various directions for preservation of environment and enforcement and enforcement of human rights of citizens under article 21(right to life). It includes right of healthy living thus environment degradation leads to violation of rights under Article 21.

The supreme court's directions cover wide range of areas such as illegal mining, depletion of forests, vehicular pollution, pollution by industries, pollution of rivers, dumping of hazardous waste and it has passed orders for closure of polluting industries and environmental harmful aqua-farms, mandated cleaner fuel for vehicles such as introduction of CNG fuel in Delhi and protecting forests and Architectural treasures like Taj Mahal. In this way the judiciary has contributed to environment through his provisions and Amendment the development of environmental laws in India by widening the scope of locus standi and entertaining public interest litigation in India. The judiciary has performed the role of law maker and established various committees and empowered them to enforce the provisions of environmental laws. For a vital role in conserving environment.

V. REFERENCES

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