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Save Environment: A Tremendous Challenge

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Introduction

An environment is gifted by the nature to nourish the life on the earth. **The environment consists of living elements like human beings, animals, plants and trees, micro organisms, etc. as well as non-living substances such as water, air, land, soil and rocks.** In the present era, the peoples are harming the environment in such a way that it is alarming for the human existence. **Humane approach of bad and selfish activities and mismanagement of natural resources, technological developments, industrialization and urbanization, explosion of population, deforestation and agricultural development has given rise to numerous environmental problems such as pollution of water, air, noise, land, solid waste, oil, etc. Would we like to provide polluted air to breath, contaminated water to drink, unhealthy food to eat and unhygienic conditions to live in as a gift to our future generations? If the answer is no, then we all should work together and endeavor to spread the public awareness all over the world.**

Global warming is the big environmental issue that we are facing today as a greatest challenge which we need to get it solved permanently. Global warming is harming the environment and lead to heavy rainfall and snowfall, melting of glaciers and polar ice sheets, rise in sea level, high temperature, acid rain, saltwater intrusion, increase in number of cyclones and hurricanes, desertification, spread of infections, diseases in people, etc. Plants and animals are very sensitive to change in environment. Some birds and animals are at risk from global warming. People must be aware of its meaning, cause, bad effects and other things about global warming to get it eradicated from worldwide and make the possibilities of life on earth forever as usual.

In order to protect the environment, the Government of India has introduced certain environmental laws, but only laws can not adequate to control unfair practices of human. The only solution to solve the issue of environmental pollution and global warming is the individual level social awareness.

Meaning of Environment

According to Dr. T. N. Khoshoo, Secretary, Department of Environment, Government of India, "Environment is some total of all conditions and influences that effect the development of life of all organisms".¹

According to the Encyclopedia Britannica, the term 'Environment' means the entire range of external influence acting on an organism, both the physical and biological and other organism i.e., forces of nature surrounding an individual.²

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According to Section 2(a) of the Environment (Protection) Act, 1986, the term 'Environment' includes-

- (a) Water, air and land;
- (b) The inter-relationship which exists among and between;
 - (i) Water, air, land and;
 - (ii) Human beings, other living creatures, plants, microorganisms and property.³

Meaning of Environmental Pollution

According to Section 2(c) of the Environment (Protection) Act, 1986, the term "Environment Pollution" means 'the presence in the environment of any environmental pollutant' and as per Section 2(b) of the Act, "Environmental Pollutant" means 'any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment'.⁴

Environment Protection and the Law

It is a basic right of all to live in a healthy environment. It is our prime duty to protect our environment but some people go against it. Their irrational behavior coupled with other allied unfair activities which affects natural environment which goes against the interest of the mankind and their well being. Various laws relating to environment play a vital role as without such laws the people are difficult to be controlled. Various acts relating to environment impose great penalties on the polluter. Only penalties are the easier way to control the people from harming the environment which is otherwise not possible. The main objective of environmental law is to preserve and protect the nature's gift from pollution.

The Department of Environment was established in India in 1980 to ensure a healthy environment for the country. This later became the Ministry of Environment and Forests in 1985. The National Environment Policy (NEP), 2006 was made by the Ministry of Environment and Forests to view the key environmental challenges, their causes and effects, objectives of policy formulation and strategies and action programme to satisfy the objectives and mechanisms that need to be implemented and reviewed.⁵

(1) Constitutional Provisions

The Indian Constitution is amongst the few in the world that contains specific provisions on environment protection. The Indian Constitution of 1950, there was no independent and separate provision relating to the protection or improvement of the environment. After Stockholm Conference, the Indian Parliament passed the Constitution (Forty-Second Amendment) Act, 1976 (with effect from 31/1/1977) and incorporated Article 48-A and 51-A (g) to protect and improve the environment. Several fundamental rights and in Particular, those guaranteed by Articles 14, 19, 21, 32 and 226 have also played a valuable role in environment protection.

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(2) General Laws

(a) The Indian Penal Code, 1860

Chapter XIV of the IPC (Ss. 268 to 294-A) is to safeguard public health, safety and convenience by punishing acts which pollute the environment or threaten people's lives.

(b) Code of Criminal Procedure, 1973

The Code of Criminal Procedure, 1973 (Ss.133 to 143) deals with the subject concerning environment protection. It can be used to control any public nuisance causing pollution of air, water or noise.

(c) The Law of Torts

An action initiated under the law of tort is the one of the oldest legal remedies to prevent or reduce environment pollution. Under the law of tort the most of pollution cases fall under the categories of nuisance, negligence and strict liability. The Supreme Court added a new class based on absolute liability.

(d) The Code of Civil Procedure, 1908

Provision under section 91 of The Code of Civil Procedure, 1908 is with regard to Public Nuisance and other wrongful acts affecting public.

(e) The Specific Relief Act, 1882

In the context of the environmental protection, provisions of the Specific Relief Act dealing with injunctions under chapter VII (Ss. 36 to 44) of part III titled Preventive Relief will have some relevance.

• Provisions of the environment protection under other general laws

- The Indian Easements Act, 1882
- Indian Police Act, 1861
- The Bombay Police Act, 1951
- The Gujarat Municipalities Act, 1963
- **The Factories Act, 1948**
- **The Motor Vehicles Act, 1988**
- **The Atomic Energy Act, 1982**
- **The River Boards Act, 1956**
- **The Merchant Shipping Act, 1970**
- **The Indian Fisheries Act, 1987**

(3) Statutes / legislations enacted in India exclusively for Environment Protection⁶

(A) General

- **The Environment (Protection) Act, 1986** provides for the protection and improvement of the environment. It empowers the Central Government to establish authorities charged with the mandate of preventing environmental pollution in all its forms and to tackle specific environmental problems that are peculiar to different parts of the country. The Act was last amended in 1991.

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- **The Environment (Protection) Rules, 1986** lay down procedures for setting standards of emission or discharge of environmental pollutants.
- **The National Environmental Tribunal Act, 1995 is established** to provide for strict liability for damage arising out of accidents caused from the handling of hazardous substances.
- **The National Environment Appellate Authority Act, 1997** has been created to hear appeals with respect to restrictions of areas in which classes of industries etc. are carried out or prescribed subject to certain safeguards under the EPA.
- **The National Green Tribunal Act, 2010** is established for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.
- **Other Rules**
 - **The Hazardous Waste (Management and Handling) Rules, 1989**
 - **The Manufacture, Storage, and Import of Hazardous Chemical Rules, 1989**
 - **Rules for The Manufacture, Use, Import, Export, and Storage of hazardous Micro-organisms/ Genetically Engineered Organisms or Cells Rules, 1989**
 - **The Biomedical waste (Management and Handling) Rules, 1998**
 - **Recycled Plastic Manufacture and Uses Rules, 1999**
 - **The Municipal Solid Wastes (Management and Handling) Rules, 2000**
 - **The Ozone Depleting Substances (Regulation and Control) Rules, 2000**
 - **The Batteries (Management and Handling) Rules, 2001**
 - **The Biological Diversity Act 2002**
 - **The Public Liability Insurance Act, 1991**
- (B) **Air Pollution**
 - **The Air (Prevention and Control of Pollution) Act, 1981** provides for the control and abatement of air pollution.
 - **The Air (Prevention and Control of Pollution) Rules, 1982** define the procedures of the meetings of the Boards and the powers entrusted to them.
- **Other Law**
 - **The Air (Prevention and Control of Pollution) Amendment Act, 1987**
- (C) **Noise Pollution**
 - **The Noise Pollution (Regulation and Control) (Amendment), 2002** rules lay down such terms and conditions as are necessary to reduce noise pollution.
- (D) **Water Pollution**
 - **The Water (Prevention and Control of Pollution) Act, 1974 and Rules, 1975** is to maintain or restore the wholesomeness of water and to prevent, control and abate water pollution. The Central Pollution Control Board was constituted under this act.

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

- **The Water (Prevention and Control of Pollution) Cess Rules, 1978** contains the standard definitions and indicate the kind of and location of meters that every consumer of water is required to affix.

(E) Forest and Wildlife

- **The Indian Forest Act, 1927** is to consolidate the law relating to forest, the transit of forest produce and the duty leviable on timber and other forest produce.

- **The Forest (Conservation) Act, 1980 and Rules, 1981** provides for the protection of and the conservation of the forests.

- **The Wildlife Protection Act, 1972 and Rules, 1973** provides for State Wildlife Advisory Boards, regulations for hunting wild animals and birds, establishment of sanctuaries and national parks, regulations for trade in wild animals, animal products and trophies, and judicially imposed penalties for violating the Act.⁶

Conclusion

There is an urgent need to safeguard the environment to save the future generations.

“The future is up to us.”

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