

Protection of Environment is a Necessity**Abstract**

Activities of human being are increasing environment problems in these days. Technology is also creating same problem due to no-planned management. It is a basic need that environment should be saved. So, a dispute is arise between environment & human beings in whole world. the importance of conservation and preservation of ecosystems to protect environment Human desire is destroying environment .

We are alive due to green. Green is environment. Environment is earth, air, water, soil, trees etc. Every element of environment is necessary & must to we people. We, the humans, had one world of nature & other one is man-made. Nature has earth, air, water, soil, trees etc. On the other hand, man-made has other then nature i.e. un-natural.

Keywords: Environment, Protection, Environmental Protection.

Introduction

Environment is the wellspring of life on earth like water, air, soil, etc., and determines the presence, development and improvement of humanity and all its activities. The concept of ecological protection and preservation is not new. It has been intrinsic to many ancient civilizations. Ancient India texts highlights that it is the dharma of each individual in the society to protect nature and the term 'nature' includes land, water, trees and animals which are of great importance to us. . In the 'Atharva Veda', the ancient Hindu Scepters stated "What of thee I dig out let that quickly grow over".¹

In recent years, there has been a sustained focus on the role played by the higher judiciary in devising and monitoring the implementation of measures for pollution control, conservation of forests and wildlife protection. Many of these judicial interventions have been triggered by the persistent incoherence in policy-making as well as the lack of capacity-building amongst the executive agencies. Devices such as Public Interest Litigation (PIL) have been prominently relied upon to tackle environmental problems, and this approach has its supporters as well as critics.²

Once many years environmental degradation that has occurred is marked by a large extraction of natural sources, Loss of forests, extinction of animal and plant species, depletion of the ozone layer, air, water and soil pollution, loss of marine life, and bio-diversity and so on. These have posed serious threat to the survival of life on earth. Protecting the natural environment for the benefit of humans is the need of the hour. Environmental protection has gained momentum in recent times. In this direction the Government and NGO'S have initiated many programmes to protect the environment. One of the significant initiatives is the National Service Scheme implemented by the Government of India, under the Ministry of Youth Affairs & Sports popularly known as NSS was launched in Gandhiji's Birth Centenary Year 1969.

The role of NSS in protection and conservation of environment is examined by conducting an empirical study. The data from 150 respondents are collected by questionnaire method. NSS organize activities of Environment Enrichment and Conservation, such as plantation of trees, Construction of sanitary latrines etc. Cleaning of village ponds and wells, construction of Gobar Gas Plants, use of non-conventional energy, Environmental sanitation, and disposal of garbage & composting, Watershed management and wasteland development. The study concludes that, NSS has provided a platform for the students to support the best environmental practices. Involvement of student volunteers in environmental activities through NSS can contribute to the overall development of positive qualities in young people and develops among them a sense of social and civic responsibility. We should value our natural resources and use them by staying under the natural discipline.

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Meaning of Environment

The word "environment" relates to surroundings. It includes virtually everything. It can be defined as anything which may be treated as covering the physical surroundings that are common to all of us, including air, space, land, water, plants and wildlife³. According to the Webster Dictionary, it is defined as the "Aggregate of all the external condition and influences affecting the life and development of an organism.

The Environment (Protection) Act, 1986, Section 2(a) environment "includes water, air and land and the inter- relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property. Thus, after analyzing all the above definitions, the basic idea that can be concluded is that environment means the surroundings in which we live and is essential for our life.

Causes of Environmental Disruption

Deforestation

Deforestation is perhaps the most vital cause of environmental disruption. It is the process of clearing trees and forests in a large number. Through photosynthesis, the trees help removing carbon dioxide from the environment hence, if the photosynthetic activity will decline from the atmosphere there will be a massive rise in the levels of carbon dioxide. Forests have a huge amount of organic carbon which is released in the form of carbon dioxide when they are burnt giving an harmful atmospheric change. Deforestation not only harms the climate, but the soil as well. Too much cutting down of trees adds in making the soil barren and losing its productivity. It also adds in the extinction of many animal species. There are many factors which cause deforestation, some of them are-

Agriculture

Farmers are instructed to cut more forests in order to vacate land so that they can get more land for farming and grazing herds. The process of cutting and burning of trees for agriculture is known as slash and burn agriculture.

Forest Products

Forests are also cleared for getting products out of them, such as food, medicines, fodder, cosmetics and perfumes, furniture, paper, construction materials etc.

Construction

A huge amount of forests are cleared every year for construction activities The construction can be of residential buildings, multiplexes, offices etc.

Pollution

Pollution is the state where harmful contaminants are introduced in the air, soil and water. These contaminants have harmful toxins which are capable of harming living bodies. The elderly, ailed and children are the most easily affected by pollution. There are three basic types of pollution affecting our environment.

Air Pollution

Air pollution is where the harmful toxins and chemicals contaminate the air. Examples- Harmful gases from vehicles, factories, tobaccos etc.

Water Pollution

Water pollution is the state of reduction in the quality of water. Waste from factories, households, industries is fused in the water causing the water to pollute.

Soil Pollution

With the rapid urbanisation, the buildings have occupied most of the land especially in cities. Example-The construction materials of buildings contain harmful chemicals which adds negative changes to the soil.

Over-Population

The human over population is one of the main causes affecting the environment. When population is huge in number, the consumption would also be enormous, resulting in the scarcity of resources like food, water, shelter etc.

Measures to save nature and protect the environment

The term 'conservation' of environment relates to activities which can provide individual or commercial benefits, but at the same time, prevent excessive use leading to environmental damage. Conservation may be distinguished from preservation, which is considered to be "maintaining of nature as it is, or might have been before the intervention of either human beings or natural forces." We know that natural resources are getting depleted and environmental problems are increasing.

Protecting the environment is one of our most humane responsibilities. Because we are the ones making the most use of it but the use is turning into exploitation with the growing time which needs our immediate positive attention. It is time to take a step forward in making a green environment. Making a sudden and effective change is difficult, but we can incorporate some nature friendly habits in ourselves, in our close ones and most importantly in the children.

1. Switch off the lights, television and other electronics when not in use.
2. Opt for carpooling.
3. Start a compost heap or use a compost bin. This can be used to recycle waste food and other biodegradable materials
4. Instead of plastic bags use paper bags.
5. Use unleaded petrol and alternate sources of energy, and keep the engine properly tuned and serviced and the tyres inflated to the right pressure, so that vehicle runs efficiently.
6. Rotation of crops.
7. Save paper.
8. Plant as much trees as you can.
9. Don't burn any waste, especially plastics, for the smoke may contain polluting gases
10. Implant a kitchen garden so that the water or starch that you drain can reach the plants. Starch work as a great fertilizer for the plants as well.
11. Turn off the faucets when you are brushing or shaving.

The Constitutional aspects of environmental law

The Indian Constitution is amongst the few in the world that contains specific provisions on environment protection. The chapters directive principles of state policy and the fundamental duties

are explicitly enunciated the nation commitment to protect and improve the environment. It was the first time when responsibility of protection of the environment imposed upon the states through Constitution (Forty Second Amendment) Act, 1976.

Article 48-A the provision reads as follows: "The State shall endeavor to protect and improve the environment and to safeguard the forest and wildlife of the country." The Amendment also inserted Part VI-A (Fundamental duty) in the Constitution, which reads as follows:

Article 51-A (g) "It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, and wildlife and to have compassion for living creature."

In *Sachidanand Pandey v. State of West Bengal*, the Supreme Court observed "whenever a problem of ecology is brought before the court, the court is bound to bear in mind Article 48-A and Article 51-A (g).

Environmental protection: the judicial approach

There are numbers of the following judgments which clearly highlight the active role of judiciary in environmental protection these are follows:

The right to a wholesome environment

Charan Lal Sahu Case-The Supreme Court in this case said, the right to life guaranteed by Article 21 of the Constitution includes the right to a wholesome environment.

Damodhar Rao vs S.O. Municipal Corporation Hyderabad-The Court resorted to the Constitutional mandates under Articles 48A and 51A(g) to support this reasoning and went to the extent of stating that environmental pollution would be a violation of the fundamental right to life and personal liberty as enshrined in Article 21 of the Constitution

Public Nuisance: The Judicial Response

*Ratlam Municipal Council vs Vardhichand*⁴-The judgment of the Supreme Court in instant case is a land mark in the history of judicial activism in upholding the social justice component of the rule of law by fixing liability on statutory authorities to discharge their legal obligation to the people in abating public nuisance and making the environmental pollution free even if there is a budgetary constraints., J. Krishna Iyer observed that, "social justice is due to and therefore the people must be able to trigger off the jurisdiction vested for their benefit to any public functioning." Thus he recognized PIL as a Constitutional obligation of the courts.

Judicial Relief Encompasses Compensation to Victims

Delhi gas leak case: *M.C. Mehta vs Union of India*⁵-In instant case, the Supreme Court laid down two important principles of law:

1. The power of the Supreme Court to grant remedial relief for a proved infringement of a fundamental right (in case if Article 21) includes the power to award compensation.
2. The judgment opened a new frontier in the Indian jurisprudence by introducing a new "no fault" liability standard (absolute liability) for industries engaged in hazardous activities which has brought about radical changes in the liability and

compensation laws in India. The new standard makes hazardous industries absolutely liable from the harm resulting from its activities.

Fundamental Right to Water

The fundamental right to water has evolved in India, not through legislative action but through judicial interpretation. In *Narmada Bachao Andolan vs Union of India and Ors.*, the Supreme Court of India upheld that "Water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India ... and the right to healthy environment and to sustainable development are fundamental human rights implicit in the right to life"⁶

Some remarkable principles and doctrines propounded by the Indian judiciary

Doctrine of Absolute Liability

*Union Carbide Corporation v. Union of India*⁷-In this case, the court held that, where an enterprise is occupied with an inherently dangerous or a hazardous activity and harm results to anybody by virtue of a mishap in the operation of such dangerous or naturally unsafe movement coming about, for instance, in getaway of poisonous gas, the enterprise is strictly and completely obligated to repay every one of the individuals who are influenced by the accident and such risk is not subject to any exemptions. Accordingly, Supreme Court created another trend of Absolute Liability without any exemption.

Polluter Pays Principles

"If anyone intentionally spoils the water of another let him not only pay damages, but purify the stream or cistern which contains the water..." – Plato

Polluter Pays Principle has become a very popular concept lately. 'If you make a mess, it's your duty to clean it up' - this is the fundamental basis of this slogan. It should be mentioned that in environment law, the 'polluter pays principle' does not allude to "fault." Instead, it supports a remedial methodology which is concerned with repairing natural harm. It's a rule in international environmental law where the polluting party pays for the harm or damage done to the natural environment. *Vellore Citizen's Welfare Forum vs Union of India*⁸ The Supreme Court has declared that the polluter pays principle is an essential feature of the sustainable development.

Precautionary Principle

The Supreme Court of India, in *Vellore Citizens Forum Case*, developed the following three concepts for the precautionary principle:

1. Environmental measures must anticipate, prevent and attack the causes of environmental degradation
2. Lack of scientific certainty should not be used as a reason for postponing measures
3. Onus of proof is on the actor to show that his action is benign

Public Trust Doctrine

The Public Trust Doctrine primarily rests on the principle that certain resources like air, water, sea and the forests have such a great importance to people as a whole that it would be wholly unjustified to make them a subject of private ownership.

M.C.Mehta vs Kamal Nath and Others⁹

The public trust doctrine, as discussed by court in this judgment is a part of the law of the land.

Doctrine of Sustainable Development

The World commission on Environment and Development (WCED) in its report prominently known as the 'Brundtland Report' named after the Chairman of the Commission Ms. GH Brundtland highlights the concept of sustainable development. As per Brundtland Report, Sustainable development signifies "development that meets the needs of the present without compromising the ability of the future generations to meet their own needs"¹⁰ There is a need for the courts to strike a balance between development and environment.

Rural Litigation and Entitlement Kendra vs State of UP¹¹

The court for the first time dealt with the issue relating to the environment and development; and held that, it is always to be remembered that these are the permanent assets of mankind and or not intended to be exhausted in one generation.

Vellore Citizen's Welfare Forum¹²

In this case, the Supreme Court observed that sustainable development has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting eco- system. proaches to help the country. In India, the courts are extremely cognizant and cautious about the special nature of environmental rights, considering that the loss of natural resources can't be renewed. There are some recommendations which need to be considered.

Conclusion and Suggestions

Thus, after the analysis of above cases, we find that, the Supreme Court is, at the present time, stretching the different legal provisions for environmental protection. In this way, the judiciary tries to fill in the gaps where there is laciness of the legislation.

In India, media is the fourth pillar of the popular government. It plays an exceptionally essential and compelling part in the general improvement of the country. The effect of media can be seen in the different trials directed by it just by publishing them in their media. Accordingly, the issue of environmental pollution can be checked by making

mindfulness in the general population, in which media's part is extremely critical. The compelling agency of correspondence not just influences the mind of the individuals but is also capable of developing thoughts and desirable attitudes of the people for protecting the environment.

In such busy, crowded and advanced life we must take care of small bad habits on daily basis. It is true that only a small effort by the end of everyone can bring a major positive change towards our declining environment. We should not use the natural resources in wrong ways for just our selfishness and fulfill our destructive wishes. We should grow and develop science and technologies for the betterment of our lives but always be sure that it would not ruin our environment in future in anyways. We should be sure that new technologies would never disturb the ecological balance. So, it is a major worldwide issue which should be solved by the continuous efforts of everyone. We should participate in the World Environment Day campaign to actively participate in the environment safety event.

Endnotes

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