

ABSTRACT

JUDICIAL ACTIVISM & GROWTH OF ENVIRONMENTAL JURISPRUDENCE IN INDIA

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The environmental decision making process stands apart from traditional administrative techniques in other aspects. Decision related to environment are essentially based on assessment of many factors such as scientific material, technical data, socio-economic factors, health hazards and ecology of the area. How can courts evaluate this highly complex matrix when they are required to review an environment decision? Should it follow hands off approach instead of venturing into search for objective standards? Or should it refer to an expert body and wait? This paper would try to discuss the problems relating to environment and how the judiciary tackled those problems displaying judicial activism in order to attain the balance between development and environment. Preservation of the quality of environment is not only a need of the present generation but also the hopes and aspiration of the coming generation. Unplanned and unscientific development without a vision for the future would have dire consequences for the natural resources. In most matters, the judiciary has displayed its concern for the environment and has elevated the right to clean environment as part of right to life and therefore a fundamental right. The bane of Indian legislation has always been its implementation and as far as the environmental damages are concerned if the decision in order to save the ecology or the environment are left at the mercy of enforcement agencies nothing can be achieved except to increase the thickness of various law reports and journals.