

---

## Environmental Pollutants and Their Remediation

---

Anil Kumar

Research Scholar, Deptt of Law, MDU Rohtak,  
Email id- [ahlawat\\_anil@yahoo.com](mailto:ahlawat_anil@yahoo.com)  
Mob no. 9813933939

**MEANING:** The word “**environ**” is derived from the **French** term “**environner**” which means “to surround”. From this word, the most well known term of today “**Environment**” is formulated and has become world famous. The word “**Environment**” in its etymological sense gives the meaning “surroundings, especially the material and spiritual influences which affect the growth, development and existence of a living being”. In its wider sense, environment is a combination of the various physical and biological elements that affect the life of an organism.

**DEFINITION :-** According to Sec. 2(a) of The Environment (Protection) Act , 1986 “Environment” includes water, air and land, and human beings, other living creatures, plants, micro-organism and property.”

**ENVIRONMENTAL DEGRADATION:-** In simple, ‘environmental degradation’ means the area is not suitable for living organisms, including human beings and animals, etc., as in the past.

### **A. Natural causes of environmental degradation and pollution:**

Before the modern sources of pollution, the natural causes can also cause sufficient pollution in the environment. For example, **volcanoes** emit huge quantities of lava, ashes, dust, gases, heat, etc., in the surroundings, thus causing air pollution, water pollution and environmental degradation. This in turn destroys flora and fauna. **Tsunami, floods, earth quakes, etc., natural disasters** may damage the environment sufficiently. However, environment adjusts such changes from time to time, since the earth/ atmosphere system had been established. It includes mechanisms capable of dealing with almost any form of contamination or disruption. Natural phenomena are adjusted by nature itself.

### **B. Human causes for environmental degradation and pollution:**

The human causes have become **more dangerous** to the environment than the natural causes, for causing environmental degradation

and pollution. The most dangerous factors to the environment are **population explosion, automobiles and industries**. 50% of the air pollution was said to be caused by the automobiles. Emission from 100 cars in a restricted air shed would have the potential to cause a greater environmental impact than the same emissions in an open, well-ventilated location. 100 Barrels of oil leaked from an oil-tanker of a ship would have serious impact on flora and fauna of the sea.

It is crystal clear that human activities are adding contaminants to the environment at the highest rate, which easily exceed its ability to cope. Environmental Degradation and Pollution are formed by many ways, most particularly by human beings only. As the man's technology has been developing, industrialization has taken place at a high speed, the environmental degradation and pollution also increased abnormally and rapidly. Now they are threatening the entire globe.

It is also found in the form of Arctic Haze. Oil slicks are found in the oceans. Urban human sewage produce noxious and hazardous pollution. The noise and

air pollution are also one of the major problems to environment. The industries emit noxious and hazardous gases in to the atmosphere. All these factors, especially created by human beings cause the environmental degradation and pollution.

#### **CLASSIFICATION OF POLLUTION: -**

The classification based on the environment, air and land, is easier for detailed analysis. According to this, the following types of pollutions are most important-

1. Water Pollution.
2. Air Pollution.
3. Noise Pollution.
4. Solid Waste Pollution.
5. Land Pollution.
6. Marine Pollution.
7. Radiation Pollution.
8. Thermal Pollution.

#### **LEGISLATIVE FRAMEWORK AND ENVIRONMENTAL POLLUTION:-**

1. The Wildlife (Protection) Act, 1972
2. Water (Prevention and Control of Pollution) Act, 1974

3. Water (Prevention and Control of Pollution) Act, 1977
4. The Forest (Conservation) Act, 1980
5. Air (Prevention and Control of Pollution) Act, 1981
6. Atomic Energy Act of 1982
7. Environment (Protection) Act, 1986 (EPA)
8. Motor Vehicles Act, 1988
9. The National Environment Appellate Authority Act, 1997
10. Public Liability Insurance Act (PLIA), 1991
11. National Environment Tribunal Act, 1995

**LEGAL REMEDIES AGAINST ENVIRONMENT POLLUTION:** In **Environment Law**, both the provisions of Law of Torts and Criminal Law are applied. Besides these provisions, several environmental laws are also attracted. In most of the occasions the provisions of the Law of Torts are applied in the environmental cases in awarding damages. The Criminal Law is applied in punishing

the offenders. The Law of Environment and its remedies are evolved by the efforts of the **Environmentalists**. And **various Conventions conducted by the various Organs of the United Nations Organisation**.

**Role Of Judiciary In Imparting Environmental Justice** The Judiciary has come up with the “judge-driven implementation “of environmental administration in India. It has isolated specific environmental law principles upon interpretation of Indian Statutes and Constitution. Public Interest Litigations (PILs) which is the result of the relaxation of the locus standirules by the judiciary, is the characteristic feature of the environmental litigation in India

Disputes relating to environment are treated as cases related to violation of fundamental rights, rather than claims under law of torts. It has been held that the Supreme Court and the High Courts can be directly approached under Article 32 and Article 226 of the Constitution of India in case of matters relating to environment.

**CONSTITUTIONA FRAMEWORK RELATING TO ENVIRONMENT:-**

**Fundamental Rights: Article 21-**  
Protection of Life And Personal Liberty.

**Directive Principles of State Policy:**  
**Article 48A-** Protection And Improvement  
of Environment And Safeguarding of  
Forests And Wild Life

**Fundamental Duties: Article 51A(g)-** To  
protect and improve the natural environment  
including forests, lakes, rivers and wild life,  
and to have compassion for living creatures.

**CONCLUSION AND SUGGESTIONS: -**

The environmental imperative is ultimately a matter of public and private rights and duties and interests of future generations which are not available as negotiable commodities to be purchased at any cost. Effective environmental protection and improvement is, therefore, a matter of legal rights and duties for all the members of our society. Peoples required being aware of the adverse consequences of environmental pollution and ensuring the compliance of anti-pollution laws and taking help of judicial forum to enforce such laws to maintain our ecological balance. In India the judicial response to almost all environmental litigations has been very positive. The primary effort of the Court while dealing

with the environmental issues is to see the enforcement agencies, the state or any other authorities take relevant steps for the enforcement of the laws. It is the function of the executive to see the day to day enforcement of the law, but because of the non functioning of the enforcement agencies to implement the law, the courts as of necessity have to pass orders directing them to implement the law for the protection of the fundamental rights of peoples to live in healthy environment.

Though the judicial development of environmental law has been vigorous and imaginative, yet at many times it may be found wanting because of in some cases, frivolous vexatious writ petition are filed in the name of public interest involving environmental matters. Many times it has been found that such litigations are filed malafide, sometimes the judicial orders is not fully compliance by the party concerned. The courts also do not have any scientific and technical expertise in environmental cases so it has to be depending upon the findings of various commissions and other bodies.

Keeping in view the problem and issues of environmental pollution, ecological

distraction and conflict over natural resources are increasingly. For the execution of these types of cases and evolution of scientific and technical data, the Supreme Court has suggested the setting up of Environmental courts on the regional basis with one professional judge and two experts drawn from Ecological Science Research group keeping in view the nature of the case and expertise required for its adjudication. There would of courts right to appeal to Supreme Court from the decision of the Environmental Court.

It is submitted that so long the judiciary is acting within its limits and performing its limited assigned rule, there is no transgression in the powers of the other organ of the state. From the perusing of various judgments, it is clear evident that the Indian judiciary has use the potent provisions of constitutional law and other laws to develop a new “Environmental Jurisprudence”. The courts have not only created public awareness regarding environmental issues but also it has brought about and urgency in executive lethargy, if any in any particular case involving environmental issues

#### **References:-**

- [1] iz Fisher, Environmental Law: Text Cases and martial, oxford university press,
- [2] aswal S., Dr. Paramjit, Environmental Law, Allahabad Law Agency, Ed.2016
- [3] haermendra S. Sengar, Environmental Law, PHI learning Pvt. Ltd. Ed. 2012
- [4] . Leelakrishnan, Environmental Law in India, Lexis Nexis, 4<sup>th</sup> Ed. 2016