

Environmental Pollution: A Threat to Life in the Air

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Abstract

As of the Meaning of shloka “*Eternal is the relationship between Nature and human beings. The relationship is eternal. All the elements of water, wind, sky, fire, and earth are verily the holders and nourishers of creatures.*” Which clearly formulate the relationship between human and environment, so the Protection of environment has always been the matter of great concern since evolution of mankind, which has been in embedded in our cultural values and traditions, Earth is the man’s paradise. The environment is a matter of huge concern not only in the local area but in a global aspect too. Any contamination of the environment is called Environmental Pollution. Therefore, it is of utmost importance to be well equipped with know-how of environmental affairs because. The human economy is afflicted in an extensive radius of activities that are causing boundless. vandalization to the ecosystem that succor, both our species and earth’s heritage of biodiversity. Today, environmental pollution has become a global problem and climatic change, depletion of ozone layer, acid rain, ocean pollution, desertification and loss of tropical forests are some of the global concerns. International fraternities have derived some important principles to deal with global environmental pollution.

Keywords: Environmental Protection, Air Pollution, Human Index, Globalization and Biodiversity

Introduction

There is eternal the relationship between Nature and Human beings. All the elements of water, wind, sky, fire and earth are verily the holders and nourishers of creatures. Which clearly formulate the relationship between human and environment, so the Protection of environment has always been the matter of great concern since evolution of mankind, which has been in embedded in our cultural values and a tradition, Earth is the man's paradise.

Environment is the matter of huge concern not only in local arena but in global aspect too. Any contamination of the environment is called **Environmental Pollution**. Therefore, it is of utmost importance to be well equipped with knowhow of the environmental affairs because the human economy is affianced in an extensive radius of activities that are causing boundless vandalization to the ecosystem that succor, both our species and earth's heritage of biodiversity. Today, environmental pollution has become global problem and climatic change, depletion of ozone layer, acid rain, ocean pollution, desertification and loss of tropical forests are some of the global concern. International fraternity has derived some important principles to deal with global environmental pollution. Legislative instruments, environmental agreements, self-imposed regulations and principles devised by courts are source of environmental laws. In order to forecast environmental aftermath of any progressive actions and to provide occasion to alleviate against the adverse effects and increase positive impacts, the environmental impact assessment (EIA) procedure was developed in the 1970s to forecast issues, to mitigate them and to increase the pragmatic out-turn.

Evolving nature and growing potential of the fundamental law of the land has resulted into the specific provisions and laws for the Environmental Protection. Article 19(1) of the Constitution of India, specifically confers fundamental right on every citizen to practice any occupation, trade or business which is subject to reasonable limitation which embodies that a citizen cannot carry on any business pursuit if it creates health hazards to the society or general masses. Hence, shelters for Environment protection are inherent in this. The apex court in the case of *Cooverjee B. Bharucha V. The Excise*

Commissioner Ajmer (1954,SC 220) eloquently discussed that if there is clash between Environmental Protection and right to practice, trade and occupation the court will have to maintain equilibrium between the environmental interests and freedom of trade.

The Constitution of India contains provisions for providing Public Health also in the newly added Article 48A directs the State that ‘the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

In *the Shubhas Kumar case*, the Hon’ble Supreme Court has held that enjoyment of pollution free environment is included in the ‘Right to Life’ under Article 21 of the Constitution, The Court has observed, “Right to life is a Fundamental Right under Art. 21 of the Constitution and it include the right of enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Art. 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life,” At local level too, village panchayats have been warranted under the Constitution to take steps for the protection of environment.

There are various remedies available against environmental pollution under common law in the form of nuisance, trespass, negligence and strict liability. The Supreme Court has modified the rule of strict liability into absolute liability in this regard. There are nearly 200 laws in India which directly or indirectly regulates environmental pollution. The Supreme Court has elaborated the importance of these general laws for environmental protection in *Ratlam Municipality Case*. The Parliament has passed special laws to abate and control the pollution. Some of these Acts are passed as a result of international obligations. Most of these laws are subject specific and deals in detail with every aspects of pollution. Air (Protection and Control of Pollution) Act,1981; Water (Prevention and Control of Pollution) Act 1974; Environment Protection Act, 1986; National Environment Tribunal Act, 1995; National Environment Appellate Authority Act, 1997; The National Green Tribunal Act, 2010, E-waste management Rule 2018 are some of important laws dealing with environmental pollution.

The legislature passes a law not to be locked in a statute book but to attain its prescribed objectives and therefore, the law has to be seen and interpreted in the correct perspective. Despite of violating laws and norms it is indispensable to obligate government to direct every citizen to safeguard flora and fauna for environmental protection at grass root level. For the articulation of a solution to environmental issues, the Indian judiciary has contorted for upheaval and amelioration which facilitates for curbing it. The apex Court has directed every state and educational board to promote and assist environmental education. The officials and institutions who ran from pillar to post waiting for the hot iron to cool down awaiting justice has attracted plethora of litigations. The acquiescent judicial steps and legislation are required to invigorate environmental law in spite of antagonistic sollicitousness.

Environmental Protection (Prevention & Control) Act, 1986:

The Environment (Protection) Act, 1986 defines the environment as follows: “the Environment as consisting of ‘all, or any, of the following media namely, the air, water and land, other living creatures, plants, micro-organisms and property’ From the above definition, it can be briefly said that environment consists of two components namely biotic (living things) and a biotic (non-living things) factors. The living organisms can be grouped into three types - those living mainly on land, in water and in air. The non-living materials of the environment are land, air, water, property etc.”

Impact of Stockholm Conference, 1972

The Stockholm Conference, 1972 worked as a catalyst in development of environmental jurisprudence in India. Legislative and executive efforts have been made in the field of environmental law. The Wildlife Protection Act, 1972, the Water (Prevention and Control of Pollution) Act, 1974, the Forest (Conservation) Act, 1980 the Air (Prevention and Control of Pollution) Act, 1981 and the Environmental (Protection) Act, 1986, Protection of Plant Variety and Farmers Right Act, 2001, Biological Diversity Act, 2002, Wild Life (Protection) Amendment Act, 2002 and National Green Tribunal Act, 2010 were enacted.

Environmental threat on Human Beings:

Environmental Pollution a serious threat on human beings because due to environmental pollution human beings not only suffered physical losses they also be suffered their economic losses. While one hand they are suffering so many diseases like skin diseases, lungs problem & eyes problem. And other hand due to climate changes they suffer economical losses like destroy of crops and other things.

Judicial Approach towards Environmental Protection

Indian Courts did not hesitate to entertain PIL to ensure environmental justice in India. By the PIL Indian Judiciary have solved all type of environmental issues like the leakage of chlorine toxic hazardous gases from Shriram Fertilizer Industries,¹ waste substances from alcohol whose resultant breeding of highly toxicated mosquito and spreading unpleasant smell discharge from tanneries into river Ganga,² leakage of MIC gas from 'Union Carbide Plant in Bhopal', whose resulting welfare of the child suffering from congenital defects,³ protection of environment & the construction of Narmada dam⁴ etc. and by doing so the judiciary has made the environmental protection as its Constitutional obligation.

In the first environment case before the Supreme Court itself, it was held that no municipality could put forth lack of money as a ground for not discharging its primary duty of looking after the health and safety of its residents. The High Courts were the first to come up with direct and specific pronouncements on citizens 'Fundamental Right to Pollution Free Environment'. Thus, the Andhra Pradesh High Court ruled in 1987 that nature's gifts without which the life cannot be enjoyed. Due to corruption and environmental pollution should be incorporated slow poisoning in polluted atmosphere in infringement of Article 21 of the Constitution of India. On the same lines, the Karnataka High Court pointed out that entitlement to clear environment is one of the recognized human rights and further held that 'Right to Life' inherent in Art.21 of the Constitution of

¹ *M.C.Mehta v. Union of India and Ors*, (1987)4 SCC 463.

² *Ibid*

³ *Union Carbide of India v. Union of India*, AIR 1992 SC 248.

⁴ *Narmada Bachao Andolan v. Union of India and others*, AIR 2000 SC 3751.

India does not fall short the requirement of quality of life which is possible only in an environment of quality.

Conclusion

Environmental concern in India is as old as Indian civilization. The earlier environmental concerns were mostly focused on conservation of forest, wildlife and natural resources. The policies were mostly linked with culture and religions.

International instruments are emerging to be a strong platform to voice environmental concerns worldwide India is a party to almost 35 International Conventions and Treaties and Protocols pertaining to various aspects of environment protection. Some of the significant international instruments that India is a party to, has been discussed here which generally talk about the environment protection and which commits the national government to abide by certain international norms that it has to follow.

On the basis of the above facts & study of the judicial Judgments/Orders and other relevant literature available of the concern subject matters. The author has arrived at the numerous findings and all finding so that there are lots of impacts on not only environment it's also impact on human being because both are attached to each other. It is the most common myth that this pollution is harmful only to Lungs and causes lung cancer or asthma, but the fact is, this has become the main reason behind a number of diseases. There is a large number of diseases and we are still not even aware of many more.

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