

Table of Contents

	Page
Certificate	i
Acknowledgment	ii
Table of Cases	iii-viii
Chapter-1	1-10
Introduction	
Chapter-2	
Common Law Principle	1-55
2.1 Negligence	11
(i) Meaning of Negligence	12
(ii) Degree of Care	13
2.2. Strict Liability	14
(i) Defences to the Rule	17
(ii) Rule in <i>M.C.Mehta v Union of India</i>	18
2.3. Nuisance	20
(i) Private Nuisance	22
(ii) Public Nuisance	43
2.4. Conclusion	53
Chapter-3	
Constitutional Provisions	56-119
3.1. Legislative enactments under Article 253	56
3.2. Right to clean Air: An evaluation as a Fundamental Right	59
(i) Infringement of Right to life by smoking	75
(ii) Right to life vis-à-vis freedom of trade or business	78
(iii) Noise pollution and Fundamental Rights	80
(iv) Right to religion and Noise Pollution	84
(v) Right to information	92
3.3. Articles 32 and 226	95
(i) Public Interest Litigation	96
(ii) PIL and Rule of Standing	105
(iii) Protection of Air Pollution through PIL	107
(iv) PIL and Control of Noise Pollution	113
(v) Advantages of PIL	116
(vi) Public Interest Litigation- A critique	118
Chapter-4	
Air Pollution and Its Control under Other Laws	120-161
4.1. Indian Penal Code 1860	120
4.2. Criminal Procedure Code 1973	123
4.3. Indian Easement Act 1882	126
4.4. The Police Act 1861	127
4.5 Workmen's Compensation Act 1923	129
4.6. Factories Act 1948	132
4.7. The Mines Act 1952	144
4.8. The Boiler Act 1923	146

4.9. The Insecticides Act 1968	148
4.10. The Industries (Development and Regulation) Act 1951	155
4.11. The Atomic Energy Act 1962	155
4.12 The Explosive Act 1884	158
4.13. The Civil Procedure Code 1908	159
4.14. The Specific Relief Act 1963	160
Chapter-5	
Special Legislative Provisions	162-292
5.1. The Air (Prevention and Control of Pollution) Act 1981	164
(i) Definition and Causes	165
(ii) Authority of the Board under the Air Act	169
(iii) Air Pollution Control Area	182
(iv) Provision relating to Information, Entry and Inspection	192
(v) Penalties, Procedure and Miscellaneous Provisions	201
5.2 The Environment Protection Act 1986	208
(i) General Scheme of the Act	208
(ii) Powers of Central Government to take measures	211
(iii) Provisions for prevention control and abatement of Environment Pollution	223
(iv) Accidents in hazardous industries	224
(v) Cognizance of offences	229
(vi) Supremacy of provisions	230
(vii) Power of the Central Government to make Rules	231
5.3. Vehicular Pollution and Legislative Developments	240
(i) Gravity of the problem	240
(ii) The legal Control of Automobile Pollution in India	245
(iii) Implementation of legal measures: A review	258
5.4. Noise Pollution and Rule to Control Noise	264
(i) Environment (Protection) Rules 1986	266
(ii) Central Motor Vehicles Rules 1999	266
(iii) Noise Pollution (Regulation and Control) Rules 2000	268
(iv) Conclusion	271
5.5. Legislative Measures for Protection of Ozone layer	273
(i) The Concept	274
(ii) Ozone layer depletion	275
(iii) India as a signatory	278
(iv) Technology transfer	281
(v) Policy Instruments those were introduced before Rule 2000	282
(vi) Ozone Depleting Substances (Regulation and Control) Rules 2000	283
(vii) Report, Assessment, Review and Monitoring system in India	284
(viii) Conclusion	285
Chapter-6	
Evaluation of the Concept of liability and Dispute Redressal Mechanism	293-345
6.1. Concept of Environment Liability in India	294

(i) Strict Liability	294
(ii) Fault Liability	294
(iii) Vicarious Liability	295
(iv) Absolute Liability	296
6.2. Remedies under Environmental laws in general	299
6.3 Doctrines	300
(i) Sustainable development	302
(ii) The Public Trust Doctrine	315
6.4. Statutory regime of dispute redressal	318
(i) The Public Liability Insurance Act 1991	321
(ii) Environmental dispute redressal through Tribunals	327
(iii) The National Environment Tribunal Act 1995	327
(iv) The National Environment Appellate Authority Act 1997	333
(v) Environment Impact Assessment	337
6.5. Conclusion	338
Chapter-7	
Judicial Approach to Control the problem of Air Pollution	346-386
7.1. Evolution of Absolute Liability Rule	348
(i) Judicial Response to the tragedy in Bhopal	351
(ii) Constitutional validity of Bhopal Act	358
(iii) The Review judgment	359
(iv) Need for group Insurance for Prospective victims	361
(v) Difficulties faced in Mass Disaster	361
7.2. Cases initiated on Writ applications	370
7.3. Vehicular Pollution cases	377
7.4. Noise Pollution	380
7.5. Review power of appellate authority under the Air Act	382
Chapter-8	
Conclusion	390-413
Bibliography	414-417