

ENVIRONMENTAL TREASURE "EACH ONE'S OBLIGATION TO PROTECT"

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One of the most crucial challenges before mankind today is development of an environmentally sound planet, which is none-else but "Our earth". Unfortunately except for the heightened thinking the masses have not moved even one step forward in their approach to nature as well as at the level of actions.

Article 51(A)(1) of the Constitution of India casts upon every citizen of the country a duty to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. It is most common characteristic in all of us that we pay much attention to our rights but seldom realise our duties.

At this juncture I am reminded of an excerpt from the speech of the Prime Minister of India on 5.6.1972 at Stockholm in a conference on human environment that "Man is both creature and moulder of his environment which gives him physical sustenance and affords him the opportunity for intellectual, moral and spiritual growth". Therefore, protection and improvement of human environment is a major issue. We see growing evidence around us of man made harm, for example dangerous levels of pollutions in Water, Air, Earth and undesirable disturbance to ecological balance of the biosphere, destruction and depletion of irreplaceable resources. Thus a point has been reached in our times when we must shape our action throughout the world with more prudent care for environmental consequences because our ignorance and indifference will cause irreparable harm and loss, but all is not lost because if we act with fuller and wiser knowledge we can achieve for ourselves and our posterity a better life.

There is an old proverb that the "Wish is father to the thought and thought applied is action." Consequently the underlying idea is that each one of us must have a philosophy about environment because it is only then that we can effectively contribute to a healthy and sound earth. Environmental concerns cannot be self-contained independent issues. Environment as a total human habitat cannot be treated in an isolated manner. We all must know about environment; know the result of its protection; know how laws deal with environment and thereafter give ourselves an action plan backed by honest and sincere intention.

Article 48-A of the Constitution of India provides that the State shall

endeavour to protect and improve the environment and to safeguard the forest and wild life of the country. Thereafter one of the major steps taken under Article 48-A was the making of the Environment Protection Act, 1986, which in its aims and objectives acknowledged the decline in the environmental quality evidenced by increasing pollution; loss of vegetal cover; biological diversity, excessive concentrations of harmful chemicals in the ambient atmosphere and in food chains, growing risks of environmental accidents and threat to life support-systems. It further acknowledges, that because of a multiplicity of regulating agencies, there is need for an Authority which can assume the lead role for studying, planning and implementing long term requirements of environmental safety and to give direction to and coordinate a system of speedy and adequate response to emergency situations threatening the environment. Thus as a sequel to the aforesaid problems identified in the aims and objectives, Section 3 of the Environment Protection Act of 1986 bestows upon the Central Government wide powers to take measures to protect and improve environment; under Section 5, the Central Government may issue direction in writing to any person, officer or authority and in turn they would be bound to comply with those directions. Section 6 confers rule making powers and Section 15 provides for imposition of heavy penalty upon any person or authority whosoever fails to comply with the provisions of the Act with an imprisonment extending up to five years and fine up to one lac rupees.

Apart from provisions of the Special Act such as the Environment Protection Act, 1986, The Air Prevention and Control Act, 1985, The Water (Prevention and Control Pollution) Act, 1974 there are some more provisions which take care of our environmental health, such as the U.P. Municipalities Act, 1916 contains provisions empowering the Municipality concerned by notice to require an owner or occupier to remove on whose land a drain, privy, latrine, urinal, cesspool or other receptacle for filth exists near a public water resources vide (S. 227). Power and duty of inspection of drains, privies etc. and maintain them clean (S. 270). Duty of cleansing of filthy buildings of land (S. 271); Regulate for disposal of rubbish, night soil etc. (S. 227). Impose penalty for improper disposal of rubbish or night-soil up to rupees two hundred and fifty (S. 274).

NOTE:- (I strongly recommend that this amount should be enhanced substantially because callous throwing of garbage on public streets is a common habit and great environmental disaster in our country). Power to impose penalty for discharging sewage on public street etc. (S. 276); Power to enter and disinfect building (S. 277); Prohibition of cultivation, use of manure or irrigation injurious to health (S.282); and so on. Further, the U.P. Nagar Mahapalika Adhiniyam, 1959

