CONCLUSIONS AND SUGGESTIONS

There is a significant progress in providing legal protection to environment but there are several loopholes. Though under Indian legislative environmentalism there are many enactments such as Water Act, Air Act, the Forest conservation and the recent comprehensive Environment (Protection) Act, they are inadequate to deal with present contingency. India is in need of a new effective legislation for this 21st century and venture to have the U.S model of legislative planning and open public scrutiny. The principle of sustainable development must be recognized and emphasis on Environmental Impact Assessment is needed. India being developing country it concentrate on the socio-economic development but it must be in co-ordination with environmental upgradation. Though, the Environmental (Protection) Act is very ambitious and maintained different ingredients of the environment in India, environment protection has been dominated more by socio-economic constraints and the priority of development. Therefore, sometimes with several compromises, the objective lost which has resulted in the failure of legislative mission.

The rapid growing population and economic development is leading to a number of environmental issues in India because of the uncontrolled growth of urbanization and industrialization, expansion and massive intensification of agriculture, and the destruction of forests. Major environmental issues are
Forest and Agricultural land degradation, Resource depletion (water, mineral, forest, sand, rocks etc) Environmental degradation, Public Health, Loss of Biodiversity, Loss of resilience in ecosystems, Livelihood Security for the Poor.

It is estimated that the country’s population will increase to about 1.26 billion by the year 2016. The projected population indicates that India will be the first most populous country in the world and China will be ranking second in the year 2050. India having 18% of the world's population on 2.4% of world's total area has greatly increased the pressure on its natural resources. Water shortages, soil exhaustion and erosion, deforestation, air and water pollution afflicts many areas.

**Major issues**

One of the primary causes of environmental degradation in a country can be attributed to rapid growth of population, which adversely affects the natural resources and environment. The growing population and the environmental deterioration face the challenge of sustainable development. The existence or the absence of favorable natural resources can facilitate or retard the process of socio-economic development. The three basic demographic factors of births (natality), deaths (mortality) and human migration (migration) and immigration (population moving into a country produces higher population) produce changes in population size, composition, distribution and these changes raise a number of important questions of cause
and effect. Population growth and economic development are contributing to many serious environmental calamities in India. These include heavy pressure on land, land degradation, forests, habitat destruction and loss of biodiversity. Changing consumption pattern has led to rising demand for energy. The final outcomes of this are air pollution, global warming, climate change, water scarcity and water pollution.

Environmental issues in India include various natural hazards, particularly cyclones and annual monsoon floods, population growth, increasing individual consumption, industrialization, infrastructural development, poor agricultural practices, and resource maldistribution have led to substantial human transformation of India’s natural environment. An estimated 60% of cultivated land suffers from soil erosion, waterlogging, and salinity. It is also estimated that between 4.7 and 12 billion tons of topsoil are lost annually from soil erosion. From 1947 to 2002, average annual per capita water availability declined by almost 70% to 1,822 cubic meters, and overexploitation of groundwater is problematic in the states of Haryana, Punjab, and Uttar Pradesh. Forest area covers 18.34% of India’s geographic area (637000 km²). Nearly half of the country’s forest cover is found in the state of Madhya Pradesh (20.7%) and the seven states of the northeast (25.7%); the latter is experiencing net forest loss. Forest cover is declining because of harvesting for fuel wood and the expansion of agricultural land. These trends, combined with increasing industrial and motor vehicle pollution
output, have led to atmospheric temperature increases, shifting precipitation patterns, and declining intervals of drought recurrence in many areas.

In its advance, the above thesis culminates the following conclusions and suggestions. Perhaps one of the most neglected yet also important aspects is environmental protection, which ultimately protects the very existence of Universe. The increasing environmental ruin and pollution are causing huge harm to all human life on earth. Therefore, it should be the duty of every citizen to protect and improve natural environment and biodiversity. In this regard, it is noted that “the concept of respecting and protecting the human environment has its objective the fulfillment of legitimate, immediate ambitions of individuals and nations as well as the interests of future generations. The rectification of past errors, wherever possible, has as its object the provision of better opportunities for development and progress.

Environmental modification is as old as the history of human development. In the last century, development and modification have come much faster then ever before. While it took a few thousand years for man to pass from Paleolithic to Neolithic tools, it has taken less than a century to modify conventional weaponry to nuclear devices. Development has been so rapid that nature has not had time to adapt to these changes and to human requirement and greed.
The last century has seen an unmanageable increase in population, placing a tremendous burden on natural resources. There is not enough food for the world’s hungry. Also, the earth itself is worn out due to excessive farming, use of chemicals and pesticides and excessive use of ground water. Water resources are badly polluted and emission of toxic fumes from industry and vehicles has deprived us of clean air. Industrialisation and a growing consumer economy have led to the creation of huge megapolises with their problems of undisposed garbage and uncontrolled sewage.

To combat these problems, world bodies like the United Nations and the World Commission on Environment and Development have been formulating ideas for environmental protection and sustainable development. Several international conferences have been held on this subject, starting with the first one in Tbilisi in 1977 to the Earth Summit in Rio de Janeiro, the Population Summit at Copenhagen, the world Summit on Sustainable Development in Johannesburg and several others. It is clearly evident that 25 years after the first conference in Tbilisi, there has not been an appreciable change in lifestyles or the level of awareness. Countries have put their own interests ahead of environmental protection and the future of coming generations.

For the purpose of protection of environment and ecological development should strictly focus on:

- Conservation & survey of flora, fauna, forests and wildlife
• Prevention and control of pollution
• Afforestation & regeneration of degraded areas
• Protection of environment, all within the frame work of legislations.

To achieve the goal for protection of environment the following tools are required to be utilized.

• Surveys and impact assessment
• Control of pollution
• Regeneration programmes
• Support to organizations and NGOs
• Research to solve solutions
• Training to augment the requisite manpower
• Collection and dissemination of environmental information
• Creation of environmental awareness among all sectors of the country's population.

Through the years, the government of India has passed innumerable laws to help them in their task of environmental protection. Sadly, all the regulations and acts have not done enough to protect the environment. The greed of many in the governing bodies has led to misuse of the laws and ruthless exploitation of the land, leading to ecological destruction and social injustices. Most leaders of industry lack a social conscience. They have exploited our country’s resources and polluted our earth, water and air. Public apathy has not helped either. The people, as citizens of this country have not
made their voices heard. The opening up of the economy and globalization has put a greater pressure on the resources, further vitiating the fragile eco-system of India.

A recent trend which is heartening to note is the role of the Indian Judiciary in environmental protection. It has adopted public interest litigation (PIL) for the cause of environmental protection. This has proved an effective tool. For example, an attempt to acquire forest land and change the course of the River Beas to facilitate the construction of a motel was made by a company reportedly having direct links with the family of Kamal Nath, former Minister of Environment and Forests. The Supreme Court quashed the prior approval granted by the central government for leasing out forest land and also the lease deed between the government of Himachal Pradesh and the company. The Government of Himachal Pradesh was asked to ensure that the space was restored and that there was no construction on that area. The culprit company was strictly directed to end and remove all construction and had to pay for the restoration of the area’s ecology. It was also clarified that the river and surrounding region was and would remain public property.

The researcher submits that there exist lapses in environmental protection laws. There is failure on the part of governmental machinery. It is submitted that violence on environment should be denuded. There is a need to look into the working of pollution control boards. It has also been an accepted fact that Indian laws for pollution control are replete with flaws. There is no
flexibility in the standards as they are more prescriptive and define uniform standards without taking into account, the type or size of the industry or the cost of pollution abatement. Legal action to protect and preserve the environment is not up to the mark in India due to the poor enforcement of environmental protection laws.

It is high time that the people of India wake up to realize the severe magnitude of the damage wrecked on the mother earth in the guise of development. To the decision makers, the protection and welfare of our environment, hardly matters. All these add up to an unredeemable violation of human rights by the industrialists who assists for the state’s inaction under the façade of industrial and technological development. The people cannot, any more succumb to fatalism or eat the opium of industrial and technological development involving human causalities as an inevitable evil. The researcher submits to eliminate the subdued thought that has been too deeply ingrained in the psyche that expenses on environment protection is a sheer waste and make the common man suffer has to be discarded from the minds of Indians.

It is clear from the discussion in the thesis that the protection and preservation of the environment are necessarily related to development, which is sustainable and falls under Article 21 of the Indian Constitution. By virtue of India being a signatory to many international instruments which became the part of the law of land. Therefore, the judicial role for evoking the role of judicial activism through public interest litigation is a Constitutional norm.
The concepts of ecological development are fully appreciated and applied by Indian judiciary, while adjudicating the environmental issues. Whenever, there is a threat to the environment, the same must be resolved and appropriate the steps to be taken to avoid damage to the environment. It is already late that the people of India must wake up. ‘Do or die’ is the call at this crucial moment when environmental survival and life’s safety are at stake. It has been repeatedly, time and again stressed that the mankind must take global approach to maintain the ecological balance in order to preserve life on earth.

The Supreme Court has changed the course of environmental law by making environmental obligations binding on the state by interpreting that the right to a clean environment is integral to the right to life. This jurisprudence of fundamental rights and adopting a right-based approach towards the environment has empowered the citizens to seek enforcement of environmental rights.

The court has contributed to the development of environmental law by interpreting various provisions of the constitution to enable the application of international principles of environmental law into national law.

By applying the principles of sustainable development the Supreme Court has given effect to the principles of social justice inherent in the constitution of India. Thus, while laying down environmental law, the court has in fact established the constitutional objectives of social economic and political justice and the fundamental rights of the citizen of India.
A powerful movement has grown up all over the world for protecting environment. Especially International Environmental conferences adopted principles to guide the governments in their handling of global environmental crisis. States also adopted policies and guide lines in protecting environment. Judiciary has given helping hand in promoting environmental protection.

SUGGESTIONS

The following are the suggestions of the researcher intended as a contribution for the protection of environment and ecological development in India.

- The existing legal provisions are inadequate to control the enormous problems of environmental pollution of various types in the country. Therefore, the judiciary has to play a more active and constructive role. This has become all the more essential in view of the lack of awareness in the masses of the pollution problems; lack of planning and the plenty of the industries and the local bodies in this regard. New jurisprudential techniques have to be devised to deal adequately with the problems of pollution control and protection of environment.

- Environmental law should be implemented effectively by adopting new instruments, mechanisms and procedures like environmental impact assessment and environmental audit and incorporate environmental objectives in manufacturing processes, minimum usage of hazardous materials and toxic chemicals, careful usage of toxic gases will reduce environmental load.
Legal provisions granting a perspective right to pollute air and water should be construct restrictively by the courts.

Legal provisions intended to prevent or control pollution should be interpreted in such a way that even the subtle invasions of the anti-pollution laws are covered.

Government must initiate the programmes to create public awareness with regard to relation between human rights and environmental protection and also related laws.

Sincere commitment to good environmental practices must be supported throughout the globe for sustenance of life and adopting green technologies, viz, using solar energy, low CFC emitting technology, those which are highly innovative, cost-effective, eco-friendly technologies.

The decision of the Supreme Court in the case of Ratlam Municipal Council should be treated as containing the basic guidelines in determining the primary responsibility of the local bodies as also of the industries.

Coordinating efforts globally between all states and locally among governments centre and states, private groups, organizations, operational and financial institutions and people at large in appropriate aspects of their respective activities through Exchange of information, sharing of expertise knowledge, developing arrangements for technical cooperation is needed.

The sentencing policy should place emphasis on abetment of pollution of environment rather than imposition of fines or traditional penalties.
Public interest litigation for protection of the natural environment should be permitted in view of the wider social interests affected by environmental pollution. The court has to inculcate new methods and devise new strategies for the purpose of providing access to justice to large masses of people who are denied their basic human rights. Especially having regard to the peculiar socioeconomic conditions prevailing in the country where there is considerable poverty, illiteracy and ignorance obstructing and impending accessibility to the judicial process.

Promoting programmes to sensitize decision makers, including public officials, legislators and members of the judiciary, as to the need to develop a sense of commitment to the protection of human and environmental rights and to adopt more holistic approaches to integrating the requirements of sustainable development in the interpretation and application of national and international norms for the protection of those rights and sustainable development concepts.

Among all the laws on the subject, Sec. 133 of Cr.P.C. 1974 can play a pivot role in controlling all types of pollution viz, air, water and noise. Being a speedy and summary remedy every one can use it effectively by raising the guns of section 133 to go in to action, whenever there is a public nuisance caused by pollution to the environment.

The Magistrate and the Courts must invoke the provisions of Sec.133 for achieving the social justice by ordering the abetment of public nuisance caused by pollution to the environment.
United Nations and governments of nations can do three key course of action: 1. Proper information regarding seriousness of the environmental problem. 2. Incentives may be provided to those who develop standards to meet the challenge of environmental pollution. 3. to set up a unified Research center and implement the principles of sustainable development.

This is a very small step when what are needed are giant strides in an eco friendly direction. The crying need of the hour is to educate the public and make them aware of their rights as citizens of this country to a clean environment, to clean water, clean air and clean surroundings. They must act together to fight corruption in governance and ruthless exploitation by the captains of industry. A strategy for environmental protection could be adopted.

Reduce fertility rates and control population, reducing pressure on natural resources. Educate and inform the people about the gains of environmental protection and sustainable development. They must stand up for their rights

It is high time that the general public, public entities, state and central government realize the damage, which our developmental process has made to the living environment. The extent is such that it cannot be resorted. There a
necessity to think about the needs of present and future by compulsion and also need to balance the public interest and environment protection. It is to be noted that unless the humanity rises to the occasion for the prevention and control of the pollution and protection of environment with necessary zeal and speedy trial, the progressive and prosperous living and to procure welfare state will become a nightmare.

There is still hope for us. We can, to a certain degree, reverse the process of degradation of our surroundings, for Mother Earth is forgiving and able to heal her wounds if we do not inflict more grievous ones on her. As Paul Bigelow Sears said, “How far must suffering and misery go before we see that even in the day of vast cities and powerful machines, the good earth is our mother and that if we destroy her, we destroy ourselves.” So we should act today for a better tomorrow for our children.