

## **Environmental Sustainability and Pollution Protection Provision in India**

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### **Abstract**

Sustainability has become a wide-ranging term that can be applied to almost every facet of life on Earth, from local to a global scale and over various time periods. Long-lived and healthy wetlands and forests are examples of sustainable biological systems. Invisible chemical cycles redistribute water, oxygen, nitrogen, and carbon through the world's living and non-living systems and have sustained life since the beginning of time. As the earth's human population has increased, natural ecosystems have declined and a change in the balance of natural cycles has had a negative impact on both humans and other living systems

**Key Words:-** Sustainability , Earth, Forests , Environmental , Pollution.

### **Introduction:-**

Environmental enrichment concept is known for some decades now. It has been around at least since the early part of the 20th century according to Robert Yerkes-

**The greatest possibility for improvement in our provision for captive primates lies with the invention and installation of apparatus which can be used for play or work.**

The United Nations Conference on Sustainable Development in Rio de Janeiro in 2012 laid down seventeen Sustainable Development Goals (SDGs) to encounter the urgent environmental, economic and political challenges being faced by the world. Seventeen goals were set: to end poverty; zero hunger; quality education; gender equality; clean water and sanitation; affordable and clean energy; decent work and economic growth; industry innovation and infrastructure; reduced inequalities; sustainable cities and communities; responsible consumption and production; climate action; life below water; life on land; peace, justice and strong institutions and partnership for the goals.

One can see that these goals are achievable only when nations forget their boundaries and work together as global citizens. One of the major goal is to combat climate change, which would entail climate action, industry innovation and infrastructure, use of affordable and clean energy and building sustainable cities and communities. With increasing human population, pollution has become a great concern. Pollution from human activities is a problem that does not have to be inevitable. With a comprehensive pollution prevention program, most pollution can be reduced, reused, or prevented. Reducing and managing pollution may decrease its health impacts.

Air and water pollution in urban areas arises from multiple sources, which may vary with location and developmental activities. Anthropogenic activities as rampant industrialization, exploitation and over consumption of natural resources, ever growing population size are major contributors of air pollution. Pollution prevention however is a key issue to sustainability. Pollution results from waste. The best way to deal with pollution is to prevent it from being created in the first place. This means finding new efficiencies, doing things smarter, and valuing every resource. Understanding how waste is produced and how it can be minimized, or even prevented, is the first step to reduce waste and protect our environment; in that way, pollution prevention is an essential component of sustainability.

### **Judicial Provision for Environment protection in India:-**

India being a growing economy has fast industrialization and development in recent past, which resulted in adverse impact on the environment. Witnessing such degradation, the Supreme Court of India in a bid to protect the environment, played a significant role in shaping and adopting the doctrine of Sustainable Development. This crusade for safeguarding the environment was led by Justice Kuldeep Singh, who famously came to be known as the 'Green Judge'.

The Supreme Court of India emphasized on the need to set up specialized environment courts for the effective and expeditious disposal of cases involving environmental issues, since the right to healthy environment has been construed as a part of right to life under Article 21 of the Constitution. The doctrine of Sustainable Development was implemented by the Supreme Court in the case of **Vellore Citizen Welfare Forum vs. Union of India**. The Petitioners therein had filed a petition in public interest under Article 32 of the Constitution of India against the

pollution caused by discharge of untreated effluent by the tanneries and other industries in the river Palar in the State of Tamil Nadu. In the instant case, the Supreme Court held that the precautionary principle and polluter pays principle are a part of the environmental law of India. The court also held that: "Remediation of the damaged environment is part of the process of 'Sustainable Development' and as such polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology."

## **National Green Tribunal**

Due to unchecked and fast industrialization and the decisions taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, as well as United Nations Conference on Environment and Development held at Rio de Janeiro in June, 1992, to both of which Conferences India was a party, the legislature enacted the National Green Tribunal Act 2010. Vide the Act, the National Green Tribunal was established for effective and expeditious disposal of cases involving multi-disciplinary issues relating to environment.

## **Powers and function of NGT**

Under Section 19 of the Act:-

- NGT has been empowered to hear all the civil matters related to environment.
- NGT is not bound by the procedures of the Code of Civil Procedure, 1908 and is bound by the principles of natural justice. While deciding a case, the NGT should apply the principles of Sustainable Development, the precautionary principle and polluter pays principle. In furtherance of its duties,
- NGT has furthered the crusade of environment protection basis the doctrine of Sustainable Development.

## **Landmark cases of NGT for protection environment**

The NGT in the case of Prafulla Samantray vs. Union of India, ordered suspension of the establishment of the POSCO steel plant in Odisha, as in the opinion of the NGT, though there is a need for industrial development, and employment opportunities created by projects such as Posco's steel plant, but at the very same time such development should be within the parameters of environmental concerns and should satisfy the principles of sustainable development. The

Hon'ble Tribunal in the case of Sarang Yadhwakar and others vs. The Commissioner<sup>9</sup>, held, "the principle of sustainable development takes within its ambit the application of the 'principle of proportionality' and the 'precautionary principle'. In other words, one must, while permitting development, not only ensure that no substantial damage is caused to the environment but also take such preventive measures, which would ensure no irretrievable damage to the environment even in future on the premise on intergenerational equity".

## **Conclusion**

Sustainable Development is the need of the hour. With the advent of energy efficient technology, a harmonious marriage between development and environment is possible. It is time that each one of us adopt an 'energy-efficient and green' mind-set and use the natural resources available equitably, judiciously and save them for our future generations, as the best way to predict future is to create it. Our responsibility is to utilize our knowledge to take actions that are protective of human health and the environment.

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