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ENVIRONMENT, POLLUTION & THE LEGAL STARTEGIES TO COMBAT

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Introduction

On the one side terrorism is threatening the life of the humanity, while on the other side human nature is terrorizing the ecology on the whole. In the process of development the main product is pollution.

The major environmental problems that our world faces today are pollution and the depletion and degradation of all our renewable and non-renewable natural resources. For this not nature, but the strong imprint of human hand alone is directly responsible.

Human activities motivated by an attitude of rampant consumerism and unsustainable patterns of production and consumption have never been as inhumane and callous towards environment as in the modern era of scientific and technological innovations. The degradation of environment now constitutes one of the biggest hazards not only to human existence but also to the existence of all the goods that nature has so kindly bestowed upon mankind. During the past few decades, numerous incredible and devastating events have focused the domestic and global attention to the impending danger of environmental devastation, the depletion` of resources, and a massive extinction of species. Issues such as climate change, trends in global warming, ozone depletion, acid rain, deforestation, desertification, toxic wastes and loss of biological diversity have resulted in increasing global awareness of the problems facing the planet Earth. The range of problems are of widest amplitude: water pollution, air pollution, noise pollution, soil pollution, marine pollution, thermal pollution, waste management, nuclear hazards, conservation of wildlife—the list seems endless.[1] The novelty of the situation in which our generation finds itself lies in the fact that it is only within the last fifty years that man's power to ruin and destroy the whole world around him has come to rival the elemental forces of nature… not perhaps in final magnitude, but quit certainly in swiftness and irrevocability.[2] The human impacts on the biosphere can be summarized as follows:[3]

- Evidence for global warming due to human production of carbon dioxide and other greenhouse gases is now unequivocal.
- Three-quarters of the habitable surface of the Earth was disturbed by human activity by the end of the twentieth century.
- People represent 0.5 percent of animal biomass on Earth, yet, on average, human appropriation of net terrestrial primary production is estimated to be 32 percent. Locally and regionally, impacts are much greater.
- Forty to sixty percent of the nitrogen in the human body is comprised of industrially produced ammunia.
- Human activities are now the most significant force in evolution.
- Human activities have increased previous background extinction rates by between 100 and 10,000 times.
- Between five and twenty percent of the approximately 14 million plant and animal species on earth are threatened with extinction.
- Between 1970 and 2003, the Living Planet Index (LPI) fell by about 30 percent. The terrestrial index (695 species) fell by 31 percent, the marine index (274 species) by 27 percent, and the freshwater index (344 species) by 29 percent.
- In 2005, some 60 percent (15 out of 24) of ecosystem services evaluated by the Millennium Ecosystem Assessment were being degraded or used unsustainably.
- The population of large predatory fish is now less than 10 percent of preindustrial levels. Overharvesting has devastated both ocean and inshore fisheries.
- More than two million people globally die prematurely every year due to outdoor and indoor air pollution and respiratory disease.
- Per capita availability of fresh water is declining globally, and contaminated water remains the single greatest environmental cause of human sickness and death.

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1 *See generally, Bell and McGillivray. Environmental Law,, 3 (2008); IUCN, An Eye on nature, online: www.iucn.org;B Ward and R. Dubos, Only One Earth: The Care and maintenance of a small Planet, 1972; S. Solemn et al., (eds) Climate Change: The Physical Science Basis (Contribution of WGI to the Fourth Assessment Report of the IPCC), (2007); Synthesis Report of the IPCC Fourth Assessment Report" : at www.ipcc.ch.*

2. *Manfred Lachs. "The Challenge of the Environment", International and Comparative Law Quarterly, Vol. 39, p.663 (1990).*

3. *See, W.M. Adams and S.J. Jeanrenaud, Transition to Sustainablility: towards a Humane and Diverse World, IVCN, 2008; Online: www.iucn.org*

Garrett Hardin in his classical work, 'The Tragedy of the commons'[4] dealt with the general problem of utilizing resources that are public and common property. If no plan for the utilization of such resources is accepted by all involved, the common will not be optimally utilized and will give lower return than investment in own property. Thus, some type of regulations by authorities or some type of binding agreements between the owners must be in place if the common should be utilized optimally. Expanding the definition of the commons, he says the following:

In a reverse way, the tragedy of the commons reappears in problems of pollution. Here it is not a question of taking something out of the commons, but of putting something in sewage, or chemical, radioactive, and heat wastes into water; noxious and dangerous fumes into the air; and distracting and unpleasant advertising signs into the line of sight. The calculations of utility are much the same as before. The Calculations of utility are much the same as before. The rational man finds that his share of the cost of the wastes he discharges into the commons is less than the cost of purifying his wastes before releasing them. Since this is true for everyone, we are locked into a system of 'fouling our own nest,' so long as we behave only as independent, rational, free enterprisers.[5]

The issue of environmental limits to the human project on earth was brought to international attention in the early 1970s, particularly by Club of Rome's Precocious computer modelling in Limits to Growth.[6] The global environmental concern has also been aptly echoed in the preambular assertion made in the United Nations Conference on Environment and Development, popularly known as Earth Summit in the year 1992.

Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which we depend for our well-being.[7]

The degradation of environment thus constitutes one of the foremost hazards not only to human existence but to the planet as a whole. Unless immediate and urgent remedial steps are taken to protect the environment, a very terrible and bleak future awaits the humanity. Man's inroads into the nature ought to become more innocent. The proper environmental management requires that society and man's demands should be so regulated that natural environment is able to sustain the need for development. The Brundt land Commission, committed to the unity of environment and development, argued:[8]

The Environment does not exist as a sphere separate from human actions, ambitions, and needs and attempt to defend it in isolation from human concerns have given the very word 'environment' a connotation of naivety in some political circles. The word 'development' has also been narrowed by some into a very limited focus, along the lines of 'what poor nations should do to become richer,' and thus again is automatically dismissed by many in the international arena as being a concern of specialists, of those involved in questions of 'development assistance.' But the 'environment' is where we live; and 'development' is what we all do in attempting to improve our lot within that abode. The two are inseparable[9]

To put succinctly, '…eco development is no more than a sensible precondition of sustainable development. It asks no more than that we should live today with tomorrow in mind, that we do not snatch momentary prosperity for ourselves at the expense of the very survival of our children.[10] The Johannesburg Declaration created 'a collective responsibility to advance and strengthen the interdepended and mutually reinforcing pillars of sustainable development—economic development, social development and environment protection at local, national, regional and global level.'[11]

So the ethical question today rest squarely on the human's shoulders who through his greed and selfish motives is ruining the health and well-being of all forms of life including himself.

Meaning and Concept of Environment

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4 *Garrett hardin, 'The tragedy of the Commons", Science, Vol. 162,pp. 1243-1248 (1968).*
5 *Ibid.*
6 *Meadows, et,al, The Limits to growth, 1972.*
7 *Preamble , Para 1.1, UNCED, Agenda 21, 1992.*
8 *World Commission on Environment and Development (WCED), Our Common Future, 1987.*
9 *Ibid.*
10 *V.R. Krishna lyer, 'Environmental Pollution and Legislative Solution-Problems, processes and Prospectus" in Human rights and the law, 130 (1984); and; The Dialecties and Dynamics of Human rights of India, 7 (1999).*
11 *The Johannesburg Declaration on Sustainable Development, 4 September 2002; Online; http://www.housing.gov.za/content/legislation_policies/johannesburg*. htm.

The environmental degradation is an inevitable phenomenon in a global perspective. The anthropogenic changes in ecology and environment provided new are of interest for environmentalists, ecologists and social scientists working in accord towards healthier environmentalism. Environmental Studies is essentially a multidisciplinary approach that brings about an appreciation of our natural world and human impacts on its integrity.[12] Several concept have been developed to understand environment, in a better perspective. To understand the environment it is vital to understand the term 'ecosystem'.

Ecosystem signifies the interrelationship of a wide range of species that has a living in common in a given environment. Each species has a number of relationships with other species (both plant and animal) as well as with the energy, nutrient, and related physical elements of the system. Thus, the living community of plants and animals in any area together with the non-living components of the environment such as soil, air and water, constitute the ecosystem. Ecosystems are the basis of life itself.[13] The natural ecosystems in the wilderness provide a variety of products and are regions in which numbers of vital ecological processes are present, without which, human civilization would not be able to exist. Ecologists stress at least two important points of our system:

1. changes in one part of the system may have profound effects on other parts of system, effects that can be understood and estimated only if one analyses this system as a whole and takes the time to know his various interrelationships.
2. The more diverse an ecosystem is (that is, to widen the variety of distinct species living in complex webs of relationships), generally the more stable, resistant to disruption and adaptable it will be.[14]

Large ecosystems or combination of ecosystems, which occur in similar climates and share a similar character and arrangements of vegetation, are biomes. The earth, it surrounding envelope of life-giving water and air, and all its living things comprise the Biospere. Finally, man's total environment system includes not only the biosphere but also his interactions with natural and man-made surroundings.[15]

Changes in ecosystems occur continuously. Myriad interactions take place at every moment of the day as plants and animals respond to variations in their surroundings and to each other. Evolution has produced for each species, including man, a genetic composition that limits how far that species can go in adjusting to sudden changes in its surrounding. But within these limits the several thousand species in an ecosystem, for that matter, the millions in the biosphere, continuously adjust to outside stimuli. Since interactions are so numerous, they form long chains of reactions. Thus small changes in one part of an ecosystem are likely to be felt and compensated for eventually though out the system. Dramatic example of change can be seen where man has altered the course of nature. It is vividly evident in his well intentioned but poorly though-out tempering with river and lakes ecosystems. The Ashwan dam was primarily built to generate electric power. It produced power, but it also reduced the fish population in the Mediterranean, increased the number of disease-bearing aquatic snails and markedly lowered the fertility of the Nile valley.[16]

It is very difficult to define the term 'Environment'. Dictionary definitions range from, 'Something that environs' to 'the whole complex of climatic, ediphic, and biotic factors that act upon an organism or an ecological community and ultimately determine its form of survival—the aggregate of social or cultural condition that influence the life of an individual or a community'.[17] In the Environment Protection Act 1986, the term 'Environment' has been defined to include 'water, air and land and the interrelationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property.'[18] The Environment comprises all entities, natural or manmade, external to oneself, which provide value, now or perhaps in the future, to humankind. Environmental concerns relate to their degradation through actions of humans. The Stockholm Declaration, 1972 refers to man's environment by stating that 'both aspects of man's environment, the natural and the man-made are essential for his well-being and enjoyment of basic human rights- even the rights to life itself.[19] The World Commission on Environment and Development (WCED) succinctly remarks that 'environment is where we all live'[20] , whereas, the Rio Declaration, 1992 holistically declares that 'human beings are entitled

[12] *See, Bortman. Et.al, Environmental Encyclopedia, 2003; See also, living Planet report,WWF, 4 (2002).*
[13] *Ecology is the study of the structure and function of nature; See, E.P. Odum, Fundamentals of Ecology (1971).*
[14] *Odum op. cit, "Modern Biology Series" in Ecology, p.I.*
[15] *Environmental Quality: Fist Annual Report, US Council on Environmental Quality, 6 (1970).*
[16] *As quoted in S. Divan & A. Roscencranz, Environment Law and Policy in India, 5 (2001).*
[17] *Webster's New Dictionary, 454 (1988); See also 'Our Environment and its Components" in Understanding the Environment, IGNOU, MED 001, Block-1, p.8*
[18] *Environment Protection Act 1986, Section 2 (a)*
[19] *Stockholm Declaration, UN Doc. A/CONF/48/14/REV.1 (1972).*
[20] *Our Common Future, WCED, xi (1987).*

to a healthy and productive life in harmony with nature'.[21] According to UNESCO's programme, entitled 'Man and the Biospare' (MAB), the term biosphere designation the totality of the Environment. It comprises the Earth and several hundred meters above and under the surface of the earth and the oceans.[22]

For its sustainability, environment management strategies are required to be followed at the top-level as well as at the grass-root level as the longevity of the given environment may be enhanced by its sustainable conditions, whereas the same can be reduced by the non-sustainable conditions.[23] To put succinctly, 'environmentalism is less hostile to technology itself than a blind faith in technology's power to cure whatever ecological ills it begets and to blend confidence in technological expertise to meet humanity's material and spiritual needs'.[24]

4. Environmental Pollution: Nature and Dimensions

To 'pollute' means to corrupt or defile. Pollution refers essentially to a process by which source (natural or manmade) is rendered unfit for some beneficial use due to physical, chemical or biological factors. As per Environment Protection Act, 1986, 'environment pollutant' means any solid, liquid or gaseous substances present in such concentration as may be, or tend to be, injurious to environment,[25] and 'environmental pollution' means the presence in the environment of any environmental pollutant.[26] The increasing threat of environmental catastrophe in the present century has been due to the greater utilization of the natural environment and to a considerable extent the changed nature of waste material and effluents. Water, Air and Land are such natural resources through which man derives his basic sustenance and our dependence upon them is absolute as they constitute the support system of our existence and survival. For a long time wastes have been discharged into air and water and exploitation of land and other natural resources is common.

Thus, pollution is the inevitable generation of waste streams from the production and consumption of anything. Pollution directly impacts the quality of the receiving medium, i.e. air, water, soil, or electromagnetic spectrum, and when this impaired medium acts upon a receptor, say, a living being, also impacts the receptor. In general, the impacts on the receptor are adverse, but not always.[27] Typically, ecosystem have some natural capacities to assimilate pollution, however, these very considerably with the nature of the pollutant and the ecosystem. In general, it is cheaper to reduce the emission of pollution, than to mitigate it after generation, or to treat the receiving medium or receptor. The impacts of pollution may differentially impact the poor, or women, or children, or developing regions, who may also have relatively low contributions to its generations, and accordingly the costs and benefits of abatement may have important implications for equity.[28]

A.Water Pollution

Water is the nectar of life. Of all the pollutants that affect the quality of life, water pollution is by far the most serious kind of pollution that has implication for the health and well-being of our citizens. Water pollution may be defined as the contamination of water or such alternation of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any liquid, gaseous or solid substances into water as may or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organism.[29] Water is polluted by four kinds of substances: traditional organic waste, waste generated from industrial processes, chemical for fertilizer and pesticides for crop protection and silt from degraded catchment. While it is estimated that three-fourths by volume of the waste water generated is from municipal sources, industrial waste, though small in volume, contributes over one-half of the total pollutant load, and the major portion of this is coming from large and medium industries. washout have assumed alarming dimension. Such pollutants contain inorganic substances of metallic and non-metallic nature, heavy metals and organic substance of varied nature like grass, plant and animal matter. Such substances fertilize water and promote growth of microorganism, which act as toxic substances detrimental to the growth of flora and fauna. While causes of polluting are endless, waste water

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21 *Rio Declaration, 1992.*
22 *Man and the Biosphere UNESCO, 1988.*
23 *P.R. Triwedi, et.al., Management of Pollution control, (1992).*
24 *Z.M. Nomani, " Federalism under Indian Constitution": A study of Environmental Law" XXIV (1&2) Indian Bar Review, 203 (1997).*
25. Environment Protection Act, 1986, Section (b).
26. Ibid, Section 2(c): For def. of 'environment', see, Sec. 2 (a), EPA, 1986.
27. For example, several organic waste streams may have adverse impacts on human health if ingested, but may have value as plant fertilizer; See, National Environment Policy, 2006 at www. Envfor.nic.in.
28. Ibid.
29. Water (Prevention and Control of Pollution) Act, 1947, Section 2 (e).

from towns and villages, garbage, chemical and industrial waste water, harmful agricultural residues of pesticides and insecticides, unburnt or half burnt human and animal carcases and defection at the banks constitute major sources of water pollution.[30] Polluted water is the single greatest cause of human illness and death. In the UN World Summit on Sustainable Development (WSSD), 2002, water is considered as one of the key areas for particulars focus, the other four areas being, energy, health, agriculture and bio-diversity.[31]

B.Air Pollution

Atmospheric pollution has been defined as, 'the introduction by man, directly or indirectly, of substances or energy into the air resulting in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems and material property and impair or interface with amenities and legitimate uses of the environment;.[32] Indoor air pollution, a special case, arises from the low societal status of women, leading to continued use of polluting, inefficient biomass stoves, besides pricing policies for agricultural chemicals which lead to substitution of biomass based fertilizer by chemicals the biomass then being used inefficiently as fuel.[33]

C.Noise Pollution

Noise is defined as undesired sound and constitutes a major factor of environmental pollution. The technological advancement and industrialization have led to high intensity sound or noise pollution. The ill effects of noise pollution are in no way less harmful than those of water, soil or air. The sources of noise pollution are many and varied. Radio, loudspeakers, electronic gadgets, automobiles, supersonic air-crafts, railway stations, building-operations, pumps, social gatherings, crowds and motor boats are few amongst the exhaustive list of noise-causing factors. In urbanized areas, noise pollution occurs with blaring car horns, and in many cities, industrial units and factories are in the vicinity of residential areas. Human pollution explosion has also exerted pressure on all available resources leading to increased noise.[34]

Thus, noise is an invisible, but insidious from of pollution which requires urgent attention.[35] It is a shadowy publicnemy whose growing menace has increased in the modern age of industrialization and technological advancement.[36] Thus, noise as a pollutant produces contaminated environment, which becomes a nuisance and affects the health of a person, his activities and metal abilities. It is unwanted sound dumped into the atmospheric notwithstanding the adverse effects it may have on living and non-living things.[37]

D.Soil Pollution

Soil is the thin layer of organic and inorganic materials that covers the rocky surface of the earth. It is the most characteristic feature of terrestrial environment. Once polluted by harmful substances, soil remains polluted for an extended period of time. Compared to water and air, soil has diverse compositions, which gives rise to complicated reactions with other substances. Once polluted by harmful substances, soil remains polluted for an extended period of time which is an important factor of its innate nature. For instance, DDT is one of the most enduring of the pesticides, used earlier in the soil, although it hasn't been used since 1970, but its residues can still be found in the soil.[38] Pollution of land results larger from the insanitary disposal of solid wastes. In India, open dumping of such wastes (municipal and ministerial origin) on low-lying land is common phenomenon. This acts as a breathing ground for pest and disease carrying vectors. Many chemicals fertilizers and pesticides applied by aerosol sprays hamper soil regeneration without preventing crop pestilence. Pesticides are used extensively to control disease carrying and crop destroying insects and weeds. These chemicals have a high degree of stability and are non-

30. *V.P. Kudesia, Water Pollution, 1-15 (1990); See also, S. Bhatt, Environmental Laws and Water Resources Management. 1986, and R.K. Trivedi (ed.) Ecology and Pollution of Indian Rivers, 447 (1988).*
31. *See, WSSD, 2002; Online: www.unep.org. visited on 26th Dec 2014*
32. *Convention on Long-range Transboundary Air Pollution, 1979, Article 1(a); Under Air (Prevention and Control of Pollution) Act, 1974, 'Air pollutant' has been defined to mean any solid, liquid or gaseous substances (including noise) present in the atmospheric in such concentration as may be tend to be injurious to human beings or other living creatures or plants or property or environment [Section 2 (a)]; and 'Air Pollution' means presence in the atmosphere of any air pollutant. [Section 2 (b)].*
33. *See, NEP, 2006; Online: www.envfor.nic.in visited on 20th Jan 2015.*
34. *See, generally, S. Shastri and M.B. Trivedi, Noise Pollution 1988.*
34. *T.N. Tiwari, "The Menace of Noise Pollution in India" in I. Mohan (ed.), Environmental Issues and Programmes, 186 (1989).*
35. *Ranbir Singh, "Noise Pollution: Environment and the Law" 3&4, Indian Bar Review) 86 (1996).*
36. *Ibid.*
37. *See, Pesticide Residues in the Soil: http://neris.mil.it/aa/an95/adir42.html.*

degradable pollutants or degrade in a very long period of time thereby seriously contaminating the soil and global ecosystem. Soil animals like earthworms and other organisms are also killed in treated areas and its hazardous effects are also felt on human beings. Some pesticides are carcinogenic to human tissues. Similarly, herbicides also cause damage to soil, flora and fauna. In forest and woodlands, soil pollutants slow down the process of soil formation and maintenance of soil fertility.[39]

Activities, such as disposal of wastes, accidental and process spillage, use of agricultural fertilizers, herbicides, insecticides and pesticides, and migration of contaminants into a non-contaminated site from neighbouring contaminated land as vapours and leachate through the soil, or, as dust or, spreading of sewage sludge, contribute towards contaminating of our ecosystems. A wide range of other material which cause contamination includes heavy metal, inorganic and organic which cause contamination includes heavy metals, inorganic and organic compounds, oil and tars, toxic and explosive gases, combustible and putrescible substances, hazardous wastes and explosives.[40] Further, soil is also polluted directly and indirectly by human activities. Using pesticides and crop-dusting in agriculture and horticulture causes soil contamination, pollution of which can even be leaked into lakes and rivers by rain and make their waters polluted.

As aforesaid, dumping garbage and sewage are other causes of soil pollution. Sewage is the liquid waste emitting mainly from house and industries. Domestic effluents consists of filthy water of toilets, kitchens etc. and may contain soap, toxic elements or harmful micro-organisms. It may be determined to the plant kingdom when it contains synthetic detergents in higher concentration.[41]

In India, and estimated 146.82 Mha. area suffers from various forms of land degradation due to water and wind erosion and other complex problems like alkalinity/salinity and soil acidity due to water logging. The varying degrees and types of degradation stem mainly from unstable use and inappropriate land management practices. Loss of vegetation occurs as a result of deforestation, cutting beyond the silviculturally permissible limits, unsustainable fuel-wood and fodder extraction, shifting cultivation, encroachment into forest lands, forest fires and over-grazing, all of which subject the land to degradational forces. Other important factors responsible for large-scale degradation are the extension of cultivation to lands of low potential or high natural hazard, no adoption of adequate soil conservation measures, improper crop rotation, indiscriminate use of agro-chemicals such as fertilizers and pesticides, improper planning and management of irrigation systems and extraction of groundwater in excess of the recharge capacity. In addition, there are a few underlying or indirect pressures such as land shortage, short-term or insecure land tenancy, open access resource, economic status and poverty of the agriculture dependent people which are also instrumental, to a significant extent, for the degradation of land.[42]

So far as liability for pollution is concerned, we need to as the following few questions. Our attempt to find answers to these queries perhaps shall hold key to the main issues involved in the problem.

1. **The first question that comes to our mind is how one shall make the polluter pay.** The answer to this question is given in the fact that the citizen has every right to make a complaint either to the Pollution Control Board or any Court of Justice to seek the stoppage of the pollution and also ask for compensation from the polluter and even demand punishment for him.[43]

2. **Regarding the second query who knows the polluter,** it may rightly, be argued that generally the affected party knows the polluter in some cases however where the polluter remains hidden or unknown the citizen may either bring the problem known to the Pollution Control Board or seek help of an NGO or another Voluntary Organization or a Newspaper to investigate into the matter and thus find out the polluter. A citizen may also investigate the matter himself if he can know who the polluter is. In such a situation Court can also become pro-active. On an application by a citizen it can order an investigation to find out the polluter.[44]

3. **Regarding the third question whether any responsible body is obliged to provide relevant information about the potential pollutants and what rules there are in place to prevent pollution,** it may be said that Pollution Control

38. R. Gupta, 'People War on Soil Erosion", Times of India. Feb. 10, 1982; See also, S. Sharma, "Outwriting the Pest", Financial Express, Oct. 5, 1982.
39. For details, See B. Ellis, "Ex situ and in situ treatment of contaminated sites", in F.J. Rees (Ed.), Contaminated Land Treatment Technologies, 30-46 (1992).
40. K.P.S. Mahalwar, "Hazardoous Waste & The Pollution Control Boards: A Quest for Salubrious Environment", 3 & 4 Indian Bar Review 102 (1996).
41. State of Environment report, India, 11(2009); Visit www.envfor.nic.in visited on 15th March 2015.
42. See generally, Dr. Madabhushi Sridhar, Liability for pollution, 2009.
43 Ibid

Boards are the designated bodies which are responsible for the collection and dissemination of information regarding environmental standards. It is also part of their task to check matters related to pollution. Already there are many Laws in place regarding the prevention of pollution of all types. The Water Act of 1974 which was a water shed in this direction paved the way for the establishment of Central and State Pollution Control Boards[45].

4. **About the question what are the functions of Central Pollution Control Board** the following duties were assigned to it as per the water Act of 1974 and these are:-
    1. Promote cleanliness of steams and wells.
    2. Provide advice to Control Govt. on issues related to the prevention and control of water pollution.
    3. To assist and co-ordinate the activities of various State Boards.
    4. To plan and organize training of personal who shall conduct research and lay down standards.

    Functions of the State Pollution Control Board as per the water Act have been enumerated as below:-
    1. Plan comprehensive schemes for prevention, control and abatement of pollution in streams and wells of their respective states.
    2. To collect and disseminate information regarding environmental matters and give advice to their respective State Govts.
    3. To inspect sewage of trade effluent and set down annual standard regarding them.
    4. To evolve economical and reliable methods of the treatment of sewage of trade effluents and conduct research for their recycling and suitable use in agriculture.
    5. To lay down standard of treatment of sewage.
    6. To encourage research in environmental matters in collaboration with the Control Board.
    7. To make, amend of revoke any order for the prevention, control of abatement of pollution of streams etc.

5. **With regard to the fifth question as to where the citizen can find information on matter related to environmental lank and whether he has right to know and seek Justice in matters related to environment,** it has been said that any citizen of India who is a victim of environmental pollution has every right of information in the matter. He has also a right to access the system to prevent pollution. Right to Information Act of 2002 gives the citizen access to the governmental activities concerning the people which include the matters related to the pollution of the environmental as well.[46].

6. **To the 6th question whether environmental Laws come within the preview of Right to Information** the answer is an emphatic big yes. Further according to environmental Laws, polluters have to pay in the losses suffered by the citizen. It is incumbent upon the polluters to restore to nature what they have violated with their activities.

7. **To the 7th question whether we have any national or international obligation with regard to environment it may be said that** in 1972 UN imposed a duty on every member state to control pollution. Principle 21 of Stockholm in declaration insisted that every state should ensure that there is no damage done to the environment beyond its of misduction. Thus there is a need for Tran's boundary cooperation to solve the problems of environment pollution. At the national level to there is an urgent need for making such an effort.[47]

About the 8th question who would assess the pollution levels it shall be said that the State and Central Boards were established specifically with this purpose in view. State Boards have to collect information regarding pollution and lay down standards. Central Board too has an obligation to interpret data available with the State Board so that it could declare a certain area as a pollution centre of area. [48]About the 9th question namely where one should go in case the State Pollution Control Board or even Central Board commits wrongs it is good to know that the authority of Central and State Govts. is considered supreme. Whenever a State Board defaults the Central Govt. has powers to direct the Central Board to perform the function of the State Board for a certain period of times.[49]

The answer to the 10th question what the controls and command of the Sate Pollution Boards are it has very rightly been said that it is the various pollution Control Boards who are expected to tackle all environmental issues as per the water Act of

44 Ibid.
[4]5 Ibid
[4]6 Ibid
[4]7 Ibid
48 Ibid

1974. Section 24 of Air Act also prohibits the entry of all poisonous and noxious matter and other elements that prevent the proper flow of water into any river or streams system section 25 prohibits the setting up of such industries that bad to the discharge of sewerage of any other discharges that bad to the pollution of streams.[50]

Conclusion

In spite of the state shedding its role as an active welfare provider, the duty of preventing, reducing and controlling environmental pollution rests on its mankind. The state by default and active involvement allows pollution, somehow fails to prevent it because of a lack of resources and effective control mechanism. The UN convention on Human environment 1972 imposed a duty on every member state to control pollution. P21 of the Stockholm declaration 1972 insisted that every state should ensure that there is no damage to the environment beyond the limits of their jurisdiction. The need to have transboundary cooperation to protect the environment. This is our international, national, local and even individual duty. We need to launch environmental programmes for its preservation on a mass scale. We have to live today with tomorrow in the mind. We should not snatch momentary prosperity for ourselves at the very expense of the very survival of our children and our future generation. We need to implement all our environmental laws with promptness both in letter and spirit.

49 Ibid