

Environment: Burning Issues

Abstract

In present day society, the major task before us is protection and conservation of environment. Today, environment is threatened by pollution, global warming, population growth, natural resource depletion, acid rain, genetic engineering etc. This problem is not simple but serious one. There is urgent need to solve this issue. Many legislations have been passed to protect the environment from time to time. Various provisions are provided in Constitution, and Criminal law, but situation is not encouraging. There is no dearth of legislation, need to properly implemented these laws. To see the burden of Courts, there is urgent need to establish environment court specially to deal with the cases of environment. Beside this, individual play major role in protection and conservation of environment. If some modifications made in person's lifestyle then we can preserve our environment to a great extent.

Keywords: Environment, Protection, Preservation, Coservation, Legislations, Pollution, Individuals

Introduction

Our environment is constantly changing. There is no denying that. However, as our environment changes, so does the need to become increasingly aware of the problems that surround it. Today, the conservation, protection and improvement of human environment are major issues all over the world. Human environment consists of both physical environment and biological environment. Physical environment covers land, water and air. Biological environment includes plants, animals and other organisms. Both physical and biological environment are inter-dependent. All across the world, people are facing a wealth of new and challenging environmental problems every day. Some of them are small and only affect a few ecosystems, but others are drastically changing the landscape of what we already know. Current environmental problems require urgent attention.

There is no dearth of legislations on environmental protection in India but their enforcement has been far from satisfactory. Every individual should endeavor to adopt such measures in day to day life so that one can perform ones sacred duty for protection and then, further enhancement in quality of the environment. A sustainable lifestyle is capable of being sustained by the biospheric resources.

In this paper an attempt has been made to know what are current environmental issues, how individuals take part in environment protection, to outline the Indian laws which are more related to protect and improve the environment and what is required modifications in life style which improve the natural environment to a great extent.

Current Environment Issues

Our planet is poised at the brink of a severe environmental crisis. Current environmental problems make us vulnerable to disasters and tragedies, now and in the future. We are in a state of planetary emergency, with environmental problems piling up high around us. Unless we address the various issues prudently and seriously we are surely doomed for disaster¹. There are many environmental issues in India. Environmental issues are one of the primary causes of disease, health issues and long term livelihood impact for India.

Pollution

Pollution may also be defined in very simple terminology as any process or operation or a combination of these, which can render the surroundings of concern unfit for intended use.² Pollution of air, water and soil require millions of years to recoup. Industry and motor vehicle exhaust are the number one pollutants. Heavy metals, nitrates and plastic are toxins responsible for pollution.

Water Pollution

India has major water pollution issues. Discharge of untreated sewage is the single most important cause for pollution of surface and

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ground water in India. The problem is not only that India lacks sufficient treatment capacity but also that the sewage treatment plants that exist do not operate and are not maintained.³ Other sources of water pollution include agriculture run off and small scale factories along the rivers and lakes of India. Fertilizers and pesticides used in agriculture in northwest have been found in rivers, lakes and ground water.⁴

Air Pollution

Air is a mixture of various gases, particular matter and moisture that forms the earth's atmosphere. These gases consist of nitrogen, oxygen, argon, carbon dioxide and others. It also includes trace quantities of ozone and inert gases⁵, water vapour, dust particles and plant spores. If the quantity of any of the gases and other things exceeds permissible limits, the atmosphere is affected adversely. Air pollution affects adversely man and material, flora and fauna equally. It gives birth to breathing trouble, blood vessels, eye problems and various kinds of skin and lung diseases.⁶

Noise Pollution

Noise is one of the undesirable products of technological civilization. The roar of traffic, the passage of trains and aeroplanes, the bustle of crowds and the working of industry and the public utilities deafens our ears. Even home is invaded by noise. The noise from whatever source it comes from is undoubtedly, physiologically as well as psychologically harmful. Invading environment in dangerous proportions, it is 'an invisible but insidious form of pollution.'⁷

Land Pollution

Land pollution here means to divest the earth from its natural landscape, deforestation, denudation, discharge of untreated toxic substances on the land, throwing unhygienic and toxic hazardous waste and contaminating the natural contents of earth. The contamination of land not only affects the natural environment on the earth but also affects the quality and wholesomeness of underground water. Land pollution causes the vegetation cover to disappear, contaminates above ground and underground water.⁸

Global Warming

Climate changes like global warming is the result of human practices like emission of Greenhouse gases. Global warming leads to rising temperatures of the oceans and the earth's surface causing melting of polar ice caps, rise in sea levels and also unnatural patterns of precipitation such as flash floods, excessive snow or desertification.⁹

Population Growth

'The earth is finite and world population is infinite'. Every new face consumes lots of natural and non-natural products, which are also ultimately provided after exploiting natural resources. Thus, every birth increases the consumption of natural resources. But it is true 'a finite world can support only a finite population'. In other words natural resources shrink as people multiply.¹⁰

Natural Resource Depletion

Natural resource depletion is another crucial current environmental problem. Fossil fuel consumption results in emission of Greenhouse

gases, which is responsible for global warming and climate change. Globally, people are taking efforts to shift to renewable sources of energy like solar, wind, biogas and geothermal energy. The cost of installing the infrastructure and maintaining these sources has plummeted in the recent years.

Waste Disposal

The over consumption of resources and creation of plastics are creating a global crisis of waste disposal. Nuclear waste disposal has tremendous health hazards associated with it. Plastic, fast food, packaging and cheap electronic wastes threaten the well being of humans. Waste disposal is one of urgent current environmental problem.

Climate Change

Climate change is yet another environmental problem that has surfaced in last couple of decades. It occurs due to rise in global warming which occurs due to increase in temperature of atmosphere by burning of fossil fuels and release of harmful gases by industries. Climate change has various harmful effects but not limited to melting of polar ice, change in seasons, occurrence of new diseases, frequent occurrence of floods and change in overall weather scenario.

Loss of Biodiversity

Human activity is leading to the extinction of species and habitats and loss of bio-diversity. Eco systems, which took millions of years to perfect, are in danger when any species population is decimating. Balance of natural processes like pollination is crucial to the survival of the eco-system and human activity threatens the same.

Deforestation

Our forests are natural sinks of carbon dioxide and produce fresh oxygen as well as helps in regulating temperature and rainfall. At present forests cover 30% of the land but every year tree cover is lost amounting to the country of Panama due to growing population demand for more food, shelter and cloth. Deforestation simply means clearing of green cover and make that land available for residential, industrial or commercial purpose.

Ocean Acidification

It is a direct impact of excessive production of CO₂. Twenty five percent of CO₂ produced by humans. The ocean acidity has increased by the last 250 years but by 2100, it may shoot up by 150%. The main impact is on shellfish and plankton in the same way as human osteoporosis.

Ozone Layer Depletion

The ozone layer is an invisible layer of protection around the planet that protects us from the sun's harmful rays. Depletion of the crucial Ozone layer of the atmosphere is attributed to pollution caused by Chlorine and Bromide found in Chloro-fluoro carbons (CFC's). Once these toxic gases reach the upper atmosphere, they cause a hole in the ozone layer, the biggest of which is above the Antarctic. The CFC's are banned in many industries and consumer products. Ozone layer is valuable because it prevents harmful UV radiation from reaching the earth.

Acid Rain

Acid rain can be caused due to combustion of fossil fuels or erupting volcanoes or rotting vegetation which release sulfur dioxide and nitrogen oxides into the atmosphere. Acid rain serious effect on human health, wildlife and aquatic species.¹¹

Genetic Engineering

Genetic modification of food using biotechnology is called genetic engineering. Genetic modification of food results in increased toxins and diseases as genes from an allergic plant can transfer to target plant. Genetically resistant to antibiotics.¹²

Poverty

'Poverty' has been defined as 'the inability of an individual or household to attain a minimal standard of living'. The poor usually have low life expectancy, high infant mortality, higher incidence of disablement and higher consumption of natural resources in the form of food, fodder and fuel. 'Poverty reduces people's capacity to use resources in a sustainable manner, it intensifies pressure on the environment'.¹³

Role of Individuals in Environmental Protection

The individual plays an important role in preserving the environment, through the habit of positive behaviours and whatever the age. There are many efforts which have been done by individuals seriously, then definitely our dream of healthy environment will be true. These are:

1. Do not throw waste on the roads and streets, whatever its size.
2. To encourage the recycling of sorting through the waste by type.
3. Do NOT waste water or excessive use.
4. Savings in the use of energy, particularly electricity.
5. Walking as much as possible instead of using the car.
6. Ensure the validity of canned food that is eaten.
7. Not to be extravagant with water for the irrigation of gardens.
8. Rationalization in the use of pesticides as much as possible.
9. The preservation of wildlife.
10. Contributing to the planting of trees.¹⁴
11. Some very simple but quite effective tips for operation and maintenance of gasoline and/or diesel powered vehicles are adjust and clean spark plug periodically, Clean carburettor and oil filter regularly in case of gasoline-powered vehicles. Keep the fuel injector clean and set its pumps according to the manufacturer's recommendations, Keep silencer clean by removing carbon deposits frequently, Avoid being trapped in traffic jams by choosing the route, which has lower probability of congestion, Stop the engine, if the vehicle is expected to idle for more than 2 minutes at any place or road intersection.¹⁵

If some efforts has been done at the individual level, then we will necessary to reach our goal clean and healthy environment.

Constitutional and Legislative Measures

Stockholm Declaration of 1972 was perhaps the first major attempt to conserve and protect the human environment at the international level. As a consequence of this Declaration, the States were required to adopt legislative measures to protect and improve the environment.¹⁶ The constitutional provisions are backed by a number of laws – acts, rules, and notifications. The EPA (Environment Protection Act), 1986 came into force soon after the Bhopal Gas Tragedy and is considered an umbrella legislation as it fills many gaps in the existing laws. Thereafter a large number of laws came into existence as the problems began arising.

Environment Protection – From Indian Constitution Prespective

1. Article 48-A of our Constitution, says that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.
2. Article 51-A (g) of our Constitution says that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.
3. Article 21 of the Constitution says that no person shall be deprived of his life or personal liberty except according to procedure established by law.
4. Article 47 of the Constitution says that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.
5. The 42nd amendment to the Constitution was brought about in the year 1974 makes it the responsibility of the State Government to protect and improve the environment and to safeguard the forests and wildlife of the country.¹⁷

General

Environmental (Protection) Act, 1986 was introduced as an umbrella legislation that provides a holistic framework for the protection and improvement to the environment. It authorizes the central government to protect and improve environmental quality, control and reduce pollution from all sources, and prohibit or restrict the setting and /or operation of any industrial facility on environmental grounds.

The Public Liability Insurance Act, 1991 was drawn up to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident while handling any hazardous substance.

The National Environmental Tribunal Act, 1995 has been created to award compensation for damages to persons, property, and the environment arising from any activity involving hazardous substance.

The Noise Pollution (Regulation and Control Amendment) Rules, 2002 lay down such terms and

conditions as are necessary to reduce noise pollution, permit use of loud speakers or public address systems during night hours (between 10:00 p.m. to 12:00 midnight) on or during any cultural or religious festive occasion.

The Biological Diversity Act, 2002 is an Act to provide for the conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising out of the use of biological resources and knowledge associated with it.¹⁸

Forest and Wildlife

The Indian Forest Act, 1927 and Amendment, 1984, is one of the many surviving colonial statutes. It was enacted to 'consolidate the law related to forest, the transit of forest produce, and the duty leviable on timber and other forest produce'.

The Wildlife Protection Act, 1972 was enacted with a view to provide for the protection of wild animals, birds and plants. The Act prohibits hunting of animals and birds as specified in the schedules. The Act also prohibits picking, uprooting, damaging, destroying etc. any specified plant from any forest.¹⁹

The Forest (Conservation) Act, 1980 was passed with a view to check deforestation of forests. The Act provides that no destruction of forests or use of forestland for non-forest purposes can be permitted without the previous approval of the Central Government. The conservation of forests includes not only preservation and protection of existing forests but also re-afforestation.

Water

The Shore Nuisance (Bombay and Kolaba) Act, This is the earliest Act on the statute book concerning control of water pollution in India.

The Easement Act, 1882 allows private rights to use a resource that is, groundwater, by viewing it as an attachment to the land. It also states that all surface water belongs to the state and is a state property.

The River Boards Act, 1956 provides for the creation of River Boards for regulation and development of interstate rivers and river valleys. One of the functions of the Board is to advise to the Government concerned on "prevention of pollution of the waters of the interstate rivers".

Water (Prevention and Control of Pollution) Act, 1974 -The objectives of the Act are to provide for the Prevention and Control of Water Pollution and the maintenance or restoration of the wholesomeness of water for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

The Water (Prevention and Control of Pollution) Cess Act, 1977 provides for the levy and collection of cess or fees on water consuming industries and local authorities.

Air

The Factories Act, 1948 and Amendment in 1987 was the first to express concern for the working

environment of the workers. The amendment of 1987 has sharpened its environmental focus and expanded its application to hazardous processes.

Air (Prevention and Control of Pollution) Act 1981-The objective of this Act is to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.²⁰

The Atomic Energy Act, 1982 deals with the radioactive waste.

The Motor Vehicles Act 1988, states that all hazardous waste is to be properly packaged, labeled, and transported.

Criminal Liability Regarding Environment Protection

Indian Penal Code provided a separate Section for fouling water, public spring or reservoir. Section 277 provides that whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less for the purpose for which it is ordinarily used, should be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to 500 rupees or with both.²¹

Section 278 says that making atmosphere noxious to health whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to 500 rupees.²²

The remedies provided under Section 133 to 144, of Cr.P.C. 1973 could also be utilized against nuisance. Section 133 provides an independent, speedy and summary remedy against public nuisance within a fixed period of time.

It is evidently clear that there is no dearth of legislations on environment protection in India. But the enforcement of these legislations has been far from satisfactory. What is needed is the effective and efficient enforcement of the constitutional mandate and the other environmental legislations.

Establishment of Environment Court: Need of Hour

We have noticed that in the past few years there is an increasing trend to the number of cases based on environmental pollution, ecological destruction and conflicts over natural resources coming up before the Courts. In most of these cases there is need for natural scientific expertise as an essential input to inform judicial decision-making. The experience shows that the prosecution launched in ordinary Criminal Courts under the provisions of the Water Act, Air Act and the Environment (Protection) Act never reach their conclusion either because of the work load in these Courts or because there is no proper appreciation of the significance of the environment matters on the part of those in charge of conducting of those cases 34. It is, therefore, absolutely essential to set up a separate machinery to cut down the delays which are hindering the implementation of environmental laws. Further, the

judicial officers alone may not be able to appreciate scientific and technical aspects. It is, therefore, submitted that the provisions be made for the establishment of the Environment Courts with one judge and two experts from the ecological and other sciences. To begin with, we may have a two-tier system one at the State level and the other at the National level which may later be extended even at the District level. Such Courts may be vested with the jurisdiction to decide both criminal prosecution cases under the various environmental laws and civil cases for compensation to victims of any activity leading to environmental damage or pollution. These Courts should be allowed to adopt summary proceedings for speedy disposal of the cases. The appeal from decision of the State Environment Courts may be preferred to the National Environment Court and appeal from the decision of the National Environment Court to the Supreme Court. The provisions should be confined to single appeal.²³

Required Modifications in Life Style

Over the past few years, most people have become environmentally conscious to some degree. What often begins simply as saving money – such as reducing the amount of electricity you use – turns out to have quite a positive impact. Here are just lifestyle changes which will help the environment.

Use the Car Less

This is perhaps the simplest change in this list – reduce the time you spend behind the wheel. In addition to the environmental benefits of doing this, you'll probably find that you become slightly fitter; and have more money in your pocket at the end of the week. In short, there's no downside. How do you do this? Here are a few suggestions: for short journeys, walk, create a car pool with workmates, make use of public transport occasionally, bike to work.²⁴

Understand Expiration Date

It's important to understand what expiration dates on food products actually mean, so that you don't end up throwing away a perfectly good loaf of bread. Expiration dates actually refer to the product's quality, not safety. There are a bunch of techniques you can use to extend the shelf life of everything in your kitchen, like keeping the fridge and freezer cool enough and unpacking groceries as soon as you get home from the store.²⁵

Become A 'Green Consumer'

When shopping for any sort of product – anything from groceries to a new television – take a moment to weigh up the options. If there are alternatives, consider which product has the lowest impact on the environment. Things to look out for: does the item come in easily-recyclable packaging? have the goods been recently produced? Locally? is the item energy or water efficient? By favoring the products which answer 'yes' to these questions, producers and manufacturers will gradually take up 'green' practices in order to remain competitive.

Become 'Carbon Neutral'

using offsets as necessary- This is something that nearly everyone can take advantage of. Become as close to 'carbon neutral' as possible;

purchasing carbon offsets as necessary. In effect, you'll be investing in a number of sustainable energy and water schemes.²⁶

Bring Your Own Bags

Although it might seem convenient to grab a plastic bag at the cash register, the habit is actually pretty wasteful. One source estimates that plastic bags have three times the greenhouse gas impact of reusable bags. Make a more eco-friendly choice by bringing your own reusable bags on your next shopping trip—they're way trendier than the plastic stuff anyway!

Share Your 'Green' Ideas With Others.

Over the past century or so, global communications has grown in many ways. This has made it possible to share ideas and discoveries at an incredible rate. Here are just a few of the ways in which you can share your thoughts with others:

1. create a blog which documents the energy-conserving changes you make in your own home
2. establish a not-for-profit group which teaches others how to live sustainably
3. create a recycling collective with your neighbours, where each person is responsible for the collection and recycling of a particular material or product

Clean Safely

There's little more satisfying than a freshly washed kitchen. But beware the bleach—common household cleaning products are among a number of indoor pollutants that can hurt the environment as well as human health. The next time an urge to get rid of those stovetop stains strikes, consider concocting your own non-toxic cleaning products or doing some research to find the most eco-friendly agents.

Be Pretty Eco-Friendly

Don't freak, but the FDA doesn't actually regulate the ingredients in most personal care products (makeup, perfume, lotion, etc.). And many of these products contain chemicals that are potentially dangerous to humans and their environment. Some products also contain palm oil, an important environmental resource that we're using up too quickly. Before beautifying, take a look at the safety information for some common personal care items. Then choose items with ingredients that are friendlier on your body and the environment.²⁷

It is necessary to change your lifestyle that will have the positive impact on the environment.

Aim of the Study

1. To know what are current environmental issues,
2. How individuals take part in environment protection,
3. To outline the Indian laws which are more related to protect and improve the environment
4. What is required modifications in life style which improve the natural environment to a great extent.

Conclusion

It is amply manifest from the above discussion that the scenario of environment in our country is quite appalling and continues to great deal of concern. The environmental problems being faced by us today can be divided into two main categories: (a) those

arising as negative effects of the very process of development and (b) those arising from conditions of poverty and underdevelopment. Natural environment is getting depleted due to human activity. Thus the individuals play an important role in preserving the environment, through the habit of positive behaviour and make some modifications in their lifestyle such as use the car less, become a green consumer, become carbon neutral, do not throw waste on the road etc.

There are various provisions in Constitution, Indian Penal Code and Criminal Procedure Code which deal with environment protection but the situation is not encouraging. The reason behind this that provisions are not properly implemented. Beside this, we have more than 200 central and state legislations which deal with environmental issues. More legislations means more difficulties in enforcement. There is need to have a comprehensive and integrated law on environment protection for meaningful environment. It is not enough to enact the legislation. A positive attitude on the part of everyone in society is essential for a effective efficient enforcement of these legislations. For the purpose of efficient and effective enforcement of these laws, it is necessary to set the environment court.

A sustainable lifestyle has remained as the only option for survival oh human race in future on earth. Therefore, one need to be proactive to save the environment and life on earth today itself. Otherwise it will be too late tomorrow because the situation may reach a condition, which may be beyond repair even by the powers of MOTHER NATURE.

References

1. 15 major current environment problems, www.conserve-energy-future.com
2. Devendra Mohan, "Environment: burning issues" agropedialabs.iitk.ac.in
3. "Evaluation of Operation and Maintenance of Sewage Treatment Plants In India-2007" (PDF).
4. "Buddha Nullah the toxic vein of Malwa". *Indian Express*. May 21, 2008.
5. Inert gases are neon, helium, krypton, xenon, argon and radon
6. S.C. Shastri, "Environmental law", 2nd edition, 2007 p 19- 20
7. David Huges, Environmental Law (Butterworth, London, 1986), at 310
8. Supra note 6
9. Supra note 1
10. Supra note 6
11. Supra note 1
12. 15 Major current environmental problems, www.conserve-energy-future.com
13. Supra note 14
14. Individual's role in preserving the environment
15. Devendra Mohan, 'Environment : Burning Issues', agropedialabs.iitk.ac.in
16. V.K. Agarwal, Environmental Laws in India: Challenges for Enforcement, dl4a.org
17. Environmental Regulations and Legal Framework in India, www.caretrust.in
18. Environmental Laws, edugreen.teri.res.in
19. V.K. Agarwal, Environmental Laws In India: Challenges For Enforcement
20. Supra note 17
21. Section 277 of Indian Penal Code
22. Section 278 of Indian Penal Code
23. Supra note 19
24. 7 Lifestyle Changes that will Help the Environment, www.thechangeblog.com
25. 40 Unexpected Ways You Can Help the Environment Right Now, greatest.com
26. Supra Note 25
27. Supra Note 26