

# ENVIRONMENTAL ISSUES – PROBLEMS AND SOLUTIONS

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## INTRODUCTION

The Almighty blessed the humanity with a beautiful universe, but human greed is tampering since ages till today with delicate ecological balance possibly leading to a probable catastrophe. Incentive and unlimited violation of nature in the name of scientific and technological advance or infrastructure development has already delivered ominous danger signals like global warming, seasonal imbalances and individual self – interests are making us close and eyes to the impending disaster.

### **Concept of Environmental Issues and Problem:**

The mankind faces over whelming environmental problems. These environmental problems are large scale, long term and strike directly at our most intimate links to the biosphere. Today almost every aspect of modern living poses potential health risks. The air we breathe the water we drink and the places where we work and live may be contaminated with toxic substances or chemical additives. Some of our habits such as cigarette smoking are clearly related to an increased occurrence of lung cancer. It is also observed that the adverse effect of chemical pollutants in the environment are not only limited to ourselves but also may be passed on to future generations by way of genetic mutation, birth defects and inherited diseases.

### **Global dimensions of Environmental Issues and Problems:**

Environmental issues know no political international limits. They occur worldwide. Hence, the real effect and pollution for this issue is the global community witnesses and political conscience in all over the world and its effective management by International tie-ups. The need to protect and improve the environment is so compelling and pressing for the survival of not only of the mankind, but the total life-form on the planet that “right to environment” has emerged as a human right. This human right should be healthy and safe environment has come onto operation in various international environmental treaties and conventions as well as national legislative and administrative measures and judicial responses all over the world.

The survey of the magnitude of the global pollution indicates that the world environment has reached a critical stage and that the natural resources have been exploited far beyond their maximum sustainable limit. The major pollution problems facing by the world commonly are like Global Warming and Green House Effect and change in climatic pattern and ocean temperatures, ozone trans boundary pollution, over population, reduction in biodiversity, pollution to global common, etc., out of which the global warming and green house effect and change in climatic patterns and ocean temperatures, ozone deflection, etc.

#### **1. Trans Boundary Pollution:**

It takes place in two ways. In first type pollution is generated in one country and transported to a great distance before falling to earth in other countries the example of which is seen when American firm used to tall stacks to disperse the air pollution, which cause setting of toxic fumes in Canada. The other type being pollution of common resources such as dumping of waste in Tijuana River of Mexico which resulted polluting the in well crops in California in America.

#### **2. Over Population:**

The threat of over population is feared the food production and may result into mass starvation. As the population increases there is more use of land, water and energy which may lead to depletion of natural resources.

### 3. Rejection in Biological Diversity:

Environmentalists have classified about 1.4 million living species of which 2,65,000 are plants, 750,000 insects, 41,000 vertebrates and remaining invertebrates. There are also many unknown species, which are yet to be classified to destruction of these species provided medicines and raw materials for industries. Due to the destruction of these species on continuous basis, there is an imbalance created in the nature. This has a harmful effect on the human beings.

#### Environmental Issues and Problems in Common Globe

There is a continuing symbol of utility and international relationships between the living objects and their physical settings in the universe. The Biosphere which means a thin shell where the atmosphere, hydrosphere and lithosphere connect plays a complementary role between constitute major part of the earth and thus is one of the greatest global commences and problems associated with the destruction of these resources.

The world has witnessed pollution on massive scale. We have experienced several environmental disasters. The contaminated land at Love Canal (USA) 1978, Bhopal gas leak disaster in USSR (1986), Brave oil tanker disaster in UK (1993), Minamata tragedy in Japan, Tsunami tragedy in Indonesia and coastal parts of India and several other global environmental disasters. There is a growing awareness of the long term consequences of acid rain and global warming.

Scientific studies and projections discovered the fact that the changes in temperature do not occur uniformly over different layers of the lower atmosphere or even different parts of the earth. The Earth's climate system constantly adjusts so as to maintain a balance between the energy that reaches it from the sun and the energy that goes from Earth back to Space. This means that even a small rise in the temperature could mean accompanying changes in cloud cover and wind patterns. Some of these changes may enhance the warming, while others may counteract it. All the factors described above complicate the work of scientists who try to predict the fallout of climate change. Despite these uncertainties, the Third Assessment Report published by the IPCC (Inter Government Panel for Climate Change) states that, "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities."

There is a new form of climatic determinism on the rise and the allure of this thinking for the naive or for the mischievous is dangerous. It finds its expression in some of the bolder claims made about the future impacts of climate change: 180 million people in Africa to die from hunger, 40% of known species to be wiped out, and 20% of the global GDP to be lost. But such determinism is perhaps at its most insidious when found in the new discourse about climate (in) security.

#### Solutions to Environmental Issues

We as a people must understand how to protect our environment and save the planet from an environmental situation which hampers our livelihoods and strips future generations of their right to enjoy the environment. We are all aware that our constitution has specific preamble for social responsibility with focus on poor families under its directive principles of state policies. The Government both Central and State has come out with range of schemes, programmes for farmers and poor families of urban areas. Some of very important programmes which are made statutory responsibility are employment guarantee scheme and food security. The following can be various solutions to the environmental issues:-

1. To establish Special Courts for adjudication of the cases pertaining to the Environmental Pollution and Protection and Judges of this court should be sitting High Court Judge. Such courts should be subordinate only to the Supreme Court of India. Power also granted to such courts to frame the procedural rules for adjudication of the cases. These courts are empowered to mix both the system i.e. Adversary as well as Investigative System for adjudication of the cases of Environment. These courts also esteemed to follow the strict Rule of Law of Evidence and also empower to pass positive instructions as well as orders pertaining to the environment and protection of the environment. Two assessors also provide to help the Judges of this court.

2. It is now cry need to appoint Environment Ombudsman and this officer should have power to investigate and to collect the information regarding environment and environment pollution. Any person or N.G.O. can be appeared before him and he has to function as nexus between people and law. He should be only answerable to the Legislation. He never is removed from his office except by following the procedure of impeachment. He must be equipped with all technical infrastructures for research as well as investigate the matter concerning to the environment and environment pollution.

3. Today we have Environment (Protection) Act, 1986 but this act is not fulfil all the requirement and necessities concerning to the environment and protection of the environment. So in place of this act one comprehensive Environment Protection Code should be enacted by the Parliament and in such enactment all the Environment Acts, all provisions of the legislations and all the verdicts of the High Court's as well as Supreme Court should be included and also include different type of authority pertaining to the Environment and Environment Protection such as Board of Environment, Courts of Environment, Environment Ombudsman,

also include Rules regarding procedure concerning to Public Interest Litigation, Rules regarding Civil and Criminal Remedies available in the same proceedings, Rules regarding appeal before the Supreme Court, etc.

4. To protect and preserve the Environment and all rules should be strict and vigorous and also provisions of the heavy punishment should be included.
5. For the development of the urban area help of the Environment Expert should be included.
6. More importance should be given to the Environment Education.
7. Provide alternative residence to the people who are living in the slum areas.
8. All the industries must be established at remote places and not to the residential areas.

Hence its now high time to voice such iniquities an overall positive atmosphere where all stake holders, the Governments, the Public Leadership, Civil Society, Judicial System, Public Administration even corporate bodies are geared towards social responsibilities and determine to remove poverty and iniquity from our country and all must have to do something for useful policies frame work and suggestions of cutting obstacles Red Tapism after understanding ground truth from farmers themselves and to deal with ill impact of climate change specially where it effect over the farmers.

#### **National and International Legal Frame Work for taking of the Environment Issues:**

The Domestic environmental law is highly influenced by the international conventions, multilateral and misled by bilateral resolutions of international bodies and the scientific report of recommendatory bodies. There are large number of bi-lateral and multi-lateral international documents, it has been estimated that these documents are approximately up-to one thousands. However, some documents are binding, whereas some are only recommendatory in nature or only providing guidelines. The central theme of all these documents is to address the environment as an issue to be handled nationally, regionally and internationally. These are as follows:

#### **INTERNATIONAL LEGAL FRAMEWORK**

- The Antarctic treaty, 1959
- Convention for the international council for the exploration of the sea(ICES), 1964
- International convention for the convention of Atlantic Tunas, 1966
- Outer space treaty 1966
- Resolution of united nation general assembly on problems of human environment, 1968
- RAMSAR convention 1971
- The convention on the prevention of marine pollution by dumping of wastes and other matter (1972)
- Un conference on human environment at Stockholm, 1972
- The convention on international trade in endangered fauna and flora, 1973
- International convention for the prevention of pollution from ships,1978
- The convention for the conservation of Antarctic Marine Living resources, 1980
- United nation convention on the law of the Sea, 1982
- World community of state's Nairobi Declaration, 1982
- Protocol on substances that deplete the ozone layer, Montreal protocol, 1972
- United nation Basel (Switzerland) convention on the Trans boundary movements of hazardous wastes.
- The RIO Declaration on environment and developments, 1992
- Convention for a north pacific marine science organization, 1992
- The convention on international tropical timber agreement, 1994
- The convention of un on global programme of action for the protection of the marine environment from land based activities, 1995
- International convention on liability and compensation for damages in connection with the carriage of hazardous and noxious substances by sea, 1996
- The convention on global warming and mitigate its impact by limiting worldwide the emission of greenhouse gas convened in the city of Kyoto(Japan), 1997
- UN framework convention climate change 1992-2000
- The world summit on sustainable development held at Johannesburg, 2002
- Cartagena protocol on Bio safety, 2003
- General Agreement on tariffs and trade
- UN climate change conference at Copenhagen (Denmark), 2009
- Climate change and Ozone Depletion Paris Agreement (2015)
- Minamata Convention on Mercury (2013)

### **NATIONAL LEGAL FRAMEWORK:**

In India following rules and regulations are effective for the protection of environment & to control of environments of pollution for climate justice:-

- The Indian forest act-1927
- The factories act-1948
- The wildlife protection act 1972
- The water prevention & control of pollution act-1974
- The Air prevention & control of pollution act-1981
- The environment protection act-1986
- Costal regulation zone notification-1991
- The public liability insurance Act-1991
- Environment impact assessment notification 1994
- Environment public hearing -1997
- The environmental tribunal Act- 1995
- The bio-medical waste(management & hearing ) rules 1998
- The recycled plastic manufacture and usage rules 1999
- The municipal solid wastes ( management and handling ) rules-2000
- The noise pollution ( prevention and control ) rules-2000
- OZONE Depleting substances (regulation and control ) rules-2000
- Eco- mark resolution
- Disposal of fly ash 14 September,1999
- Special economic zone -2005

There are various central as well as state authorities for monitoring, control as well as for protection of the environment.

### **CONCLUSION**

The than Lordship of the Supreme Court of India, Late Shri Justice Krishna Ayer has pointed out, “Our century before it expires has a choice to make. It faces a Hamletian Dilemma. To be or not to be that is the question.” This choice is obvious in the 21<sup>st</sup> century. Renounce the policy of climate as conflict and weather as weapon- for pollution free environment.

It has, by now, become amply clear that protection of the environment cannot be achieved simply through legal control as well as international law and treaties. But educating ourselves about the legal frame work of environmental law, propagating about the rights and duties concerning environmental protection, safe guarding our surrounding from atmospheric pollution and environmental discipline with unwavering strict rigor and vigor are our immediate universal obligations for the present and the future. Today’s pollution and environmental degradation scenario is abysmal, with pollution than ever before it include depletion of soil quality , exploitation of ground water, salivation of soils, decline in soil fertility, pollution of soil and water due to excessive use of chemical inputs and their impact on environmental, humans, animals as well as nature.

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