

Chapter-5

Conclusion

Environmental problems in India are getting worse. The policy formulation in urban areas and developmental approach of the government is not according to the norms of ecological sustainability. That is why the future seems bleaker. The different chapters have tried to figure out the gross mismanagement of environmental problems in India. A growing number of bodies of water in India are unfit for human use. Air pollution is also a growing problem. Water pollution has emerged as one of the gravest environmental threats in India. Its biggest sources are city sewage and industrial waste that are discharged untreated into the rivers. Despite the best efforts of the government, only about 10 per cent of the waste water that is generated in the cities is treated and the rest is discharged.

On the other hand, the government of India is spending millions of rupees every year on water pollution control. According to rough estimates, Indian government has spent nearly 20,000 crore rupees till now on various schemes in India, like the Ganga Action Plan and Yamuna Action Plan, to control water pollution in rivers. But no positive results have been achieved as yet. The government should realize that all efforts to get the river-bodies free from water pollution will fail unless the process of untreated industrial and other wastewater getting into the water bodies is not stopped. After all, its rivers are noxious despite many excellent environmental laws and regulations. Nor is a lack of money the main problem. Since 1985, and the launch of an emergency plan to save the Ganges, India has dedicated 51 billion rupees (\$1.2 billion) to cleaning its rivers, mostly by urging state governments to build sewage-treatment plants beside them. The Ganges and one of its main tributaries, the Yamuna, which runs through Delhi, were allotted over half of this cash. But less than half has been spent. And the sanitation it has built would be hopelessly insufficient even if properly used, which it is not.

Experts like Centre for Science and Environment director Sunita Narain believe throwing still more money into building sewage diversion and treatment infrastructure is a waste of time. She calls for rethinking the entire pollution control paradigm, building small-scale waste treatment plants on a neighbourhood scale and re-using the water locally. By 2020, according to the World

Bank, India's water, air, soil and forest resources will be under more human pressure than those of any other country.

Scientists have shown exactly how air pollution can aggravate heart problems. Scientists showed that in people with diabetes, breathing ultrafine particles can activate platelets, cells in the blood that normally reduce bleeding from a wound, but can contribute to cardiovascular disease. Carbon dioxide is greenhouse gas which is mostly emitted into air by fossil fuels burning. Carbon dioxide is not only major source of air pollution but also major source of climate change and ocean acidification. Carbon monoxide is very poisonous gas that is mostly being created by the vehicular exhaust. Carbon monoxide poisoning is the most common type of fatal air poisoning in many countries. Exposure to carbon monoxide can also have severe adverse effects on the foetus of a pregnant woman. Nitrogen dioxide (NO₂) is usually the most talked about nitrogen oxide when mentioning air pollution. The most important sources of NO₂ are internal combustion engines and thermal power plants.

The main reason why India is today experiencing huge pollution problem is its rapid economic development based on highly polluting coal powered plants. India is rapidly becoming one of world's largest carbon dioxide (CO₂) emitters and CO₂ is the greenhouse gas mostly responsible for climate change. Two main factors that contributed to massive growth of CO₂ emissions in the last couple of years were building of giant coal powered plants and increased number of cars in the roads.

The main problem about the environmental pollution in India is the fact that Indian government has pretty much accepted it as some sort of attachment to a greed based economy and is willing to sacrifice both natural resources as well as human health to maintain rapid economic development. India had been under the colonial rule for about two centuries and even prior to that there were minor kingdoms which did not pay attention to any sort of environmental concerns. After the independence the primary concern of the administrators was to eradicate poverty. Millions of people were below the poverty line and the literacy rate was also very poor. The population growth was at alarmingly high rate. All these factors contributed to serious environmental degradation and the persons who were mostly affected by this environmental degradation were the poor and the disadvantage sections of the society. They were the first victims of the poor sanitation, bad air, contaminated water, scarce food, fuel and fodder. For millions of

Indians their only wealth and common property resources were threatened by environmental degradation.

As we have discussed in earlier chapter about the efforts made at international level. All the efforts made at international level are meaningless because there is dispute among developed countries and developing countries on the emission of Green Houses Gases. Developing countries argue that they cannot reduce in emission of GHG because they are in developing process and for their economic growth more and more development is necessary. On the other side developed countries do not want to reduce the emission of GHG. So the principle of Sustainable Development is not achieved by the countries after 40 year of the Stockholm declaration.

It is clear by the discussion of chapter 3 that the problem of water pollution is taking a serious turn. The main cause of water pollution is the explosion of population. The result is that since the growth of resources is not keeping pace with the growth in population, the resources per capita are diminishing. As, a consequences there is an ever increasing pressure on our forests, our land resources, our water resources etc. At national level to pursuing the Stockholm Declaration many laws and policies enacted and implemented by the Parliament of India to combat over the problem.

To control the water pollution the water pollution laws should be properly implemented by the government. In Water Pollution Control Act, no powers are given to local bodies to the enforcement of the laws. The enforcement of these laws should be given to the local bodies because they exist in every big or small city as one Water Pollution Control Board situated in the capital of the State cannot be expected to properly implement the water pollution control.

For the protection and the preservation of the environment the Environment Protection Act 1986 was enacted by the Parliament with specific objects and reasons that there are many laws on dealing with environmental matters. It is necessary to have a general legislation for environmental protection. Existing laws focus on specific type of pollution or specific categories of hazardous substances. There also exist uncovered gaps in areas of major environmental hazards. Thus this law is a right step in the direction of environmental protection if it is implemented properly. A survey shows that the EPA 1986 had not made much impact. Because relevant authorities not performing their duties in proper way.

When state bodies and public bodies not perform their duties properly then to fill this gap the judiciary came forward to protect the environment and the fundamental rights of the people given under Article 21 of the Constitution, which guarantees right to life and personal liberty. Life is not merely confined to physical existence but it includes within its ambit the right to live with human dignity. It has much wider meaning which includes life, personal liberty, right to livelihood, better standard of life, and hygienic condition in work place, pollution free environment (potable water and pure air). The Constitution of India puts duty on State as well as citizens to protect and improve the environment. Part IV of the Constitution dealing with the Directive Principles of State Policy and Article 51-A (g) related to the duty of the every citizen of India to protect and improve the natural environment. Legislature and executive not performing its duty properly to environment protection then to fill this void judiciary with the tool as it called 'judicial activism' is playing important role in the protection of environment. Judiciary while deciding the cases tried to establish positive relationship between the environment and development under the idea of sustainable development. In many cases judiciary has applied many of the international principles of environmental management, like polluter pays principle, absolute liability principle and precautionary principle.

The analysis of the Ganga Pollution case, shows that judiciary is creating awareness among the masses on environmental issues. In this case Supreme Court gave order to State governments to organizing the clean week programmes at grass root level. The judiciary is also creating the interest of children on environment protection by including the lessons on environment in text books.

The analysis of the *Indian Council for Enviro-Legal Action v. Union of India*, case shows that Supreme Court directed the Government and concerned authorities to perform their statutory duties under various Acts- Environment Protection Act, 1986, Water Act, 1974 and Air Act, 1981.

Rural Litigation and Entitlement Kendra and Devaki Nandan Pandey v. Union of India, case that's related to the conflict between development and conservation, and serve to emphasis the need for reconciling the two in the larger interest of the country. The analysis of the case shows that in this case Supreme Court also followed the principle of sustainable development.

The analysis of *M. C. Mehta v. Shriram Foods and Fertilizer Industries and Union of India* (popularly known as Oleum Gas Leakage Case) shows that in this case the judiciary established the new principle of absolute liability in place of strict liability.

In this research we find that the problem is very serious and multifaceted, so judiciary alone cannot protect the environment. There is need of multifaceted approach. There is need of public participation as well as active participation of state bodies to control the problem of environment pollution. To control the problem of pollution laws should be properly implemented by the government. In Water Pollution Control Act, no powers are given to local bodies to the enforcement of the laws. The enforcement of these laws should be given to the local bodies because they exist in every big or small city as one Water Pollution Control Board situated in the capital of the State cannot be expected to properly implement the water pollution control. The development approach of the government must go hand in hand with the ecological concerns and the basic concept of the environmental sustainability.