



GLOBAL ENVIRONMENTAL CHALLENGES

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ABSTRACT

In today's world the problem of environmental pollution is of great concern for all the countries despite their size, development or ideology. The environmental pollution is contributed by all the nations on this globe. Some countries have contributed it in earlier times and some countries are still not following the international treaties and convention and contributing the pollution which resulted to the global warming and many other effects. Though in developed states the governments has started taking the remedial measures in ensuring the minimum pollution, but still much more is needed and required to minimize the pollution. The situation in the developing nations and the poor nations is alarming, as more efforts are needed to overcome the environment pollution. It is the basic right of every person to live in a healthy environment and for that it is prime requirement that international bodies must check the appropriate implementation of the Laws relating to Environmental Pollution Worldwide. Here the role of the developed states is also equally important, as they have to take care the needs of the poor and developing nations. All these issues with the important suggestions are discussed in this paper.

I. Introduction

“A nation that destroys its soils destroys itself. Forests are the lungs of our land, purifying the air and giving fresh strength to our people.”

—Franklin D. Roosevelt¹

With the famous quote of Franklin D Roosevelt, the importance of environment and preservation of environment is reflected. Major concern is to take care of the environment and we should not pollute it, otherwise it will pollute us.

When we search the relationship between the living being and environment, then it appears that relationships is fraught with complexities. All creatures depend on one another. In our surrounding, every matter from environment, whether organic or inorganic, is full of life. The environment encompasses the external physical and biological system which is inter related to each component. The environment as a whole consist of components like rocks, soil, minerals, water, land, all flora and fauna including the climate. The whole mankind is totally

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dependant upon environment, so we always praise it by saying ‘Nature is beautiful, mother nature’etc. Hence, before talking about the protection of environment, it is pertinent to understand the term environment.

In the present times environment pollution is a global concern and to protect the environment is a global issue, it is not a problem which is restricted to a particular area or the international boundaries. The history of environmental pollution on the globe is as old as the emergence of Homo Sapiens and it was realized in the times of Plato the great philosopher, but the main concern to the environment pollution started with the industrialization in Europe during Eighteenth century and in the last 250 to 300 years, due to industrialization, urbanization, population explosion, poverty, overexploitation of resources, depletion of sources of energy and raw materials, almost every country of the world has contributed to the pollution. Main concern of today’s world are Nuclear tests, use of pesticides, dumping of electronic waste and use of chemicals, which resulted into contamination of water present on the surface and under the surface of the earth, polluting the air and presence of the heavy metals in the environment and on the surface of the earth. As per the news dated 15 August, 2022², Tons of fish died because of chemicals, pollutants and heavy metals present in the water and were found in the Oder river running through Germany and Poland. The danger of environmental pollution is much greater than the danger of full-fledged war.

In today’s world the problem of environmental pollution is the problem of both developed and underdeveloped or poor nations. At one hand poverty and lack of development constitute an essential element of environment pollution, on the other hand develop countries have problem of their own, which consist of overproduction, nuclear radiations, over exploitation of resources, industrial waste and industrial accidents are some of contributing factors for environment problem. Now Air pollution has the world’s fourth leading risk factor for early death, as per this report of 2019³, 4.5 million deaths were linked to outdoor air pollution exposures and another 2.2 million deaths were caused by indoor air pollution. As per the report of UN⁴, world will face 40% water shortfall by 2030. As per another report of UN⁵, of the year 2010, contaminated water kills around 2.2 million people every year. The report of

² News of ‘France 24’ News Channel, dated 15/08/2022.

³ State of Global Air Report 2020, *available at*: <https://www.stateofglobalair.org/> (last visited on December 10, 2023).

⁴ Voa news, 22 March, 2015, ‘UN report: world faces 40% water shortfall by 2030’ *available at*: <https://www.voanews.com/a/un-report-world-faces-40-percent-water-shortfall-by-2030/2690205.html> (last visited on December 10, 2023).

⁵ News, 22 March, 2010, ‘UN: Dirty water kills more than war’ *available at*: <https://news.un.org/en/story/2010/03/333182> (last visited on December 10, 2023).

UN FAO (Food and Agricultural organization) of 2020⁶ reflected that there is loss of 4.7 million hectares of forest per year since 2010 and as per the report of Intergovernmental Science-policy Platform on Bio-diversity and Ecosystem Services (IPBES)⁷ of July, 2022, about one million species are at risk of extinction on the globe.

These are the most startling facts in today's world. Human are not the only victim of such pollution rather whole flora and fauna is in danger. It is the basic right of all to live in a healthy environment. No doubt the acute poverty in the underdeveloped countries requires development process to be accelerated, but we cannot do so at the cost of environment thereby endangering not only the present generation but also the future generation and for that we have to think about the sustainable development, where we can meet the need of the present without compromising the ability of future generations to meet their own needs. The idea of sustainable development and environment protection was first time reflected in the year 1972 in UN Conference at Stockholm. Beside this to check the problem of environment pollution, there is need to abide by the domestic laws and the international rules and regulations framed in the treaties and the conferences. What we can do to control pollution is ensure proper implementation of legislation with the bottom-line and to "Refine, Recycle and Reuse" of materials.

II. Environment: Meaning and its Components

In our sun family, earth has life, so it is also called blue planet. "There are some specific conditions which are suitable for presence of life. Earth's location in our solar system makes it perfect for moderate temperature for survival. The other important factors are presence of atmosphere and other life supports cycles like water cycle and energy transformation. All of them make the earth full of life. The earth had undergone with thousands of changes in millions of years. All the flora and fauna have their own specific evolution path and are inter-defendable upon each other to set equilibrium on earth. The whole ecosystem, environment, its living, non-living components are the real assets of the earth. It is Bio-diversity of Earth which balance the whole process through which all kind of lives become possible on earth".⁸

⁶ FAO.2020.Global Forest Resources Assessment2020- Key findings. Rome. <https://doi.org/10.4060/ca8753en>(last visited on December 10, 2023).

⁷ News, 'The Indian Express' by Esha Roy, July8,2022

⁸ *Ibid.*

When we go by the term, 'Environment' then it appears that it is easier to understand but difficult to define. According to Caldwell⁹, 'Environment is the term which is understood by each and everyone but no one can define it finely'.

As per the Merriam Webster dictionary¹⁰, Environment is i. the circumstances, objects or conditions by which one is surrounded; ii (a). The complex of physical, chemical and biotic factors such as (such as climate, soil and living things) that acts upon an organism or an ecological community and ultimately determines its form and survival; ii (b). the aggregate of social or cultural condition that influence the life of an individual of a community; iii. the position or characteristic position of a linguistic element in a sequence.'

The Cambridge Dictionary defines Environment¹¹ as 'The Air, Land and Water where people, animals and plants live'.

The Oxford Dictionary defines Environment¹² as 'Surroundings, circumstances, influences'.

"The major contributors define, environment that which is familiar to everyone, so we can say that everything in our surrounding is environment except oneself or environment is every things which includes one self too. The outer physical and biological system including all organisms is called environment as a whole. Environment consisting of many micro and macro components, it include Rocks, Minerals, Soils and Water, land and their present and potential vegetation, animal life and potential for livestock husbandry and climate".

Environment in the literal sense is the favorable life factorthat influence the growth and development of all living beings. All components, Sun rays, Water, Air, Soil, Vegetation, and Animals collectively make the environment. Indian Law on environment i.e. The Environment (Protection) Act, 1986 gives a precise defining of 'Environment', as – 'Environment includes water, air and land the inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants micro-organisms and property¹³'.

Environment and its Components

The Environment Components are classified in to the Biotic, the living and the Abiotic, the non-living components.

Non-living (Abiotic) Component

⁹ Kailash Thakur, *Environmental Protection Law and Policy in India* 1-2 (Deep and Deep Publications, Delhi, 2003).

¹⁰ Available at: Merriam-webster.com/dictionary/environment(last visited on December 10, 2023).

¹¹ *Cambridge Learners Dictionary* 22(Cambridge University Press, 2003).

¹² A.S. Hornby, *Oxford Advanced Learner's Dictionary of Current English*(Oxford University Press, 2001).

¹³ S. 2(a), The Environment (Protection) Act, 1986.

The Abiotic components mean inorganic component of the Earth. It includes land, water, air, magnetic field, minerals, chemicals and other physical cycles and process like water cycle, energy cycle, floods, rain, weather conditions etc. All the physical spheres i.e. Lithosphere, Atmosphere and Hydrosphere collectively form Abiotic component of Environment.

Living (Biotic) Components

The Biotic component are organic components which includes all the animal and plant life within it. It is a lively sphere, where a birth and death cycle is followed by every organic creature.

III. Environment Pollution and its History

The grave and present problem of environment pollution is not more than 300 years old, but the origin of the environment pollution is as old as Homo Sapiens on the earth, same was reflected in the ideas of Plato 2500¹⁴ years back..It is right that dimension of the problem which exist in today's world, was not there during that time. In India the concern for the environment protection can be traced back to the period between 321 to 300 BC. The ancient law on environment protection is there in Kautilya's Arthashastra¹⁵. It was the dharma of each individual in the society to protect the nature, people worship the object of nature. During ancient times, people worship trees, water, land and animals¹⁶. In Hinduism environment was the part of ethos of ancient people. According to one indigenous theory established in the Upanishads¹⁷, the universe consists of five basic elements, these are: Earth, Water, Air, Fire (light) and Ether (space), these five elements are basis of life and we must conserve it. It is also there that no body will destroy vegetation and kill the animals, which shows compassion for both animals and plants. In one of the shalok(sages) of Atharva Veda¹⁸:

“What of thee I dig out,
let that quickly grow over,
let me not hit thy vital, or
they heart.”

This means that one can take from our planet only so much as can give back. In present times it is considered one of the most important principle of sustainable development. Manusmiriti

¹⁴ Hambro, E, “The Human Environment- Stockholm and After”, Year Book of World Affairs20 (1974).

¹⁵ Armin Rosencranz, Shyam Divanand, *et.al.*, *Environment Law and Policy in India- Cases, Material and Statutes*27 (OUP, Oxford, 1991).

¹⁶ C M Jariwala, “Changing Dimensions of Environmental Law” in P. Leelakrishanan(ed.),*Law and Environment*2 (Eastern Book Company,1992).

¹⁷ Shaloka of Aitareya Upanishad 3.3.

¹⁸ News: By DTE Staff, Published: Tuesday 31 May 2022, Looking back at Stockholm 1972: What Indira Gandhi said half a century ago on man & environment

also mentions about the optimum use of the resources of the nature, same is another way to maintain the ecosystem.

The principle of Buddhism reflect the idea that man should not overexploit the natural resources. The thrust of Jainism is on the minimum destruction of living and non-living resources for the benefit of man, this principle is based on the close harmony of land owner with nature and help in protecting and preserving the nature.

Koran declares that everything is created from water, Alah is considered to be the owner of land which reflect the close harmony between man and nature. Christians are baptized in water, as a sign of purification. Pope Paul VI¹⁹, in his message to the UN conference on the Human Environment held at Stockholm in June 1972 stated that environment and resources for everyone, they are inalienable property of everyone. The link between the Christianity and environment and the thrust is for sustainable development.

IV. Environment Pollution and its Forms

Environment Pollution relate to harming the environment and the eco-system. It is not confined to the boundaries of the state, rather pollution effect the whole globe. As per the Webster dictionary²⁰ "Environmental Pollution means the introduction of contaminants in to a natural environment that causes instability, disorder, harm or discomfort to the eco system i.e. physical system or living organism". Pollution can be converted in to chemical compound which may exist in the form of heat, energy, noise and contaminated water etc. The annual report of Pure Earth 2018-19²¹, showed that "the ten highly polluted places are Mexico, Brazil, Peru, India, Bangladesh, Colombia, Armenia, Philippines, Tajikistan and Africa".

As observed by Richard Fuller²² (Environmentalist), "Environmental pollution is now the largest cause of deaths in low and middle-income countries (LMICs), having thus become the scourge of the 21st Century. No one is spared. The rich and poor in both developed and developing countries are all vulnerable".

The vital forms of pollution along with the main pollutants:

Air Pollution

¹⁹ Message of His Holiness Paul VI to Mr. Maurice F. Strong, Secretary-General of the Conference on the Environment. https://www.vatican.va/content/paul-vi/en/messages/pont-messages/documents/hf_p-vi_mess_19720605_conferenza-ambiente.html (last visited on December 20, 2023).

²⁰ Definition of Pollution as provided in *Supra* note 10.

²¹ Pure Earth, *Annual Report 2018-19*, available at: <https://www.pureearth.org/wp-content/uploads/2021/03/PEAnnualReport2018final.pdf> last visited on Dec. 15, 2023).

²² R. Fuller, Landirgan R, *et.al.*, "Pollution and global health – A time for action" available at: <https://www.pureearth.org/wp-content/uploads/2021/04/IHF-Pollution-scourge.pdf> (last visited on Dec. 15, 2023).

The nonstop mixing of chemicals and unwanted particulate in to the air caused air pollution. The common pollute particles are CO (Carbon monoxide), CFCs (Chlorofluorocarbons), SO₂ (Sulphur dioxide) and Nitrogen Oxide which is released by automobiles and industries. Small dust particles in size of PM₁₀ to PM₂₅ also pollutes the air. All these are ingredients which cause air pollution and situation like smog and unhealthy air to breathe always standby.

Littering Pollution

The unscientific unplanned throwing of waste material came out from house hold and factories cause littering pollution.

Noise Pollution

It includes vehicular noise, industrial noise, air and ship noise, constructions projects, machinery and other sonar rays of higher intensity.

Soil Pollution

Soil is said to be contaminated when soil undergoes some changes in which, it loose its property and became barren and physically unsuitable for any purpose.

Water Pollution

The forms of water pollution are as under:

- i. Mixing of wastewater in to ground water or surface water by industries and factories.
- ii. Dumping of untreated house hold sewage in to running water or in any water body.
- iii. Spreading of chemically contaminated water in to agriculture water flows.
- iv. Mixing of surface contaminated water in to ground water by holes and boring.
- v. From 20th century onwards, a significant growth in nuclear energy has been taken place. Numbers of nuclear power plants are setup in different parts of Globe. Time and again humanity faced numbers of nuclear accident in such power plants. The leakage of radiation in atmosphere causes many kinds of health and mental problems to people which can affect not only present but the future generation also. This is called Radio-active pollution.
- vi. The electro-magnetic radiations emitted from communication towers, electronic devices and from microwaves ovens are slow poisons. They have a very deep impact on our health; mainly mental health problems are very common.” This is called Electro Magnetic Pollution.²³

V. Environment Pollution and Global Issues

²³ *Ibid.*

The global issues relating to environment pollution, which are matter of concern for the whole world are mainly-

Speedy Growing Population

The unchecked growth in population is a main reason to cause pollution and damages the environment. The living standard of human being is the mirror of the quality of environment. The accelerating rates of use of all natural resources are making the consequences of misuse, more drastic, wider spread and more readily evidence to large numbers of people. The growth in population imposes an extra pressure on the existing natural resources to fulfil their needs. This all leads to indiscriminate use of natural resources.

Urbanization

Urbanization is an inevitable mechanism in modern civilization. In metropolitan cities the need of good quality transport facility, infrastructure, civic amenities, storage capacity of food, waste disposal, are the factors highly affected the environmental healthy condition.

The urbanization have two vital impacts on environment, firstly, by using the agricultural land for expansion of cities and second one is the process of 'ruralisation' of average cities and towns agricultural land. To fulfil the needs of infrastructure projects million tons of agricultural soil is used by bricks kilns. The upper most layer of soil is formed after thousand years, now the unplanned exploitation of such fertile land causes soil erosion and water logging, which turns these lands in to salinity and unsuitable for agriculture.

Unplanned Industrialization

Unplanned Industrial actions caused a load quantity of dust and smoke in environment. In winter season the dust and smoke when mixed with fog turns in to harmful 'smog', which cause very serious respiratory problem, vision disability and create a shield which restrains the sun heat to reach on earth, resultantly the temperature decrease steadily. This will lead to an ice age. From the last decade India is also suffering the dangerous effect of smog during cold weather. Industrial waste is a big threat to environment for the world, not only developing countries but the developed ones is also not able to resolve it. The mankind has a firsthand experience of the effect of industrial disasters in Bhopal (India) in 1984²⁴, Where 'Methyl Isocyanate gas', was leaked from a plant called 'Union Carbide' and thousands of people have lost their lives. In one of the disaster, which is popularly known as Chernobyl

²⁴ Alan Taylor, "Bhopal: The World's Worst Industrial Disaster, 30 Years Later", *available at: <https://www.theatlantic.com/photo/2014/12/bhopal-the-worlds-worst-industrial-disaster-30-years-later/100864/#:~:text=Thirty%20years%20ago%2C%20on%20the,number%20of%20other%20poisonous%20gases>* (last visited on Dec. 15, 2023).

Accident 1986, In Russia a leakage of radioactive matter from an atomic plant caused a giant destruction of property. It is worthwhile to mention here that there are numbers of revolution which takes place to make life more comfortable, no doubt industrial unplanned race always creates problems to mankind.

Deforestation

Forest is a natural habitat for a vast wildlife. They are so many kinds of Genus and Species of animals, having life suitable conditions in forest only. Thousands of organisms are facing threat of extinction due to human intervention. On Earth every living thing is placed in a specific stairs of food web or energy pyramid in order to maintain ecological balance. So as per systematic management of ecosystem, there must be more than 30 percentage of forest area needed on earth, but factually it is below thirteen percent due to rapid growth of deforestation, urbanization and industrialization. Forest are called an ideal and complete ecosystem, which provides oxygen to breathe, vegetation to eat, shelter to live and rain to survive. Deforestation leads many problems like; it affects the rain consistency and causes soil erosion and imbalance the flood and drought situations. The high rate of deforestation resulted in disturbance in ratio of oxygen and carbon dioxide in atmosphere and causes green-house effect.

Depletion of Ozone Layer and its effects

Depletion of ozone layer and the global warming is a major problem before the world. The global warming and the green-house effect weakens the ozone layer, which plays an important role in protecting the earth. Ozone is colorless gas having three atoms of oxygen. It protects the earth from the ultraviolet radiations from the sun in the upper layer of the atmosphere. It is found in the stratosphere and extends from 12 Km to 35 Km. It is considered to be the protective umbrella of the earth. It plays a crucial role in controlling the earth's temperature, wind pattern and rain etc.

Ozone layer in the upper atmosphere is under threat by a wide range of human activities, the highest concentration of ozone has been noted in the polar region, this is due to the global air circulation. In the year 1985 a gap or a whole in the ozone layer was noted over the Antarctica region of the earth by the team of the scientist, same is termed as Antarctica hole or Ozone hole, which has many adverse effects. The harmful effects are mainly:

- i. Increase in Ultra Violet radiations which result in increase of skin cancer in living beings i.e. humans and animals.
- ii. Increase in Ultra Violet (UV) radiations reduces considerably the photosynthetic pigment of plants, adversely affect the productivity and growth of plants.

- iii. The Ultra Violet radiations weakens the immune system of the body, which invite new diseases.
- iv. As the Ultra Violet radiations is behind the killing of living being and the plants, agricultural outputs in the which resultantly disturb the food chain and affect the eco-system. Ultra Violet radiations help's the carbon dioxide (CO₂) gas increases near the surface of the earth, which result in global warming and make the life of the earth planet impossible.

Green House Effect

Ozone layer depletion in the stratosphere, the upper surface of the earth result into the blanket or layer of carbon dioxide gas (CO₂) in the lower atmosphere. Because of thin layer of the Ozone layer when ultraviolet rays are absorbed by the carbon dioxide gas layer, which result into heating of the atmosphere is called the green-house effect. This greenhouse effects are:

- i. Melting of ice peaks, which lead to rise of sea level, threatening the cities of the world situated on the coasts of sea.
- ii. Global warming may change the rainfall pattern, effecting the various agricultural outputs in the world.
- iii. Rise in temperature may lead to the death of micro-organism like phytoplankton, zooplanktons and bacteria, by which the eco system will be disturbed.
- iv. Green-house effect will disturb the human life, human activities and the coral reef ecosystem.

Asian Haze or Asian Brown Cloud

In the beginning of 21st century, scientist identified a new threat to the world climate, they discovered a 3 KM thick deep blanket of brownish layer of pollution spread over South Asia and the most tropical Indian ocean, this was termed as Asian haze. It includes ash, acids, sulfates, nitrates, black carbon and several other damaging air-borne pollutants. This may lead to reduction of rainfall, respiratory and other diseases, increasing the temperature of the surface of the earth and many other problems.

V. Environment Protection and International Concern

International concern for environment protection and sustainable development is not very old. The UN conference on Human Environment and development at Stockholm in 1972²⁵ is considered to be the Magna Carta of Environment Protection and sustainable development. It

²⁵ United Nations Conference on the Human Environment, 5-16 June 1972, Stockholm

was the first time that the world community got together to deliberate seriously on an important issue of environment protection and sustainable development. This conference resulted in the Stockholm Declaration on the Human Environment. The declaration besides the preamble consist of seven universal truths and twenty-six principles. It proclaimed that, “man is both creator and molder of the environment which gives him physical sustenance and affords him the opportunity of intellectual, moral, social and spiritual growth. Both aspects of man’s environment, the natural and manmade are essential of his well-being and to enjoyment of basic human rights even the right to life itself.”

Earth summit of 1992²⁶ at Rio at Janeiro Conference two important conventions were signed, first one was climate change and the second one was on Biological diversity. The convention on climate change puts an obligation on every signatory state to take effective steps to reduce the emission of greenhouse gases to protect the earth.

In 1997²⁷ the world climate conference was held at Kyoto (Japan) where a historic accord was signed by the participating countries for mandatory cuts in emission of green-house gases particularly by the industrialized nations in the next millennium to help in saving the planets from global warming.

In August-September, 2002²⁸, the world summit on sustainable development was held in Johannesburg, South Africa. In this summit the representative of the people of the world adopted the Johannesburg declaration on sustainable development and reaffirm their commitment to build a humane, equitable and caring global society for the human dignity of all. In the October 2002²⁹ the 8th conference of the Parties to the UN framework convention on climate change was held in Delhi, in the declaration on climate change, it was stressed that the parties, which have not rectified the Kyoto protocol should ratify it in a timely manner, consequently the government of India enacted Ozone Depleting Substances (Regulation and control rules,2000. It is worthwhile to mention here that time to time the international conference and summit have taken place and international bodies and organizations are committed to check the environment issues world-wide. It is also there that developed countries sensing the grave problem of environment pollution, has started taking steps to minimize the pollution and to avoid the risk of pollution. It is there that in the year 2011³⁰

²⁶ United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992

²⁷ United Nations Kyoto Climate Change Conference - December 1997

²⁸ World Summit on Sustainable Development, 26 August-4 September 2002, Johannesburg

²⁹ United Nations Climate Change Conference took place from 23 October – 1 November 2002, in New Delhi, India

³⁰ News BBC, “Fukushima disaster: What happened at the nuclear plant?”, *available at:* <https://www.bbc.com/news/world-asia-56252695>(last visited on Dec. 15, 2023).

after the earthquake, the disaster of Fukushima Nuclear plant in Japan, where about 18000 people died and wiping entire town off the map, the countries like Japan, Germany decided to close the nuclear power plants in phased manner. As per the news of BBC³¹, Germany is going to close its all-nuclear plants by the end of 2022.

VI. Environment Protection and the Indian Scenario

Indian Constitution is rare constitution of the world which contain specific provisions relating to environment protection, it puts duty on the State³² as well as citizens³³ to protect and improve the environment. The Indian Judiciary has played remarkably very important role in interpreting the provisions of constitution and developing new environmental jurisprudence in India. The Supreme court interpreted Article 21³⁴ as Right to Life and Personal Liberty in the manner that Protection of Environment and Environment Issues become the integral part of Article 21 (a very important and basic fundamental right).

The Environment related matters are filed through Public Interest Litigation in the Higher Courts, which include the High Courts and Supreme Court of the country. Though the legal remedies are also available under statutory provisions where cases related to environment can be filed in ordinary courts/ district courts, but the constitutional remedy is preferred as it is speedy, affectious, cheap and simple and cases are directly filed in Higher Courts.

All this leads to the base of environment protection, importance and improvement measures. Our judicial system has played an important role in strengthening the concept of environment protection. The Supreme court of India has laid down some important precedents, which include:

- i. The state is committed to ensure and implement the ‘environmental laws’, as per the true objectives and not by just letters codified³⁵.
- ii. ‘The polluter pays’ Principle, is to be applied as a restoration method for environment protection, it also includes victim compensation scheme by the polluters³⁶.
- iii. ‘The Precautionary principle’, is an obligation to Government to act in anticipation to prevent and stop future pollution causing factors³⁷.

³¹ News BBC, “Germany: Nuclear power plants to close by 2022”, available at: <https://www.bbc.com/news/world-europe-13592208>(last visited on Dec. 15, 2023).

³² Art. 48A discussed in Gopal Sankaranarayanan, *Constitution of India* (Eastern Book Company, Nagpur, 2014).

³³ *Id.* at art. 51.

³⁴ *Id.* at art.21.

³⁵ *Indian Council for Enviro-Legal Action v. Union of India*(1996)5SCC 281.

³⁶ *Vellore Citizens Welfare Forumv. Union of India*, AIR 1996 SC 2715., *S.Jagan Nath v. Union of India*, AIR 1997 SC 811.

- iv. 'The Doctrine of Sustainable Development', is to be followed, it is the kind of development which can fulfil the needs of today without compromising the needs to tomorrow. It also consisted, 'Inter-Generational Equity Principle'³⁸.

It is worthwhile to mention here that in the year 1986, the government of India framed the specific law i.e Environment Protection Act, 1986, in which specific provisions were made to protect the environment and for taking action against wrongdoer.

In one of the important case of *M.C. Mehtav. Union of India*,³⁹ the Apex Court emphasize the necessity of establishing 'Environmental Courts' for speedy and effective disposal of Environmental Issues. Later on the 'National Environment Tribunal Act, 1995' and 'The National Environment Appellate Authority Act, 1997' were enacted by Indian legislative assembly. In 2010, 'National Green Tribunal Act, 2010'⁴⁰, was enacted by Indian parliament to deal all such cases of environmental issues. Now the NGT plays a significant role to protect environment and ensure speedy disposal of such cases effectively. In one of the important case of National Green Tribunal the court observed⁴¹, "The Courts have consistently taken the view that right to life includes the right to a decent environment. The right to a clean environment is a guaranteed fundamental right. The Courts could even impose exemplary damages against the polluter. Proper and healthy environment enables people to enjoy a quality of life which is the essence of the right guaranteed under Article 21. The right to have congenial environment for human existence is the right to life. The State has a duty in that behalf and to shed its extravagant unbridled sovereign power and to forge in its policy to maintain ecological balance and hygienic environment".

VII. Conclusion and Suggestions

In the present time, we need to focus on preserving our common assets and furthermore improving the status of our environment. World bodies like the United Nations and the World Commission on Environment and Development have been figuring thoughts for environment assurance and sustainable development. Before the world the issues of concern are deforestation, land pollution, water pollution, air pollution, industrial waste and nuclear radiations threat. To check these threats the international bodies and the states have made the laws and rules.

³⁷ *Ibid.*

³⁸ *State of Himachal Pradesh v. Ganesh Wood Products*, AIR 1996 SC 149.

³⁹ AIR 1987 SC 1086.

⁴⁰ Herein after called NGT.

⁴¹ *Durga Dutt v. State of HP*, Application No. 237 (THC)/2013 (CWPIIL No.15 of 2010) decided on 6 February, 2014, (Para-15)

The need of the hour is, at world platform environment related courts are to be set up. There should be proper implementation of the laws and rules made by the international bodies. It is also to be monitored by the international organizations that the municipal laws of the nation's relating to environment be implemented in true sense. There should be check world-wide that the government agencies or law enforcing agencies should not violate the environment related laws and in default, heavy penalties be imposed on the wrong doer by the International bodies.

All essential, conceivable and powerful measures ought to be taken by the International Bodies and the Nations to stop deforestation, spare agrarian land, minimize the pollution (whatever its kind), focus and turn towards green energy from thermal or nuclear energy. Waste administration strategy should be framed.

Here, to check the environment pollution and for switching towards the green energy, provisions for the separate fund at international level be created and special help be done of developing or poor nations, as the problem of environment pollution is of our own planet and it effect whole of the world. Today the international boundaries have no significance, it is need of the hour to make a joint effort to minimize the problem of environment.

It is also there the self-assistance is the best assistance. Individuals ought to be empowered through mass instruction mission to battle against environmental contamination. The government's world-wide should dispatch mass instruction program in large manner uniquely in rural zones and ghetto groups, where issue can't be adequately handled with the simple lawful establishments. Function of NGO's working in environment field must be perceived and empowered. More assets ought to be given and made accessible to willful associations. By taking all these measures, we certainly put a step forward for a superior tomorrow for our kids.