

B.A.LL.B. VI SEMESTER
SUBJECT: ENVIRONMENTAL LAW
Code: BL-6001

TOPIC: PRECAUTIONARY PRINCIPLE

PRECAUTIONARY PRINCIPLE

Meaning – The precautionary principle is a tool for making better health and environmental decisions. It aims to prevent harm from the outset rather than manage it after the fact. In common language, this language means “better safe than sorry”. The precautionary principle denotes a duty to prevent harm, when it is within our power to do so, even when all the evidence is not in.

Basic Features of precautionary principle



1	2	3	4	5
Anticipatory action	Right to know	Alternative assessment	Full cost accounting	Participatory decision process

1- Anticipatory Action – There is a duty to take anticipatory action to prevent harm, government, business and community groups, as well as the general public, scheme this responsibility.

2- Right to Know – The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations, or plans. The burden to supply this information lies with the proponent not with the general public.

3- Alternative Assessment – An obligation exists to examine a full range of alternative and select the alternative with the least potentials impact on human health.

4- Full Cost Accounting – When evaluating potential alternatives, there is a duty to consider all the reasonable foreseeable costs.

5- Participatory Decision Process – Decisions applying the precautionary principle must be transparent, participatory and informed by the best available science and other relevant information.

Narmada Bachao Andolon

V/s

Union of India

P. Principle came to be considered by the majority of judges. The court also took the view that the doctrine is to be employed only in cases of pollution when its impact is uncertain and non negligible.

The precautionary principle has been viewed as an important element to environment policy since the Rio declaration of 1992.

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