

## Protection of Environment For Sustainable Development

Feature
World Environment day on 5 <sup>th</sup> of June

\*Dr. P.J. Sudhakar

The protection of environment is needed for sustainable development. The Industrial pollution, degradation of forests, depletion of ozone layer, the green house gases results in global warming and climate which will have an adverse impact on environment and human health. There is a need for conservation of Biodiversity, protection of wetlands and prevention of environmental pollution, promotion of ecological balance enables sustainable development. There are several provisions provided in Indian Constitution for Protection of environment. There are certain legislations enacted viz. Environment Protection Act, Wildlife Preservation Act, Biodiversity Conservation Act, water and Air pollution prevention Acts etc The Judiciary playing a vital role in protection of Environment. Through Judicial Activism the Supreme Court can issue directions under writ Jurisdiction under Article 32 of Indian Constitution. The United Nation Organisation passed several UN conventions like Ramsar Convention on protection of wetlands, and UN convention on Biodiversity etc. **World Environment Day is being celebrated across the world on 5<sup>th</sup> June every year.**

### **Global Warming and Climate change**

Global warming is the term used to describe a gradual increase in the average temperature of the Earth's atmosphere and its oceans, a change that is believed to be permanently changing the Earth's climate. Even though it is an ongoing debate, it is proved by the scientists that the planet is warming. Global warming is for real The average global temperatures are higher than they have ever been during the past millennium, and the levels of CO in the atmosphere have e crossed all previous records. The climate is changing. The earth is warming up, and there is now overwhelming scientific consensus that it is happening, and human-induced. With global warming on the increase and species and their habitats on the decrease, chances for ecosystems to adapt naturally are diminishing. Many are agreed that climate change may be one of the greatest threats facing the planet. Recent years show increasing temperatures in various regions, and increasing extremities in weather patterns. Climate Change resulting from increased green house gases concentrations has the potential to harm societies and eco-systems. In particular, agriculture, forestry, water resources, human health, costal settlements and natural eco-systems will need to adapt to a changing climate or face diminishing functions. The changing climate patterns, and especially increased frequency and severity of extreme events, will increase vulnerability to the natural disasters, both slower on set ones such as drought and rapid onset disaster such as flood and cyclones.

### **Forest Conservation**

The role of forests in the national economy and in ecology was emphasized in the 1988 National Forest Policy, which focused on ensuring environmental stability, restoring the ecological balance, and preserving the remaining forests. Other objectives of the policy were meeting the need for fuelwood, fodder, and small timber for rural and tribal people while

recognizing the need to actively involve local people in the management of forest resources. Also in 1988, the Forest Conservation Act of 1980 was amended to facilitate stricter conservation measures. The 2009 Indian national forest policy document emphasizes the need to combine India's effort at forest conservation with sustainable forest management. India defines forest management as one where the economic needs of local communities are not ignored; rather forests are sustained while meeting nation's economic needs and local issues through scientific forestry.

### **Protection of Wetlands**

Wetlands are complex ecosystems and encompass a wide range of inland, coastal and marine habitats. They share the characteristics of both wet and dry environments and show immense diversity based on their genesis, geographical location, hydrological regimes and substrate factors. They include flood plains, swamps, marshes, fishponds, tidal marshes natural and man-made wetlands. Among the most productive life support, wetlands have immense socio-economic and ecological importance for mankind. They are crucial to the survival of natural biodiversity. They provide suitable habitats for endangered and rare species of birds and animals, endemic plants, insects besides sustaining migratory birds. India has a wealth of wetland ecosystems distributed in different geographical regions. India is also a signatory to the Ramsar Convention on Wetlands and the Convention of Biological Diversity; Apart from government regulation, development of better monitoring methods is needed to increase the knowledge of the physical and biological characteristics of each wetland resource, and to gain, from this knowledge, a better understanding of wetland dynamics and their controlling processes. India being one of the mega diverse nations of the world should strive to conserve the ecological character of these ecosystems along with the biodiversity of the flora and fauna associated with these ecosystems. The Convention on Wetlands, signed in Ramsar, Iran, in 1971, is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. There are presently 158 Contracting Parties to the Convention, with 1758 wetland sites, totaling 161 million hectares, designated for inclusion in the Ramsar List of Wetlands of International Importance. Ramsar Convention is the only global environment treaty dealing with a particular ecosystem. The Ramsar Convention on Wetlands was developed as a means to call international attention to the rate at which wetland habitats were disappearing, due to lack of understanding of their important functions, values, goods and services. Governments which have joined the Convention are expressing their willingness to make a commitment for helping to reverse that history of wetland loss and degradation. In addition, many wetlands are international systems lying across the boundaries of two or more countries, or are part of river basins that include more than one country.

### **Conservation of Biodiversity**

Conservation of Biodiversity is the need of the hour. The Biological Diversity Act, 2002 is a federal legislation enacted by the Parliament of India for preservation of biological diversity in India, and provides mechanism for equitable sharing of benefits arising out of use of traditional biological resources and knowledge. The Act was enacted to meet the obligations under Convention on Biological Diversity (CBD), to which India is a party. **The National Biodiversity Authority (NBA)** was established in 2003 to implement India's Biological Diversity Act 2002. The NBA is a Statutory, Autonomous Body and it performs facilitative,

regulatory and advisory function for the Government of India on issues of conservation, sustainable use of biological resources and fair and equitable sharing of benefits arising out of the use of biological resources.

### **Wildlife Conservation**

Wildlife conservation is the practice of protecting endangered plant and animal species and their habitats. Among the goals of wildlife conservation are to ensure that nature will be around for future generations to enjoy and to recognize the importance of wildlife and wilderness lands to humans. Many nations have government agencies dedicated to wildlife conservation, which help to implement policies designed to protect wildlife. Numerous independent nonprofit organizations also promote various wildlife conservation causes. Wildlife conservation has become an increasingly important practice due to the negative effects of human activity on wildlife. Wildlife Conservation Act 2002 was enacted to protect wildlife in India. The main objective of **Project Tiger** is to ensure a viable population of tiger in India for scientific, economic, aesthetic, cultural and ecological values and to preserve for all time, areas of biological importance as a natural heritage for the benefit, education and enjoyment of the people. Project Elephant (PE), a centrally sponsored scheme, was launched in February 1992 to provide financial and technical support to major elephant bearing States in the country for protection of elephants, their habitats and corridors.

### **Ozone Depletion**

Ozone depletion describes two distinct but related phenomena observed since the late 1970s: a steady decline of about 4% per decade in the total volume of ozone in Earth's stratosphere (the ozone layer), and a much larger springtime decrease in stratospheric ozone over Earth's polar regions. The latter phenomenon is referred to as the ozone hole. In addition to these well-known stratospheric phenomena, there are also springtime polar tropospheric ozone depletion events. The details of polar ozone hole formation differ from that of mid-latitude thinning, but the most important process in both is catalytic destruction of ozone by atomic halogens. The main source of these halogen atoms in the stratosphere is photo dissociation of man-made halocarbon refrigerants (CFCs, freons, halons). These compounds are transported into the stratosphere after being emitted at the surface. Both types of ozone depletion were observed to increase as emissions of halo-carbons increased. CFCs and other contributory substances are referred to as ozone-depleting substances (ODS). This is used to protect the ozone layer which protect humans from ultra-violet rays of Sun.

### **Environmental Impact Assessment**

An environmental impact assessment (EIA) is an assessment of the possible impacts that a proposed project may have on the environment, consisting of the environmental, social and economic aspects. The purpose of the assessment is to ensure that decision makers consider the environmental impacts when deciding whether or not to proceed with a project. The International Association for Impact Assessment (IAIA) defines an environmental impact assessment as "the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made." EIAs are unique in that they do not require adherence to a predetermined environmental outcome, but rather they require decision makers to account for environmental values in their

decisions and to justify those decisions in light of detailed environmental studies and public comments on the potential environmental impacts.

### **Environment and Indian Constitution**

The Indian Constitution guarantees justice, liberty and equality to all citizens of the country. In Maneka Gandhi's case the court gave a new dimension to Article 21. It held that the right to 'live' is not merely confined to physical existence but it include within its ambit the right to live with human dignity. The same view was reflected by Court in Francis Coralie V. Union Territory of Delhi said that the right to live is not restricted to mere animal existence. Article 21 also constitute right to get pollution free water and air. Article 48 of Directive Principles of State Policy directs that the State to take steps to organize agriculture and animal husbandary on modern and scientific lines. Again Article 48-A requires the State to take steps to protect and improve the environment and to safeguard the forests and wildlife of the country. In M.C. Mehta (II) V. Union of India, the Supreme Court, relying on Article 48-A gave direction to Central and State Governments and various local bodies and Boards under the various statutes to take appropriate steps for the prevention and control of pollution of water. Article 51-A says that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living.

### **Role of Judiciary in Environmental Protection**

One of the most innovative parts of the Constitution is that right to enforce the fundamental rights by moving Supreme Court is itself a fundamental right under article 32 of the Constitution. Writ jurisdiction is conferred on Supreme Court under Article 32 and High Courts under Article 226 of the Constitution. Under these provisions Supreme Court and High Courts have the power to issue any drections or orders writ, including writs in the nature of habeas corpus, mandamus, prohibition, quo-warranto and certiorari, whichever is appropriate High Court is wider in scope than that of Supreme Court. However, it may be pointed out that the law declared by the Supreme Court shall be binding on all Courts within the territory of India. Moreover, the Supreme Court in exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it. The Supreme Court and also various High Courts have taken innumerable measures in a series of their landmark judgements. Over the years the apex Court has been paying special attention for the protection of environment by giving effective directions to all the persons concerned with the matter by invoking its powers under the Article 32. An analysis of the various decisions of the Supreme Court reveals that the Apex Court has exercised its writ jurisdiction when there was leakage of hazardous gases like Chlorine from the Shri Ram Industries, throwing of waste material of alchohal plants into the adjoining nala resulting in spreading of obnoxious cells being released apart from mosquito breeding, discharge of highly toxic affluent by the tanneries, safety and insurance for the benefit of workers at the cost of employer, to entertain public grievances relating to environment in the nature of public inters litigation for banning of harmful drugs, pollution of holy Ganga by municipal sewage and industrial affulents, illegal mining of effecting ecology, pollution of waters in river polar in Tamil Nadu due to discharge of untreated affulents, assuring sustainable development detrimental to the forest growth, damage to the Taj Mahal, one of the seven wonders of the world, protecting the people from suffering of respiratory and other diseases reminding the enforecement agencies to do the job. The Environment pollution is not

confined only to any particular country or particular region. It is widening and crossing over the state and political boundaries affecting land, water, air, space, perversely. Realising the degraded consequences of the environmental pollution and its future impact on living being the battle legal, political and scientific, has started in all forums of international, regional and national organizations.

**The National Green Tribunal** was established on 18.10.2010 under the National Green Tribunal Act 2010 for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. It is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues. The Tribunal shall not be bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice. New Delhi is the Principal Place of Sitting of the Tribunal and Bhopal, Pune, Kolkata and Chennai shall be the other four places of sitting of the Tribunal.

### **Legislations on Environment**

Environmental quality has deteriorated during past two decades. This is because of the gap between the intent of the policy and the actual achievement. India's environmental problems are mainly due to its high population and limited natural resources. Protection of the environment poses a fundamental challenge to the nations desire to industrialize faster. Various efforts are being made to control India's environmental problems. The government has recognized the need for planned land and water resource management and the protection of environmental resources is included in the constitution since 1976. The constitution, 42<sup>th</sup> amendment act of 1977 obligates the Government to protect and improve environment for the good of society as a whole. It also makes an environmental protection an obligation of the state and individual citizen and reads, "The state shall Endeavour to protect and improve the environmental and to safeguard forests and wildlife of the country." Article 51-A (9) states "It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures." A lot of Acts like Biodiversity Conservation Act, environment Protection Act, Wildlife Preservation Act, Water Pollution Prevention Act, Air Pollution Prevention Act etc. are enacted from time to time for environment preservation.

### **Sustainable Development**

Economic development also refer as generally refers to the sustained, concerted actions of [policy makers](#) and [communities](#) that promote the [standard of living](#) and [economic health](#) of a specific area. Economic development can also be referred to as the quantitative and qualitative changes in the economy. Such actions can involve multiple areas including development of [human capital](#), [critical infrastructure](#), regional [competitiveness](#), [environmental sustainability](#), [social inclusion](#), [health](#), [safety](#), [literacy](#), and other initiatives. Economic development differs from economic growth. Economic development is a [policy intervention](#) endeavor with aims of economic and social well-being of people, economic growth is a phenomenon of [market productivity](#) and rise in [GDP](#). Consequently, as economist [Amartya Sen](#) points out: "economic growth is one aspect of the

process of economic development. We should handover Quality Air, land and environment to future generations.

**World Environment Day is being celebrated across the world on 5<sup>th</sup> June every year.**

\*Dr. P.J. Sudhakar is Addl. Director General (M & C), PIB, Bhopal

(PIB Features)