CHAPTER -VIII
CONCLUSION AND SUGGESTIONS

Conclusion

Man in his bid to conquer over the nature is committing many mistakes for which not only he but his coming generations will have to suffer. One of such mistake, which the man is committing, has been discussed at length. All the areas touching, “Protection of Environment in India” have been gone through. The question still remains: Are we successful in our mission to save Our Environment from Pollution?

About many long years have passed after the Ministry of Environment and Forests (MoEF) drafted a state of Legislations following the ruling of our Apex Court. But has the State Government shown any interest and tried to show an inclination strictly and effectively to implement the Rules and Regulations? The answer is big “NO”. Like other States, Punjab & Haryana are making some efforts in this regard. The other states will also have to make a similar move otherwise it will be too late and our future generations will curse us.

The problem of Water Pollution assumes special significance in the world because it affects the well being of people and economic developments. For the prevention and control of Water Pollution, the Parliament enacted the Water Act, 1947. The Main objective of the Act is ‘To Prevent and control of Water Pollution and To Maintain or Restore Wholesomeness of Water.’ No law, howsoever, perfectly or meticulously drafted can remain free from ambiguities or drawbacks; therefore, this Water Act is not an exception.

Among all the sources of noise pollution, noise originating from religious places is becoming a major irritant in modern life. Each and every religious sect in India is responsible for such disturbance. However, this
source of noise pollution can be completely controlled. Even though the Noise Rules are unambiguous, there is a lack of awareness among the citizens as well as the implementation authorities on the Rules or their duty to implement the same. In addition, the controlling authorities generally lack the technical expertise to measure the intensity of polluting noise. However, with regard to noise emanating from religious places, the Delhi High Court in the Free Legal Aid Case¹, directed,

“The House of God should be kept peaceful and noise-free as it is rightly said that God is not deaf.”

The present environment protection movement is an enigma difficult to explain. What we promise, be it national or international, seldom we practice. What we preach, we seldom perform. What we decide, we seldom implement. In spite of so much promise unless our basic human nature transcends from narrow limitation, there will be no end of exploitation and oppression of the poor tribal forest people. Therefore, if we had to measure success of environment protection movement in the background of tribal people’s right to livelihood as human right, then we are to lament in despair that the entire movement is nothing but a fine rhetoric empty of all meaning and worth.

Despite these initiatives, the quality of the urban and rural environment continues to decline. The root cause of this problem is the slack performance of the enforcement agencies. Several factors inhibit agency functioning, not least among them being a lack of budgetary support.

Depriving the enforcement agencies of funds has meant inadequate technical staff and supporting infrastructure for monitoring and control. Ten years after Parliament enacted the Water Act in 1974, Some PCB’S did

¹ See, AIR 2001 Delhi 435
not have a single laboratory or analyst to test effluent samples. Political interference and a lack of will to confront entrenched industrial and Commercial interests also contribute to poor administration. Besides, it is widely perceived that the effectiveness of some agencies is curtailed by institutional graft. This laxity and indifference has invited judicial strictures from the High Courts and the Supreme Court.

Quite apart from that the Central and State Pollution Control Boards should be allowed to function independently outside the clutches of politicians. It is concluded that without the backing of the public opinion, Laws are of little avail. An aware and informed person can play a positive role in promoting environment protection programmes. Therefore, it is very essential to provide civic consciousness among the people through Newspapers, electronic media, seminars, symposia, street plays and also by introducing the subject in educational institutions.

It is true that in recent past, we have caused considerable damage to environment all around on account of industrialization, urbanization and population explosion at global level. The environmental Engineers/scientists have issued the note of caution repeatedly regarding degradation of environmental standards, which have reached at dangerous level mainly due to human activities.

It is highly regretted that despite legislative measures we are utterly failing to bring wide-spread environmental awareness among public at large. On a number of occasions the Supreme Court of India has passed directions to the Government to introduce and inculcate environmental

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2. B. Desai, Water Pollution in India, p.131 (1990)
3. Haryana Pollution Board Disbanded, Time of India, Delhi, 13 May 1992. The board was dissolved shortly after it served a prosecution notice on the chief minister’s son-in-law.
4. The Punjab pollution control board was superseded in 1996 after the state government received complaints regarding maladministration and harassment. An enquiry revealed that some of the board decisions were ‘highly suspect.’ See, G.S. Oberoi V. State of Punjab, (AIR 1998 P & H 67).
consciouness from the primary school level to the university level. But, we are yet to follow the directions of Hon’ble Court in letter and spirit.

The vast network of environmental regulations has little impact on the quality of the air or water. The leading environmentalist and advocate, M.C. Mehta, blames the pollution control boards and other bureaucracies for failing to enforce the statutes, many of which have been part of the Indian courts for decades. He argues that despite the statutory framework, there will be no visible results unless a political will spurred by greater citizen involvement forces the sub-competent bureaucreacy to set about implementing and enforcing natural resource laws.

Recently, the Supreme Court lamented:–

‘If the mere enactment of laws relating to the protection of environment was to ensure a clean and pollution free environment, then India would, perhaps, be the least polluted country in the world. But, this is not so. There are stated to be over 200 central and state statutes which have at least some concern with environmental protection, either directly or indirectly. The plethora of such enactments has, unfortunately, not resulted in preventing environmental degradation which, on the contrary, has increased over the years.’

Today, the menace of ‘Environmental Degradation’ is staring us in our faces. To grapple with this problem has been the concern of mankind over the world. International Conventions have been held for the last more than three decades on Climate Change, Global Warming, and Ozone Depletion etc., and the dangers they pose to Mankind. Air Pollution has now become a major killer with three million people dying of it every year.

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7 See, Indian Counsel for Enviro-Legal Action V. Union of India, (5) SCC 293.
Carbon emissions doubled in three decades. The IPCC report forecasts that India would be among the countries worst affected by the rising temperatures due to global warming. Among the various consequences, there may be drop of 38 per cent in per capita water availability by 2050 for Indians as great drys become frequent. Sea levels will rise 40 cm higher by 2100 and 50 million people in coastal India would be displaced by flooding. In the planes, winter precipitation would decline causing water shortages, shrinking grass lands and triggering a fodder crisis. There will be a fall of 17 per cent in wheat yields in India if temperatures rise by even half a degree centigrade. 2035 is the year when the Himalayan Glaciers may totally disappear causing catastrophic disruptions. Food grain production in India is likely to drop by as much as 30 per cent. Wheat crop in northern India would in particular bear the burnt. It is expected that by the end of 21st century, there will be overall rise in global temperature by 5°C. Vector borne diseases such as dengue and malaria are expected to rise sharply across India as changes in temperature make it conducive for mosquitoes to thrive. Deaths from diarrhoeal diseases associated with floods and draughts could go up. There may be risk of 50 percent of the total bio diversity in India because of climate change, because the grass lands are expected to decline sharply. Forty percent of Himalayan glaciers would perish and Mumbai’s Nariman Point will be submerged. Human activities are wiping out three animal or plant species every hour. It is estimated that everyday, up to 150 species are lost. Every year, between 18,000 and 55,000 species become extinct.

R.K. Pachauri in his Nobel Lecture, delivered on December 10, 2007 warned:

“Neglect in protecting our heritage of natural resources could prove extremely harmful for the human race and for all species that share common space on planet Earth.”
There can’t be two opinions that for a country like India trying to overcome the demons of population explosion, poverty and disease, energy and production and conservation, insanitation and pollution, etc., education about these issues and those of climate change and environment is of vital importance. Whereas study of other subjects is mainly based on rote cramming, the study of environment is related to our day to day life and can be experience based, interactive and Action-Oriented. Three main objectives of this type of study should be (i) To Create Environmental and Health Awareness among students, (ii) Carry out Awareness-cum-Action programmes and (iii) Promote Community Participation in these programmes. Under this perspective, this study can constitute a Unique Educational Experience.

It is worth mentioning here that remarkable steps in this move have already been taken by State Pollution Control Boards especially by Haryana State Pollution Control Board as is clear from the activities performed and various milestones achieved by it through exercise of their powers in its jurisdictions.

“It may well be asked why it is that there should be a growing conflict between economic and technological advance on the one hand, and the quality of the environment on the other. There are two main reasons. One is rooted in a basic law of nature. The second reason for the growing conflict is largely economic. Little can be done about the first reason, for even the most powerful legislatures cannot change the laws of nature, but many things can be done about the second. Governments can protect the environment through legal and institutional arrangements.”

-Royal Commission on Environment Pollution,

First Report, 4 (1971)
A clean environment is the basic need for the existence of life on the earth. On the other hand the technological, scientific and industrial development is also very necessary. Man has achieved a lot of materialistic abundance and advancement in every sphere of life, but all this has been achieved at the cost of ‘environment’ and the ecological balance.

The large-scale industrialization, increased transport, denudation of forests for housing and other projects; swift and reckless encroachments on the country side to make more place for cities, factories, highways and aerodromes; continued and unending industrial discharge into rivers and spewing of thousands of tons of particulates and poisonous gases into the atmosphere; disappearance of wild life and accumulations of untreated waste and mounds of rubbish and garbage all are resultants of technological advancement and skill. The industrial disasters and the environmental episodes clearly exhibits that the environment surrounding us is not safe and the ‘air’ which we take to respire contains poisonous gases. The scenario at global level is also not satisfactory due to build up of carbon dioxide in the atmosphere, transboundary air pollution, acid rain and depletion of ozone layer.

Climatic change are also noticed due to high concentrations of Carbon Dioxide, Carbon Monoxide, Chlorofloro Carbons and Nitrous Oxide. They are responsible for ‘green-house effect’ or ‘global warming’ which consequently can cause increase in sea-level, expansion of sea, floods, changes in weather systems, increase in temperature and alterations in rain-fall patterns. Human health too will be severely affected due to increase in the number of viruses, parasites and insectes which thrive in warmer conditions.

‘Acid-rain’ is another effect of pollutants on the climate. The pollutants which are responsible for the formation of acids in ‘acid-rain’ as generally emitted from power plants, fossil fuel burning, industries
and motor vehicles. ‘Acid-rain’ can damage property, fish, other animals, soils and crops. One of the prominent and distinct polluter of ‘air’ is ‘noise’ also which is generated from industrial and non-industrial sources and is capable of disturbing the natural calmness and concentration, physical discomfort, and temporary or permanent damage to ‘hearing’. So environmental pollution is hazardous for the existence of plants and human beings and is capable of disturbing the natural eco-system.

The problem of environmental pollution is now assuming a dangerous proposition throughout the world and global concern is discernible to protect environment. “Today is late, tommorrow may be too late”. Law is regarded as a means of controlling human conduct. Therefore various legislations have been passed and regulated in this regard at national as well as international level.

Sustainable Development is the only solution of these tragic problems. Sustainable development means an integration of developmental and environmental imperatives. To be sustainable, development must possess both economical and ecological sustainability.

Some of the salient principles of sustainable development, which have been identified in various international documents, are the inter-generational equity; use and conservation of natural resources; environmental protection; the precautionaly principle; the polluter pays principle; the obligation of the States to co-operate; eradication of poverty; and financial assistance of developing countries. Today if we want to save this planet Earth from further deterioration then it is necessary to implement to principles of sustainable development.

The international concern for tackling this problem was bound to arise keeping in view its diversity and serious impact on the life supporting systems. It was, therefore, the ‘Stockholm Conference on Human Environment’ in 1972 wherein the international community took up the
problem of air and environmental pollution at global levels and has shown its joint and serious concern to save the ‘human environment’. In addition to provide a structural framework for various international bodies, the convention discussed the important issues like planning and management of the environment, natural resource management, identification and control of various pollutants, social and cultural aspects of the problem, economic development vis a vis environmental conservation etc. Moreso, a comprehensive action plan was also finalized for managing the human environment.

The International Union for Conservation of Nature is committed to support nations in collaborating policies, strategies and plans directed to achieve ‘sustainable Development’. The World Charter for Nature adopted by the General Assembly suggests the need for appropriate and effective measures at the national and international, individual and collective, and public and private levels to protect nature.

‘The Earth Summit’ organized at Rio under the auspices of the “UN Conference on Environment and Development” in 1992 witnessed hot and live discussion on various global environmental issues and the delegates of about 170 countries including head of States, joined their hands to decide on a “New global partnership” to save the ‘planet earth’ for coming generations.

Viewed in Indian perspective of legal control of protection of environment, there is a flood of legislations. In India, after Stockholm Conference of 1972, three major environmental legislations, namely Water Act of 1974, Air Act of 1981 and Environment (Protection) Act of 1986, have been passed by our Parliament as a means of legal control of environmental pollution.

The Constitution of India under Article 21, guarantees the right to life and personal liberty to individuals which has been interpreted by the
Supreme Court to cover “right to live in a pollution free atmosphere” also. Besides this Article 48-A, and Article 51A (g) impose a duty on ‘State’ and ‘Citizens’ respectively for the protection and improvement of environment.

The Indian Penal Code, 1860 contains several provisions which make pollution a crime and also prescribes punishment for the same. Section 277 of IPC is related to water pollution, Section 268 deals with public nuisance under which inter alia noise pollution can be controlled.

Criminal Procedure Code, 1973 also gives power to the District Magistrate or Sub-Divisional Magistrate to abate public nuisance.” According to Section 91, of CPC the right of action in case of public nuisance is provided.

The Factories Act, 1948, though, primarily a labour legislation, yet contains some provisions for the maintenance of cleanliness in and around the factory (Section 11).

Noise, air and visual pollution can be controlled under the Motor Vehicles Act, 1939.

The Water (Prevention and Control of Pollution) Act, 1974 and The Air (Prevention and Control of Pollution) Act, 1981, are the direct legislations for the prevention, control and abatement of water pollution and air pollution respectively.

The Environment (Protection) Act, 1986, is another specific legislation for the prevention and control of environmental pollution in general and for the improvement of the quality of environment in particular. The act also prescribes for handling of hazardous substances.

The owner of the hazardous units and industries are also subject to and liable to the provisions of ‘Strict liability’ and ‘Absolute liability’.

The Public Liability Insurance Act, 1991 is a novel legislation to provide for public liability insurance for the purposes of providing

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8 The Criminal Procedure Code, Sec. 133.
‘immediate relief’ to the persons (other than workers) affected by accidents-arising in the course of handling any hazardous substance. The Act is based on ‘No-fault liability’ principle and the owner or occupier is liable to give ‘relief’ or ‘compensation’ for death or injury to a person or property and the claimant shall not be required to prove any ‘wrongful’ act on the part of owner. Owners of hazardous undertakings are to take out compulsory insurance policies for the public liability and to get them renewed periodically. The Act contains several penal provisions for the violations of the provisions of the Act. The Act gives wide powers to the Central Government for the purposes of effective administration of the Act and also to provide immediate ‘relief’ to the victims of the accidents resulting from handling of hazardous substances and to minimize the hardships likely to be experienced by the victims after such accidents, as happened in the Bhopal Gas Disaster and the Delhi Oleum Gas Leakage.

The judiciary has interpreted the aforesaid laws to give widest possible meaning and scope, through the process of judicial activism in order to protect and preserve the natural environment. The Court has boosted and encouraged the public interest litigation by awarding immediate and effective remedies including compensation, appreciation and costs in the matters of serious complaints regarding the infringement of the aforesaid right of the public due to air and environmental pollution. The ‘Public Interest Litigation’ is certainly proving useful in the protection and improvement of the quality of environment and the maintenance of ecological balance as is exhibited by the judgments of the apex court on numerous PIL petitions including Dehradun-Massorie Hills Case, Oleum Gas Leakage Case, Delhi Hazardous Industries Case, Ganga Pollution Case, the Taj Pollution Case.

Effective environmental protection and improvement is, therefore, a matter of legal rights and duties.
Therefore, it is essential that the people should be aware of the adverse consequences of environmental pollution and they should not only protect and improve the environment but also ensure the compliance of anti-pollution laws and if need be, to take help of the judicial forum to enforce such laws to maintain the ecological balance.

Fortunately, in India, the people’s response to ecological crises has been very positive. In certain cases they have formed the pressure groups and exerted influence on the government to take decision on certain developmental projects only after making proper environmental impact assessment (EIS). For example, Silent Valley Movement in Kerala. The role of NGO’s (non-governmental organizations) in this regard is very important. The scientific and academic community has contributed their share in environmental decisions by new researches. For example, National Environmental Engineering Research Institute, Nagpur (NEERI); The Centre for Science and Environment, New Delhi; the Centre for Environment Education, Ahmedabad, are a few institutions among many others in the country which are continuously engaged in conducting research in the field of environment. Some people have shown their deep concern for environmental issues by filing Public interest litigations (PIL) and got favourable directions from the Courts in appropriate case. In this regard the name of Mr. M.C., Mehta comes in the forefront who single-handedly has filed a number of public interest litigations in the Supreme Court relating to different aspects of the environment protection. Thus, the environmental activists, lawyers and judges have made their significant contributions. Local people of the municipality (e.g., in Ratlam) have raised their voice against the local authorities for the non-performance of their duties. Thus, in India, the people have responded to the environmental issues at local level, zonal level, State level and at the national level in
different ways. In India different laws relating to environment protection recognize the role of people in protecting the environment.

The environmental strategy for the State of Haryana has to be set within the contest of the National environmental framework and Sustainable Development strategy in India. While the contours of national environmental framework is visible the draft environmental policy but in absence of national sustainable development strategy, this environmental strategy for State of Haryana provides an outline of environmental strategy. This environmental strategy should outline some specific action plans that can be initiated in Haryana State for improving environmental effectiveness of various sectoral plans and programmes. While an action plan for the regional environment could attempt to include an exhaustive list of all possible environmental actions within Haryana that could be undertaken but such an exercise would be cumbersomely long requiring in depth consultations with the stakeholder departments. Action plans provide a key mechanism for securing agreement to the main actions and initiatives, which need to be progressed.

Strategic Dimension: To institutionalize environmental management at state level, Haryana State should.

(a) Focus on department-wise environmental coordinators within the State of Haryana critical sector and build their capacities.

(b) Attempt to set modest environmental targets (output based or outcome based) for select departments in the State of Haryana.

(c) Ensure that a part of the funds allocated to each department as percentage basis is earmarked for environmental activities to be carried by the respective department in the State of Haryana.

(d) Evolve a mechanism using planning department in coordination with environment department of State of Haryana for monitoring and
evaluating the achievement of the targets set in an objective and independent manner and

(e) Either Chief Secretary or Chief Minister’s office of State of Haryana depending on feasibility should periodically review the progress achieved so as to ensure that a strategic attention is given the environmental dimension in the state planning and programme implementing system.

This apart the interest generated in select officials of various of various departments/agencies of Haryana needs to be further reinforced and strengthened by conducting annual department wise or cross departmental thematic environmental workshops especially in department like Energy, Irrigation, Urban, Transport, Forestry, Agriculture etc.

While it is recognized that environmental education plays a vital role in molding the culture and value system of society towards environment but given its long term gains limited focus is given to this attribute in the planning process. It needs to be recognized that environmental education in Haryana State is an essential part of the process of developing a more sustainable world. It provides an avenue to generate an understanding and an appreciation of the value of both the intrinsic nature of the environment-its ecological mechanisms and balances its effects on human development. Hence strategic attention to this dimension is critical from sustainable development perspective in the State of Haryana.

“CHIPKO” movement and “APPIKO” movement (in Karnataka) for saving the forests for exploitation, are the examples of peoples’ responses for the protection of environment by their involvement. The judicial response to almost all environmental litigations has been very positive in India. The primary effort of the Court while dealing with the environmental related issues is to see that the enforcement agencies, whether it be the
State or any other authority, take effective steps for the enforcement of the law. Even though it is not the function of the Courts to see the day to day enforcement of the law, that being the function of the executive, but because of the non-functioning of the enforcement agencies to implement the law, the courts as of necessity have to pass orders directing them to implement the law for the protection of the fundamental right of people to live in healthy environment. Passing of the appropriate orders requiring the implementation of the law cannot be regarded as the Court having usurped the function of the legislature or the executive.

Though the judicial development of environmental law has been vigorous and imaginative, yet at times it may be found wanting. It has certain limitations of its own. For example, in some cases frivolous or vexatious writ petitions are filed in the name of public interest litigation involving environmental matters. It has been noticed that such litigations are filed mala fide and arise out of enmity between the parties. Sometimes the judicial order is not fully obeyed by the parties concerned. Even the government and its agencies like Pollution Control Board (PCB) have been issuing directions contrary to the orders of the court. The courts also do not have any scientific and technical expertise in environmental cases and thus it has to depend upon the findings of various commissions and other bodies. It is because of this reason that the courts have suggested for setting up of environmental courts to deal with environmental matters. The government has set up the National Environment Appellate Authority in 1998 to hear the appeals with respect to restrictions of area in which any industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986.
Suggestions

The trends of deterioration of environmental conditions and increase in air and environmental pollution which exist at present are likely to continue in future to make the problem more complicated for the present and future generations. In order to ‘contain’ and suppress the air and environmental pollution and to improve the quality of air and environment so as to make it a ‘human environment’ and to save it for the present and future generations, following practicable and realistic suggestions may be useful.

1. The menace of Air Pollution can be controlled by Effective Implementation of the Air Act, 1981 and Environment Protection Act, 1986 but the air pollution caused by domestic source can be controlled by the use of smokeless fuel; use of Gobar Gas or Solar Energy is a welcoming step in order to prevent air pollution caused by domestic source, mobile source of air pollution can be controlled by using lead free petrol, proper maintenance of engine and dumping of old vehicles, use of cycles and other smokeless vehicles should be encouraged for local purposes. Electrically propelled vehicles may also be helpful to prevent and control Air Pollution.

2. No systematic procedure has been adopted for periodic review of Water Act. Therefore, Amendments be made in the Water Act, 1974 from time to time, in order to make it more effective. It is concluded that law alone cannot help in Restoring or Maintaining the Wholesomeness of Water Quality, unless the public are aware of Vice of Pollution and its Consequences. International efforts and co-operation is also needed to raise resources to support the developing countries in combating the menace of Water Pollution.

3. To train the persons who deal with the disposal of the bio medical waste, Crash Courses should be conducted by the Central or State
Government through Pollution Control Boards regarding techniques to Control the pollution and thereby protecting the environment especially with regard to disposal of Bio-medical Wastes, Handling of Hazardous and Municipal Solid Wastes. Only the persons, who possess the required training/course in their hand, must be enrolled by medical authorities for disposing off these types of Wastes. If this step is taken, it can help to check the pollution created by these wastes to a great extent. Further, the Public Awareness must be made with regard to hazardous effects of Bio-Medical Waste. NGO’s participation should be welcome by the Government, if they take interest in this regard.

4. There is not an Efficient Machinery to implement laws. If we clearly analyse Hazardous Wastes Rules, Bio-Medical Waste Rules, 1998; and Municipal Solid Wastes Rules, 2000 etc., we find that there is no provision for Strict Punishment to those, who do not follow the guidelines laid down. This is a very serious matter. It is, therefore, very necessary that penal provisions must be added in the legislative framework as well as to be enforced/implemented effectively so that the persons, who violate the provisions, may not take this matter lightly.

5. Industries generating High Pollution should be moved out of the perimeters of cities. Regular Monitoring of Pollutants need to be devised by establishing National Network of Sampling Situations.

6. There should be Setting up of Separate Environmental Courts in all the States and the Union Territories for Speedy disposal of Environmental cases. Environmental Legislation should be reviewed and Amendments where necessary are to be made to protect Environmental Degradation.

7. Legislation and Policy Pronouncements will be Ineffective as long as Enforcement Machinery remains Weak. Therefore, a fresh look is desired on strengthening the Enforcement Mechanism.
8. There is an imperative need to grow awareness among the people; Because Pollution is a problem which can be effectively solved only through ‘Public Awareness and Political will’ rather than ‘Judicial Will’. No doubt Judiciary can and does play a Role of Catalyst and thereby speed up and gear up the process but it has to be initiated by and from the Public and None else.

9. The Public participation should be in a true decentralized manner extended to individual as well as to group or co-operative level involving NGOs, Local Bodies and Panchayats.

10. Necessary Financing, Legal and Technical Assistance may be given to NGOs engaged in Environmental Protection.

11. People should be educated about different aspects of Environmental Problems and the Necessity for its Protection. Environmental Education should be made Compulsory at Every Level of Learning.

12. From Psychological Point of View, the topics of Study among the Modern Generations especially students should be related to the Learner’s Home, Neighbourhood, Community, Region, National and Global Environment. These should include Conservation of Water and Energy, Use of Solar Energy, Hazards of TV, Computer, Refrigerator, Air-Conditioner and other gadgetry in our homes; pollution caused by plastics, polythene, paints and emulsions etc., and the depletion of ozone layer due to the use of chemicals (Perfumes, Room-Fresheners, Shaving Foams etc.) containing Chlorofluorocarbons.

13. The Study of ‘Neighbourhood Environment’ should inclue sanitation, knowledge about eco-friendly plants and trees and their protection from pollutants of various kinds, and ways to eradicate congress grass. In the ‘Community Environment’, stress should be laid on the teaching of population control, air and water and soil contamination, ailments prevalent in the area in different weather conditions and ways to
prevent and cure these, pollution caused by smoke and gases emanating from vehicles and factories and noise pollution and its detrimental effects.

14. To bring about General Environmental Awareness, Colleges should organize more activities like Seminar, Symposia, Exhibitions, Lectures by Specialists, Declamations, Debate, Quizzes, Charts and Poster making Contests/Painting Competitions on Environmental Issues, etc. Visits to slums and colonies, factories discharging dangerous effluents and emanating harmful gases, hills being recklessly denuded and mined, should also be arranged.

15. Above all, such a Study be supplemented with Field and Project Work. Students should be asked to undertake Project Work on Environmental Issues individually or in groups and then write a Project Report, to which marks should be allotted. Let Environmental Studies turn from a stereotyped drudgery into an interesting, rewarding and meaningful education.

Recently, Guru Nanak Dev University (GNDU), Amritsar, introduced Environmental Studies as a Compulsory Subject at the undergraduate level, including professional and technical courses. The step, however, was long overdue. About a decade ago, Panjab/Pbi & KUK/MD Universities etc. had introduced the subject at the under/post/graduate levels under a general Supreme Court’s directive and at the behest of the University Grants Commission (UGC). However, its approach over the years has been lackluster and ineffective, failing to achieve the desired goal. In many colleges, teachers of Arts, Social Sciences and Commerce, who hardly have an in-depth comprehension of Environmental Studies, are teaching the subject.

16. In the case of M.C. Mehta Vs. Union of India, The Supreme Court asserted “It is not only the obligation of the State but the fundamental duty of all citizens of India to protect the Environment”. The Supreme Court
accepted the prayer of the petitioner in a PIL and issued directions for the exhibition of slides in Cinema Halls and on TV containing Environmental Information and Messages. The court also agreed with the contention that there was a need to create public opinion on concrete issues of environment. Ecological ignorance creates a whole range of counter productive effects. Educating the people about their social obligations in matters of environment in proper shape is essential for making them alive to their obligations so that they do not unknowingly act as polluting agencies”.

17. Not only the people should be aware or educated, the Govt. or the concerned authorities must be alert to the environmental problems. The authorities should wake up before the matter slips out of their hands.

18. For handling with these Environmental issues, it is very difficult to find out independent experts, who would be able to advise the Court on these issues. It is, therefore, absolutely essential that there should be an independent centre with professionally competent and public spirited experts to provide the needed scientific and technological input.

19. It may be suggested that Environment Protection may be included in Concurrent List, in Seventh Schedule of the Constitution so as to enable the Central Government to take effective, appropriate steps to put strategies of Environmental Protection into action as and when the need to do so arises”.

Mr. Justice V.R. Krishna Iyer proposed a Code of Environmental Protection and Separate Judicial Tribunals with a professional judge, a panel of specialists and two people’s judges to deal with environmental issues. The Learned Jurist has advised to begin the ‘Battle of Human Values’ against the barbarity incorporated in dehumanized industrialization, right now. As it is rightly said by A. Shridharan, “Today is late, Tomorrow may be too late”.
Last but not the least, it is worth mentioning here that remarkable steps in this move have already been taken by State Pollution Control Boards especially by PPCB and HSPCB. Activities performed and various milestones achieved by these Boards through exercise of their powers in their respective jurisdictions. Despite of all these efforts, much more is required to be gained in this move.

Let’s hope that the future generations will not curse us for mistakes. Let’s hope that Indian Government and the Boards both at Central level (CPCB) and State Level (SCPCB’S) established by it will take concrete measures and put life in the black-letter laws. We hope that Their Working would be more efficient in the near future. Let’s further hope that “Environmental Pollution” will not be a “PROBLEM” in the time to come. Hence, a multi disciplinary approach is necessary to tackle this problem.

20. Effective and Active Legal Control of Environmental Pollution:- Effective and active legal control of environmental pollution is a remedial measure to protect environment. So more emphasis should be given to preventive measure, specially by strict observance of Environment Impact Assessment for new industries and development projects.

21. Strengthening of Air and Environmental Legislations :- The Air Act requires certain alterations to be more effective. These are as under :-

(a) The definition of air pollution in Section 2 must cover radiations and vibrations also.

(b) More autonomy should be given to the Pollution Boards in exercising their powers.

(c) A new schedule may be annexed with the Act which must prescribe for the height of chimneys, permissible limits of grit, dust and fumes emitted from the furnaces of each type of Industry.
(d) It would make the Act more effective if the offences under the Act are made cognizable and individuals are given a right to file complaints against delinquent industries and other offenders.

The Environment (Protection) Act too, requires modifications in Section 24 (2) of the Act to make the Act more meaningful. The Act enumerates several penal provisions and measures for the violation of its various provisions but the aforesaid Section makes these measures redundant as this section provides that where an act or omission constituted an offence punishable under this Act and also under any other Act then the offender found guilty of such offences shall be liable to be punished under the other Act and not under this Act (EPA), which (the other act) may prescribe lesser punishment and hence, in such case EPA proves to be a nugatory.

22. Development of More Practicable and Speedy Public Hearing System:-

The environmental litigations should be dissolved through administrative adjudication and public hearing system as developed by WBPCB as far as practicable as disposal of a case in the ordinary court of law requires lengthy procedure. However, power of judicial review and PIL under Article 32 and 226, of the Indian Constitution shall be continued and given due importance.

23. Strengthening of Local Authorities :- The local authorities and the municipal bodies are responsible for the maintenance of hygienic conditions and cleanliness. Governments come out with lofty plans to combat pollution but these plans remains on papers because of lack of resources on part of local authorities and municipal-bodies. So these bodies should be given adequate fiscal help and autonomy to raise additional funds to meet the challenge.
24. Effective Regulation of Industrial Air Pollution and Handling of Hazardous Substances :-
   (a) Before granting ‘Permission’ to start new industrial units and the ‘environmental clearance certificate’ proper scrutiny of the projects should be made by experts.
   (b) Skilled and trained personnel only be engaged in the ‘handling’ of hazardous substances.
   (c) Alarm and safety devices must be provided in all units.
   (d) Proper, regular, and effective monitoring, supervision and inspection of hazardous units is very necessary and should be done properly.
   (e) Industrial units surrounded by dense inhabitations must be relocated to a secluded place.

25. Environmental Offences and Public Nuisance to be Viewed Seriously:- The specific offences under the various environmental legislations as well as the public nuisance with consequential air and environmental pollution must be dealt with seriously and the lenient view, generally taken in these matters, should be avoided both by the Courts as well as by the enforcement agencies.

26. Establishment of ‘Green-Benches’ :- There is a long standing need and demand for the establishment of ‘Environmental Courts’ to deal with the complex matters relating to the environment protection, maintenance of ecological balance, exploitation of natural resources and its consequential impact on environment, handling of hazardous substances, monitoring and standardization of pollutants, environmental engineering and management etc. So on the pattern of Calcutta High Court, the ‘Green-Benches’ must be established under all the High Courts of the country.

27. Monitoring of Judgments of the Apex Court and the High Courts :- ‘Monitoring Cells’ equipped with computers and other modern techniques
and systems should be installed in the Apex Court and the High Courts to monitor the progress regarding the compliance of various directions and other issued to various agencies including the State in respect of environmental matters. It is necessary to do so because generally most of the important directions issued by these Courts are not complied with by the various agencies and therefore, whole of the exercise done by the honourable Courts goes futile.

28. Encouragement and Association of NGO’s and Voluntary Associations in Environmental Management :- Lack of public participation is one of the important reason for the failure of various policies and programmes organized by the Government for the protection and improvement of environment. So their participation should be ensured through NGOs and voluntary association in order to make these policies successful and to convert these policies into a social or mass movement. The financial assistance, fiscal incentives, income tax rebate and preference in employment etc. should be given for outstanding contribution. It will further strengthen the social forces and encourage the masses to fight for noble cause.

29. Conservation, Reclamation and Afforestation :- Conservation does not only mean the preservation and protection of forests but also includes afforestation and reafforestation. For the enjoyment of life and its attainment as guaranteed by Art. 21 of the Indian Constitution it is imperative that we must protect and preserve the ‘natures gifts’ without which ‘enjoyment of life’ can’t be imagined. Therefore, conservation should be incorporated as a rule but where permission for excavation, mining and quarrying is given it must be ensured that before the lease expires, the lessess must reclaim the whole area by growing of trees etc. But where large scale mining and excavation directly poses threat to environment or ecological balance is likely to be disturbed irreversibly in
an unfavourable direction, such mining should be stopped immediately because ‘ecology and environment’ are sine qua non to the very survival of life. Moreover, cutting or damaging of trees or plants should be seriously looked and the guilty should be severely punished.

30. Environmental Awareness and Environmental Education :- Awareness about the importance of environment must be inculcated in every individual right from his childhood with the help of mass media and by showing the slides on T.V. and Cinema halls containing messages of the advantages of a good environment and harmful effects of environment pollution on public health etc. This will go long way to arouse people’s consciousness regarding environmental issues and thus will help in formation of a well mobilized public opinion to tackle the problem. Moreover, the environmental education must be made compulsory both at the school as well as college levels.

31. Environmental Partnership and Global Co-operation Based on Fraternity:- The problem of environmental and air pollution does not have its geographical limits and boundaries. Therefore, the damage caused to environment by one country will certainly affect the other countries also. Therefore, a global environmental partnership based on equality and fraternity is to be evolved. The broad global consensus is required to be mobilized on vital, complex and conflicting issues relating to environment and development. A global policy must be formulated to ban nuclear arms, production of CFCs and Halons and preservation of natural eco systems, wild life and forests in order to save the ‘human environment’ and the planet ‘earth’ for the coming and future generations.

32. Giving due Stress on Sustainable Development :- Merely economic, scientific and technological development is not affordable at the cost of environment and ecological balance. Hence due stress should be given on sustainable development. The legal provisions of closure of industries,
manufacturing hazardous substances shall be reconciled with the question of sustainable development and the need of the substance in the society.

33. To take care of the mining sector in the Haryana State, it is critical to enunciate a clear policy in mining for the sector as a whole. This policy should provide a framework for economic viability of mining industry while addressing key issues of environmental sustainability, local resettlement and resource conservation in Haryana.

34. The social forestry programmes in Haryana have got appreciation from all corners but these programmes have yet to attain dimensions commensurate with the needs. Appreciable efforts should be made to ensure the participation and motivation of the people in Haryana State in tree planting programmes. More continuous efforts are required from the people of Haryana to make them self-sustaining.

35. To create awareness among people in the State of Haryana and as a tool to improve the Biodiversity Conservation. On the occasion of van mahostava, wildlife week (first week of October), fire protection day etc., various competitions should be organized among the school children. Special nature education camps should be organized for school teachers, farmers, school children in the State of Haryana.

36. The Haryana State should be actively involved in the disease preventive measures through the various health awareness programmes such as giving health tips, distributing pamphlets and tablets to the public in the State of Haryana.

37. Sanitation needs to given higher priority by learning from the experiences of ULBs like Pune and Alandur etc. for improving sanitation through public private partnerships in the State of Haryana.

38. Urban Local bodies in the State of Haryana need to be encouraged to take up rainwater harvesting in individual as well as community water harvesting structures. Water bodies and lung spaces in the urban areas of
State of Haryana need to be protected from public/private in encroachments.

39. Preparation of air quality strategies for major cities in the State of Haryana needs to be given adequate attention. Such strategies should contain proposals for action initiatives in various dimensions like transport, industries etc in the State.

40. Providing affordable efficient, differentiated, public transport options for all sections of population in the State of Haryana would reduced traffic related accidents and vehicular emissions significantly.

41. Economic instruments like parking pricing policy needs to be evolved in the State of Haryana. Exercising alternative fuel options such as CNG, LPG, Electric Vehicles etc., which are environment friendly needs to be incentivised in specific cities/ towns of State of Haryana which are experiencing increased pollution levels. Transport department should make attempts to maintain databases including inventorization of vehicles, speeds, emission factors, adulteration of vehicular fuels, safety aspects etc.

42. Recycling of organic waste/agricultural waste in both rural and urban areas of State of Haryana to improve soil productivity, cut down the use of agro-chemicals (fertilizers and pesticides), improved quality of environment/produce and life.

43. The illegal trade in forest products, wildlife and their products from within and passing through the State of Haryana should be prevented for which the protection mechanism needs to be strengthened.

44. For all these efforts to be sustained in future and for creating the awareness for the conservation of the natural resources in the people of Haryana, nature education and conservation awareness programmes should be continued with full support and adequate Government funding.

This discourse begin with the words such as “the world is finite, resources are scare, things are bad and will be worse... soon we will have a
plundered planet”. These words were uttered about a century ago. Now we may conclude with the words with which the biggest Earth Summit 1992; begins by General Man’s Strong, the Secretary General of United Nations in the conference on Environment and Development- “If we do not stop our invasion on environment then this environment will destroy the human civilization built up with man’s hard work through thousands of years and that fearful day is not for away”. So the need of the present day is not only to implement the environmental laws efficiently but also effectively by changing the legal process and institutional management properly.

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