

# Legal and Social Issues Related to the Environment

Dr. Bhagyashree Manohar Deshpande

Assistant Professor, Bharati Vidyapeeth Deemed University, New Law College, Pune, India

**Abstract---** The concepts of environment and development are regarded as opposite to one another because the activity development cause damage to the environment. Both the concepts are essential to the society and hence both have them have to be considered. Only giving preference to development or stopping the complete development for the sake of environment is desirable for the society. A perfect balance between the environment and development is desirable and can be achieved by law and the efforts of the society. The legislature has enacted a number of legislations now it is the duty of the people to respect the law and strictly abide by the environmental laws as such laws are made for the people to ensure their right to clean environment. If the individuals follow the law, inculcate some moral principles of not polluting the environment for economic gains, then defiantly the gravity of the environmental pollution will be reduced.

**Keywords---** Environment, environmental pollution, sustainable development, precautionary principle, polluters pay, Stockholm Conference, The Wild Life Protection Act (1972), The Water (Prevention and Control of Pollution) Act (1974), The Air (Prevention and Control of Pollution) Act (1981), The Environment (Protection) Act (1986)

## I. INTRODUCTION

It is the environment which makes life possible for all the living species because the environment only makes and maintains the congenial conditions for life. The concern for the protection of environment has been an ancient concept but today it has not only gained importance but also the protection of environment has become a vital issue because of the life and death situation for many living species. Further the protection of environment knows no geographical or territorial bounds as environment is a global aspect. As environment is a global aspect the whole world is taking concrete steps to not only protect the environment but also to enhance the quality of the environment. It is a well-known fact that the society is of dynamic nature and is continuously in a state of flux and hence keeps on changing. In the ancient period the society was in a rudimentary state of development and this development is in a state of continuation of quality as well quantity.

- The traditional methods of protecting the environment.

The environment is considered to be the first aspect of life and this fact was known to the individuals of the traditional society, so the society protected the environment through the traditional methods.

- i. Less extent of development: -

In the traditional society the development was almost nil or very minimal, so naturally there was no transgression on the environment. Due to this there was no environmental pollution. So, the first level of environment protection was the cause of less development.

- ii. Controlled population: -

Another method of protecting the environment was a natural method that is the society was not heavily populated. The concept of environment and population are directly correlated; less the population results into cleaner and healthier environment and heavy population results into the transgression of the environment and hence resulting into environment pollution.

- iii. Man made objects and no use of machine and technology. In the traditional society mostly, man-made objects were used and the use of machines was lacking because of less development. So also, the technology had not progressed and hence there was no question of the technology polluting the environment.
- iv. Positive efforts taken to enhance the quality of the environment: -

The above three steps dealt with not polluting in the environment. The society first and for most took efforts of not polluting the environment so the environment was non polluted and clean. So, the question of doing away with the environmental pollution did not arise. However, the society did not stop here that is a part from not polluting the environment, it took efforts to maintain the quality of the environment and also to enhance the quality of environment.

The customs, traditions or religious tenets were inculcated which resulted into the protection of the flora and fauna of the environment. For instance, worshipping of some trees and hence they were not cut down; or considering some birds as good omen and hence such birds were killed. So also, some animals were regarded to have some pious aspects and hence were not to be killed or

## International Journal of Engineering Research in Computer Science and Engineering (IJERCSE)

Vol 4, Issue 6, June 2017

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hunted.

So, the traditional society on one hand did not pollute the environment and the on the other hand efforts were taken to maintain and enhance the quality of the environment.

- Times changed, age changed resulting into a profuse change in the nature of the society and the society was tremendously transformed. This change had a double impact upon the environment. Development and technology became the most essential aspect of the society and the society carried almost all the activities with the help of development and technology. So much so that life was impossible without the use of development and technology. The thirst for more development and advancement of technology became so aggravated that the society did not even have the slight consideration of the environment. It was only when the society experienced the problems of the polluted environment, then did it realize the importance of the environment. After some research it was found out by the society that the major cause of environmental pollution was the reckless action of development and the excessive use and misuse of the technology. Now this aspect makes us turn to the aspect of the relationship of the development, technology and environment. The development along with the technology and the environment are the indispensable aspects of the modern present society. The society cannot even think of sustaining itself without development technology and environment, hence the society has to evolve a via - media so that the two seemingly opposite concepts that is the development along with technology on one hand and the environment on the other hand can be balanced or reconciled.
- It is not expected and neither it is feasible that the modern society turns back into a traditional society so the process of development has to proceed. The society has to take the following steps to reduce the environmental pollution because of development and technology.
  - i. The nature of development should be taken into consideration. The society should assess the development, that is it should be taken into consideration the impact of the development on the environment, if the development is going to have irreparable consequences on the environment then the development has to be toned down. Further a way has to be found out which makes the development less harmful and hence causes less environmental damage. The entire world faced the problem of the

adverse impact of the development and technology on the environment. Consequently, the United Nations held the Stockholm Conference in June 1972 which tried to advance some measures to protect the environment. In pursuance to the principles of the Stockholm Conference India has enacted some legislations as a measure to protect the environment. In India the environmental pollution is prohibited through various legislations. Legislation is the main instrument to protect the environment in India, and the various aspects of environment such as air, water, forest, wild life etc. are protected through the various legislation

- a. The Wild Life Protection Act, (1972). This statute aims to protect the wild life. The wild life is a very important aspect of the environment as it plays an important part in the cycle of the nature and the symbioses system. So, the legislature has taken special steps to protect the wild life by including certain species in the prohibited scheduled category. So also, the act of hunting and selling of the animal parts such as horns, skin, or nails teeth is declared to be an offence and is punishable.
- b. The Water (Prevention and Control of Pollution) Act, 1974.

The water is an essential aspect for life and hence is protected by this legislation. The emission of untreated sewage water is prohibited by this statute.

- c. The Air (Prevention and Control of Pollution) Act, 1981. Air also constitute a vital part of the environment and the air pollution is prohibited by this legislation. A restriction is imposed on the emission of the smoke produced by the factories during the course of production.
  - d. A part from this, The Environment (Protection) Act, 1986 is also enacted to protect the environment in all its perspectives. All the above statutes protect some aspect of the environment still the pollution caused by the development is rampant; and to curb the pollution the concept of the sustainable development has been evolved. According to the doctrine of sustainable development the society should indulge only in that much of development which can be sustained by the environment. To put it in other words development should be of such a nature that it causes minimum damage to the environment. Development and technology are very essential to the society, but at the same time it should not cause the society to pay in the terms of the quality
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## International Journal of Engineering Research in Computer Science and Engineering (IJERCSE)

Vol 4, Issue 6, June 2017

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of the environment. The two sub principles of the sustainable development are as follows.

- The principles of polluters pay mandates that who ever pollutes the environment for incurring the profit may be penalized.
- The precautionary principle which states that an individual has to take care so as to not cause environment pollution. However, in India the concept of absolutely liability prevails which does not allow any defenses for evading liability. So also, the liability is imposed even if the wrong doer has taken reasonable care while performing the act which caused the pollution.

It would be liked to be noted that still the environment pollution prevails and the protection of the environment is still not satisfactory. The legislations are enacted but still the protection of the environment is not effective. As the people violate the law and cause the environmental pollution for profit making reasons. Law alone can not control environmental pollution and requires the help of the society to prevent the environmental pollution. The people should not only be aware of the aspects of environmental protection but there is a dire need to recognize the danger of environmental pollution and take concrete steps to protect the environment. For this purpose, no herculin task is required by the individual but simple efforts which are in consonance with the moral principles and the civics sense. Every individual is required to understand the object and reason of the environment statute which are enacted for the protection of environment and the protection of environment is very vital for the individual's life. So, the people should feel responsible and abide by the environmental laws. Further the industrialist who pollute the environment through the process of production should feel their moral and legal duty as to not to pollute the environment for the sake of profit making. The intention of the legislature fails when people fail to respect the law and obey the law and make the entire society pay the cost of production by the virtue of polluting the environment. So also, it is felt that the individuals can play a significant role in protecting the environment just by doing ordinary activities such as water conservation through proper utilization of water without wastage, by using the fuel diligently etc.

The prevention of environmental pollution is one aspect and to enhance the quality of the environment is another important aspect, which is a more difficult task. By just planting the trees without further watering and maintain them serves less purpose. Hence some effective steps have to be taken to protect as well as enhance the quality of the environment.

## II. CONCLUSION

The term environment and development may not be regarded as completely opposite to each other but the development should be done in such a way that less damage to the environment is caused. Sustainable development is another way to ensure development without damaging the environment for instances when a factory indulges into production then the concerned industrialist should follow the legal procedure to emit the smoke or should treat the sewage water before releasing it. Law alone cannot prevent pollution because it has to be obeyed and followed by the individuals. The people should understand that the environmental laws are for their benefit to get clean environment which is essential for the sustenance of human life. The individuals can prevent the pollution by the small activity such as proper utilization of water and fuel or by not misusing the technology. The people of this generation should understand that the natural resources do not exclusively belong to them and even the next generation has a right over the natural resources and hence they should be sparingly used.

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