

# Technology Being a Tirade to the Environment

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**Abstract:** *This paper is an explorative analysis of the cross relationship between Technology and the Environment. The present day by the increase in the environmental pollution and effects to the planet have resulted in ecological imbalances proving a growing consciousness to the place we live. The ecology is having a field of damages that not only affects the animals but also human beings. Since Vedic time the main motto of social life was “to live in harmony with nature” but right now with the advancements of technology we are facing an excess of Carbon emissions which is violating the environmental ethics. Technology plays a very crucial role in today’s world as we cannot live without it, though technology provides us with all the facilities, the basic necessities for mankind is provided by the Environment. This should be taken as a serious note because the “need” for mankind to survive for the future environment is the sole criterion to safeguard the natural resources and to maintain the quality of them. A man can be a creator and moulder to his environment but it is also in his hands to protect the ecology, as we have right to life, the same way the earth should be given right to life and right to clean, healthy Environment. This paper attempts to throw light to the importance of the ecological imbalances facing currently and what can be done legally by improving the state of the current environment.*

**Keywords:** Indian law, United Nations, Vedic time, Environment, Constitution of India, International laws for the Environment, Customary International law, conventions

## 1. Environment during the Vedic time

Since the Vedic times, the environment was considered very sacred to them their main motto of social life was “to live in harmony with nature”. Forefathers of India lived in forests, meditated and expressed themselves in form of Vedas, Upanishads, Smiritis and Dharmas. The five elements land, air, water, light and ether is an indigenous theory by the Upanishads. Vedic view on environment is well-defined in one verse of the Atharvaveda where three coverings of our surroundings are referred as Chandamsi: Wise utilize three elements variously which varied, visible and full of qualities. These are water, air and plants or herbs. They exist in the world from

the very beginning. They are called as Chandamsi meaning ‘coverings available everywhere’<sup>1</sup>. In Rigveda, one Aranyani Sukta is addressed to the deity of forest<sup>2</sup>. Animals and birds have also been accepted, should be safe, protected and healthy<sup>3</sup>. The destruction of forests is the most dangerous for the nation and for the human beings. Vanaspati (vegetation) has direct relationship with the well being of the society. Due to the pollution of natural environment and the destruction of Vanaspati, many diseases crop up to ruin the nation. Only then Vanaspati with medicinal qualities may enhance the nature and cure diseases of human beings<sup>4</sup>. Killing of animals is against the basic tenet of Hindu way of life- Ahimsa (non-violence); therefore, having deep faith in the doctrine of non-violence, it was felt that God’s grace can be had by not killing his creatures and killing of mute animals and birds is a sin<sup>5</sup>. Hindu worship of trees and plants has been partly based on utility as it was merely based on religion, the above discussions show that during the Vedic times the trees and plants were looked as a religious duty and mythology. The Hindu way of life had so much respect for nature than it is today, their consideration for natural world including birds

and animals was immense during those days, even today in certain villages they leave the animals to roam around freely and they protect the trees and plants as it is considered sacred to them and important for the future.

## 2. Environment and Constitution of India

The constitution of India has incorporated two articles relating to the environment – Articles 48-A<sup>6</sup> and 51-A (g)<sup>7</sup>. Article 48-A is a constitutional arrow to the State to protect and improve the environment and 51-A (g) confers a fundamental duty to the citizens of India to protect and improve the environment, and have compassion towards animals. In the articles it’s clearly given that nature has been given legal recognition, as we protect the environment we also get a quality of life, protection of the environment not only means to not cut trees but to protect rivers, lakes etc, to keep them clean, prioritizing animal safety. The “chipko movement” of village Kherjarilli of Rajasthan where Amrita, her four family members and other 359 persons sacrificed their lives to save trees of the village (popularly known as “ Green Kherjris”)<sup>8</sup>, hence we have a culture where trees are more revered than our lives. Waters and rivers have dominated destiny and fortune of man. Plentiful rivers have brought prosperity to those who lived on their banks. If Bhagirath brought salvation, Ganga sustains life, ages have rolled up by it and it has remained eternal<sup>9</sup>. In order to arouse amongst the people the consciousness of cleanliness of environment the Government of India and the Governments of the States and Union territories may consider the desirability of organizing ‘keep the city clean week’, keep the town clean week’ and ‘keep the villages clean week’ at least once a year. During that week the entire city, town and village, should be kept as far as possible

<sup>1</sup> Atharvaveda, 18.1.1

<sup>2</sup> Rigveda, 10. 146

<sup>3</sup> Yajurveda, 19.20, 3.37;

<sup>4</sup> Charaka Samhita, Vimanusthana, III, II.

<sup>5</sup> Yajnavalkyasmiriti, Acaradhyayah, V, 180; Vishnu purana, III

B, 15, Manusmriti, V, 45.

<sup>6</sup> Art 48-A: “ The state shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country”

<sup>7</sup> T.N. Godavarman Thirumalpad v Union of India, (2002) 10 SCC 606, Art 51-A (g)

<sup>8</sup> Chipko movement 1731 AD

<sup>9</sup> F.K. Hussain v Union of India, AIR 1990 Ker 321

clean, tidy and free from pollution of land, water and air<sup>10</sup>. Environmental law is based on the realization of mankind of the dire physical necessity to preserve these invaluable and none too easily replenishable gifts of Mother Nature to man and his progeny from the reckless wastage and rapacious appropriation that common law permits<sup>11</sup>. Thus, the constitutional provisions and statutes relating to environment have tried to revive and regenerate the old traditional reverence of nature and non-interference with nature excessively.

### 2.1 Right to Equality and Environment

The Indian Constitution guarantees “right to equality” to all the citizens without discrimination, this indicates that any action of the “state” relating to environment must not infringe upon the right to equality as enshrined in Article 14 of the Constitution<sup>12</sup>. The Stockholm Declaration, 1972 also recognized this principle of equality in environmental management<sup>13</sup>. The Indian courts have struck down the arbitrary official sanction in environmental matters on the basis that it was violative of Article 14<sup>14</sup>. Arbitrary grant of lease and indiscriminate operation of mines may jeopardize the wildlife and natural wealth of the nation, it has also been made very clear that where arbitrariness and perversion are writ large, the court has no option but to issue a writ to advance public interest and avoid public mischief, which are the paramount considerations<sup>15</sup>.

### 2.2 Freedom of trade and commerce and the environment

Article 19(1)(g) deals with certain restrictions regarding trade and commerce in order to protect the environment from pollutant effluents affecting air, land and water<sup>16</sup>. Some of the business, trade or profession carrying on disrupts the forests, plantation, rivers, lakes etc., these pollutants affect the surroundings and endangers vegetation and animal life. If the residential buildings are converted to commercial use, it amounts to violation of municipal laws and environmental laws. Therefore, the Supreme Court ordered for sealing such residential premises. It was observed that persons do not have right to carry on any trade profession in flagrant violation of regulatory provisions on massive scale. This would also result in environmental pollution<sup>17</sup>. The Supreme Court made it abundantly clear that if a hotel is discharging untreated effluent into the river Beas, thereby distributing the aquatic life and causing water pollution, it cannot be permitted to work. Any disturbance of the basic environment elements, namely, air, water, and soil, which are necessary for “life”, “would be hazardous to life”. Thus, the court in the exercise of jurisdiction under Article 32 cannot only

award damages but can also levy “fine” – exemplary damages on the erring industry/hotel which will act as a deterrent for others not to cause pollution<sup>18</sup>. Article 19(1)(g), though allows every citizen to practice their trade or profession, certain restrictions are made in order to control nuisance, endangering living species, pollutants affecting the surroundings and carbon emissions causing a health hazard to the people. It is clear that any person carrying on any trade or profession cannot be allowed to reap profit at the cost of public health or any living being<sup>19</sup>.

### 2.3 Right to life and Right to clean, healthy environment

Article 21 guarantees right to life and personal liberty but does not directly confer right to clean environment, the expression ‘life’ assured in Article 21 of the constitution does not connote mere animal existence of continued drudgery through life. It has a much wider meaning which indulges right to livelihood, better standards of life, hygienic conditions in workplace and leisure<sup>20</sup>. It has also been declared by the Supreme Court that “for the jurisprudence developed by this court environment is merely a statutory issue. Environment is one of the facets of the right to life guaranteed under Article 21 of the Constitution”<sup>21</sup>.

### 2.4 Right to pollution-free and healthy environment: Fundamental right

The constitutional scheme to protect and preserve the environment has been provided under Articles 21, 48-A and 51-A(g) which includes fundamental right to have healthy and pollution free environment, constitutional obligation of the State and fundamental duty of all the citizens of India to protect and improve the natural environment. It has also been observed by the court that this scheme is based on the “constitutional policy of sustainable development which must be implemented”<sup>22</sup>. The court should follow the principle of sustainable development and find a balance between the developmental needs and the environmental degradation<sup>23</sup>. The court declared that “intergenerational equity and sustainable development have come to be firmly embedded in our constitutional jurisprudence as an integral part of the fundamental rights conferred by Article 21 of the Constitution”<sup>24</sup>.

## 3. International laws for the Environment

After the World War II, a new phase started in which nations started addressing the environmental issues and started forming international organizations. It was during this period that there was a growing awareness about the relationship between economic development and

<sup>10</sup> M.C. Mehta v Union of India, (1988) 1 SCC 471: 1988 SCC (cri) 141

<sup>11</sup> T. Damodar Rao v Municipal Corpn. Of Hyderabad, AIR 1987 AP 171

<sup>12</sup> Art 14 Right to equality regarding environment

<sup>13</sup> Principle 1, Stockholm declaration, 1972

<sup>14</sup> Ajay Hasia v Khalid Mujib Shrivardi, (1981) 1 SCC 722

<sup>15</sup> Chaitanya Kumar v State of Karnataka, (1986) 2 SCC 594

<sup>16</sup> Art 19(1)(g) to practice any profession, to carry on any occupation, trade and business.

<sup>17</sup> M.C. Mehta v Union of India, (2006) 3 SCC 399

<sup>18</sup> M.C. Mehta v Kamal Nath (2000) 6 SCC 213.

<sup>19</sup> Abhilash textile v Rajkot Municipal Corpn AIR 1988 Guj 57.

<sup>20</sup> Consumer education & research centre v Union of India (1995) 3 SCC 42

<sup>21</sup> Noida Memorial Complex near Okhla bird sanctuary, re, (2011) 1 SCC 744

<sup>22</sup> Bombay dyeing & Mfg.co.ltd (3) v Bombay environmental action group, (2006) 3 SCC 434.

<sup>23</sup> Intellectuals forum v State of AP

<sup>24</sup> Samaj parivartana samudaya v State of Karnataka (2013) 8 SCC 154, 193: AIR 2013 SC 3217

environmental degradation and its preservation. During this period, the main reasons for the development of international environmental law was the advancement in science and technology and the precedent unscientific exploitation of the natural resources<sup>25</sup>. *United Kingdom v Albania*<sup>26</sup> (Corfu channel case of 1949) is an example of application of international law for transboundary injuries from mines in territorial waters which endangered international navigation. The end of the World war 2 was the beginning of environmental law.

### 3.1 Customary International law

The customary international law includes the practices prevailing amongst countries and followed in their relationship from a long time. This has also become an established source of international environmental law. These are the norms and rules that countries follow as a matter of custom and they are so prevalent that they bind all the states in the world. The duties of these laws are to warn other states promptly about the icons of an environmental nature and environmental damages to which another state or states may be exposed<sup>27</sup>.

### 3.2 International Conventions

Many conventions, protocols and treaties have taken place during the last few decades, but focusing on the main conventions which have not only made a change to the environment but an impact to the people and the ecology. Some of the important conventions which gave benefit after the side effects of technology and the hazardous pollutants, these conventions have given an optimum level of aid to the environment.

#### 3.2.1 Stockholm declaration, 1972

The International Conference on Human Environment<sup>28</sup> at Stockholm in the year 1972 was the turning point for environmental law, as all the nations gathered under the UN leadership to evolve a common strategy to combat environment degradation, pollution and ecological imbalances. Twenty six principles were declared in this conference which is known as *Magna Carta* on Human Environment. India participated in the conference and also signed the declaration known as Stockholm Declaration of 1972. The Prime Minister, Mrs. Indira Gandhi, was the first head of the state to address this conference. Stockholm became a subsequent development for the environmental law in numerous bilateral and multilateral conventions and other legally binding instruments. It would be necessary to point out that this conference opted for a non-binding declaration of the principles and as observed it contains the principles “embodying the aspirations of the world for a better environment”.

<sup>25</sup> World war 2 1945, 51 countries in the UN joined together to maintain peace and security (addressed about the issues of the environment)

<sup>26</sup> 1949 ICJ 4

<sup>27</sup> Trail Smelter Arbitration award case and Lake Lanoux Arbitration, France v Spain (1957) 24 ILR

<sup>28</sup> UN international conference on human environment, 1972 (5-16 June 1972)

#### 3.2.2 Our common future

The world commission on environment and development was established by the UN general assembly in 1983 for “a global agenda for change”. It has provided a list of 22 principles- legal principles for environmental protection and sustainable development. One of the principles include strict liability in order to pay compensation to the damage occurred to the environment.<sup>29</sup>

#### 3.2.3 Nairobi convention, 1985

The convention has 31 articles which deal with various aspects including provisions on general obligation of the contracting parties, pollution from ship, pollution caused by dumping, pollution from land based sources and from seabed activities, environmental damage from engineering activities etc., this convention was to strengthen the marine and coastal stability<sup>30</sup>. The **Basel**

**Convention**, the control of transboundary movements of hazardous wastes was held in **1989**. The main objective of this convention is to reduce the generation and movement of hazardous and other wastes and their proper disposal in their state of origin, with regards to the protection of health of the people and the environment. It consists of 29 articles<sup>31</sup>

#### 3.2.4 Earth Summit: The Rio Declaration on Environment and development, 1992

The Rio de Janeiro Conference is known as “Earth Summit”. It has proclaimed 27 principles. It reaffirmed the Stockholm Declaration of 1972. The main objective of the conference was to establish new and equitable global partnership through partnership through creation of new levels of cooperation among states, key sectors of societies and people, international agreements which respect the interest of all and protect the integrity of global environment and development system, recognizing the integral and interdependent nature of the earth, our home<sup>32</sup>.

#### 3.2.5 UN framework convention on climate change, 1992

This convention was adopted from the Earth summit at Rio de Janeiro in 1992. The prime objective of the convention is to “stabilize the greenhouse<sup>33</sup> concentration in the atmosphere at a level that would prevent dangerous anthropogenic<sup>34</sup> interference with climate system. The concentration of the greenhouse gases (GHGs) results in additional warming of the earth’s surface and atmosphere, but it may adversely affect natural ecosystem and mankind. The **Kyoto protocol of 1997** is a part of this convention as **Article 17(1)** provided that the conference of the parties may adopt protocols to the convention. It also referred to **Vienna convention** for protection of Ozone layer, **1985** and **Montreal protocol** on substances that deplete the Ozone layer, **1987**.

#### 3.2.6 Convention on Biological diversity, 1992

<sup>29</sup> Our common future (1987) 43.

<sup>30</sup> Held on 21<sup>st</sup> June, 1985; Nairobi, Kenya

<sup>31</sup> Held on 22<sup>nd</sup> March, 1989; Basel, Switzerland

<sup>32</sup> Held from 3-6-1992 to 14-6-1992

<sup>33</sup> Greenhouse gases (Art. 1(5))

<sup>34</sup> Anthropocentric approach – components and natural beings preserved and maintained for human beings as their existence is essential.

It is one of the most important agreements made at the Earth summit at Rio de Janeiro, which adopted a holistic approach to protect biological diversity<sup>35</sup> as it is a common concern for mankind and important for evolution and, for maintaining the life-sustaining system of the biosphere. The CBD has given legitimacy to the cultural rights of indigenous people and has also highlighted the necessity to preserve and maintain knowledge, innovation and practice of local communities relevant conservation and sustainable use of biodiversity<sup>36</sup>. **Cartagena protocol on Bio-safety, 2000** is supplement to CBD and **Nagoya protocol on access and benefit sharing, 2010** is a supplementary agreement to the CBD.

### 3.2.7 World Summit on Sustainable development, 2002

This summit also known as the “Earth Summit” was held in Johannesburg, South Africa, 26 Aug to 4 Sept 2002 by the UNO. It was in sequence to the Stockholm Conference on Human environment of 1972<sup>37</sup>. The declaration is a commitment of the world states for sustainable development. “we commit ourselves to building a humane, equitable and caring global society, cognizant of the need for human dignity for all<sup>38</sup>.”

## 4. Indian Constitution and International agreements and declarations

India is a member of the UNO, the following are the three ways in which the international declarations become a part of the national law in India:

- 1) Article 51 of the Indian constitution provides for “promotion of international peace and security”. It provides under the clause (c) that “the state shall endeavour to foster respect for international law and treaty obligations in the dealings of organized people with one another”. Indian courts while interpreting statutes have to maintain harmony with the rules of international law<sup>39</sup>.
- 2) Article 253 confers wide and overriding power on parliament to make any law for the whole or any part of India for implementing any treaty, agreement or convention with any other country, or any decision made at any international conference, association or body<sup>40</sup>.
- 3) Extra-ordinary treaty is to be construed as contract between participating nations and is to be affected<sup>41</sup>.

### People’s Union for Civil liberties (PUCL) v Union of India<sup>42</sup>, after referring to International Covenant on Civil

<sup>35</sup> Biological diversity means the variability among living organisms from all the sources including inter alia, marine and other aquatic ecosystems and ecological complexes of which they are a part also including species within the ecosystem. (Art 2)

<sup>36</sup> Observation of the Supreme court in K. Guruprasad Rao v State of Karnataka, (2013) 8 SCC 418, 488

<sup>37</sup> In that conference it was resolved that after every 10 years, the conference will be held to review the human environment.

<sup>38</sup> Principle 2

<sup>39</sup> People United for better living in Calcutta v State of W.B., AIR 1993 Cal 215; Jolly George Varghese v Bank of Cochin, (1980) 2 SCC 360

<sup>40</sup> Entries 13 & 14 of the Union List reinforces Art 253

<sup>41</sup> Berubari Union (I), re, AIR 1960 SC 845; Maganbhai Ishwarbhai Patel v Union of India, (1970) 3 SCC 400

and Political Rights, 1966 and the Universal Declaration of Human Rights, 1948 observed, “it is almost an accepted proposition of law that the rules of customary international law which are not contrary to the municipal law shall be deemed to be incorporated in the domestic law”. In **Centre for Environment Law, World Wide Fund-India v Union of India**<sup>43</sup>, the court referred to many international conventions to decide the case.

## 5. Technology taking a toll on the Environment

With the advancements of technology though it has given a lot of contribution to the world, it has also taken a toll on the ecology. Some of the major elements affecting the environment are as follows:

### 5.1 Nuclear power plants

There are many incidents that has posed a threat to the humanity and the environment, the incident of the three miles island nuclear power plant accident in US (1979), Chernobyl accident in Russia (1986) and Fukushima nuclear plant disaster in Japan (2011). Such accidents have widespread ramifications and affect large area as in Chernobyl nuclear accident, which is supposed to be the most serious accident in the history of the nuclear industry, the radioactive substance travelled from Russia to England and contaminated the vegetation belt and animals of north Europe area<sup>44</sup>. Nuclear energy was one of the alternatives of energy, it is carbon-free energy source, but, conversely, it has proved to be the most hazardous source of energy<sup>45</sup>. Nuclear energy contributes to the environmental pollution in two ways – 1) nuclear explosion or use of nuclear ballistic missiles; 2) use and residue of nuclear power plants in storage, transportation and disposal of nuclear waste<sup>46</sup>. Mining is also a major factor for environmental degradation as illegal mining leads to a huge loss of vegetation and animal life<sup>47</sup>.

### 5.2 Radioactive waves/substance/material

The **Atomic Energy Act 1962** defines the term “radioactive substance/material” as “any substance or material which spontaneously emits radiation in excess of the levels prescribed by notification by the Central Government”<sup>48</sup>. Microwaves emits radioactive waves they are just as dangerous as the light emitted from a bulb, the **electromagnetic radiation** where microwave emits this radiation and the radioactive source is comparable to an **airborne radar**<sup>49</sup> which has a carcinogenic effect which can cause cancer and its mutagenic, it changes the DNA

<sup>42</sup> (1997) 1 SCC 301.

<sup>43</sup> (2013) 8 SCC 234

<sup>44</sup> Effects of Chernobyl disaster (2011)

<sup>45</sup> Nuclear power proposed as renewable energy

<sup>46</sup> Atomic bombings of Hiroshima and Nagasaki (Aug 1945)

<sup>47</sup> Rural litigation and entitlement Kendra & ors v State of Uttar

Pradesh (1985) AIR 652.

<sup>48</sup> Atomic energy act S. 2(1)(i)

<sup>49</sup> Equipment carried by aircraft to assist in navigation

structure of humans<sup>50</sup>. The Japanese government also decided to ban microwave by 2020<sup>51</sup>. The somatic and genetic effects, various measures have been adopted to deal with **radiation pollution**. In India, the Atomic energy Act, 1962 and the Radiation Protection Rules, 1971 deals with this type of pollution. The Central government is required to prevent radiation hazards, guarantee public safety of workers who handle radioactive substances. It also directs to ensure safe disposal of radioactive wastes, there is still uncertainty as to the possible limits of radioactivity in food products<sup>52</sup>.

### 5.3 Carbon emissions

Carbon emissions being a loophole for people to breathe smoothly, the emissions coming out of cars and other vehicles in India aren't purified emissions the government has taken steps in order to reduce the emissions.

#### 5.3.1 Carbon credits

A carbon credit is a generic term for any tradable certificate or permit representing the right to emit one tonne of carbon dioxide or the mass of another greenhouse gas with a carbon dioxide equivalent (tCO<sub>2</sub>e) equivalent to one tonne of carbon dioxide; or a certificate showing that a government or company has paid to have a certain amount of carbon dioxide removed from the environment<sup>53</sup>.

### 5.4 Polluter pays principle

This principle envisages "precautionary protection against environmental hazards by avoiding or reducing environmental risk before specific harm is expected" it has become a part of sustainable development<sup>54</sup>. While applying the precautionary principle in a given situation, the "public interest" must be kept in view. We have to live with certain risks, which are counter balanced by services and amenities provided by these entities. Many factories, plants and utilities are vulnerable to certain risks but they cannot be decommissioned or dismantled. The precautionary principle and held that the risk to environment or to human health must be decided in public interest according to "reasonable person test"<sup>55</sup>.

### 5.5 Pollution fine (exemplary damages)

A PIL initiated by M.C Mehta in **M.C. Mehta v Kamal Nath**, the Supreme Court declared that powers of the court under Article 32 are not restricted and it can award damages in PIL; and in addition to damages as explained by "polluter pays principle", "the person held guilty of causing pollution

can be held liable to pay 'exemplary damages' so it may act as deterrent for others not to cause pollution"<sup>56</sup>.

### 5.6 Pollution compensation

Pollution is a civil wrong, the **compensatory payment** were made by the court in **Samaj Parivartana Samudaya v State of Karnataka**<sup>57</sup>, when it ordered for the compensatory payment of 5 crores per hectare for the area under illegal mining and 1 crore per hectare for the areas under illegal overburden dumps, roads, offices, etc. The court also declared that it was the minimum payment each leaseholder was liable to pay and they wanted to pay "additional amount" after the determination of final loss caused by illegal mining and illegal use of land.

### 5.7 Plastic Pollution

Plastic pollution is one of the main hazards to land and water as it affects water bodies, wildlife, waterways, oceans, and the environment, the recycling process of the plastic takes upto 1000 years to decompose and plastic bottles can take 450 years or more<sup>58</sup>. The decomposition of landfills takes a long time to recycle whereas bio-medical waste takes 30 days and e-waste can be recycled and can also be used again<sup>59</sup>. Plastic is used in our clothing where our clothes aren't 100 percent cotton but 50 percent polyester (plastizier) which helps in recycling the plastic waste faster, **Ideonella Sakaiensis** is a bacterium which consumes the plastic poly(ethylene terephthalate) as a sole carbon and energy source<sup>60</sup>. Toxic chemicals leach out of plastic and are found in the blood and tissue of nearly all of us, exposure to them is linked to cancers, birth defects, impaired immunity, endocrine disruption and other ailments<sup>61</sup>. Coke was named largest plastic polluter in the world, the organization's volunteers collected a total of over 475,000 pieces of plastic waste around the world. Of the plastic collected, the no.1 brand was from **Coca-Cola**, with 11,732 items collected<sup>62</sup>. MNC's play a huge role in plastic pollution especially the MNC's dealing with food, the least these companies can do is help through corporate social responsibility.

#### 5.7.1 Corporate social responsibility

Corporate social responsibility is the part of the principle sustainable development. Looking to wide spread ramifications of the environmental pollution, international declarations have also resolved that entrepreneurs/industrialists and corporate bodies own responsibility towards society to recuperate and compensate the direct and indirect loss caused to society<sup>63</sup>. Social responsibility of an organization for the impacts of its decisions and activities on society and the environment through transparent and ethical behavior that is consistent with sustainable development and the welfare of the

<sup>50</sup> Nuclear safety agency (microwave ovens and health), July 12 2017

<sup>51</sup> Times of India, Aug 27<sup>th</sup>2019

<sup>52</sup> Shivarao Shantaram Wagle (2) v Union of India, (1988) 2 SCC 115

<sup>53</sup> Harper Collins publishers 2009

<sup>54</sup> Research Foundation for Science (18) v Union of India (2005) 13 SCC 247.

<sup>55</sup> Fertilizers and chemicals Travancore Ltd employees Assn v Law Society of India (2004) 4 SCC 420.

<sup>56</sup> (2000) 6 SCC 213

<sup>57</sup> (2013) 8 SCC 222,225

<sup>58</sup> World economic forum (Aug 2016)

<sup>59</sup> High tech trash (Jan 2008), National Geographic Society

<sup>60</sup> Bacterial diversity Metadatabase (Sept 2019)

<sup>61</sup> Plastic pollution coalition; Arizona State University Bio-design institute 18 Mar (2010)

<sup>62</sup> Forbes 29<sup>th</sup> Oct (2019)

<sup>63</sup> Office of the UN High Commissioner (2011)

society<sup>64</sup>. In **Banwasi Seva Ashram v State of U.P.**<sup>65</sup>, the court also directed that the National Thermal Power Plant shall provide land for housing to the displaced persons and other facilities as a part of CSR. **Union Carbide corp v Union of India**<sup>66</sup> (Bhopal gas leakage), the Supreme court ordered for the construction of a full fledged hospital of at least 500 bed strength. **Sterlite case**<sup>67</sup>, the Supreme Court directed the company to deposit 100 crore in three months to improve the water and soil that has been adversely affected.

## 6. Conclusion

The current scenario of the environment is in a destructive state and technology is taking a major toll on the environment, it not only affects the ecology but also the human beings. The pollution control board works in keeping the surrounding clean and pollution, but the companies, factories or industries cross the degree of dilution and make our ecology in a difficult way to survive. Training programs and education camps can be conducted in order to spread awareness of the degree of dilution in sewage water, carbon credits, hazardous waste substances etc. Conservation of the environment requires the participation of multiple stakeholders, who may bring to bear their respective resources, competencies and perspectives, the 73<sup>rd</sup> and 74<sup>th</sup> amendment provide framework for their empowerment. In order to rapidly advance scientific understanding of environmental issues, it is necessary to promote properly focused research by competent institutions. Hence, to save from environmental degradation it is necessary that the laws implemented should be strict and reasonable because change is nature, the part that we can influence and it starts when we decide.

## References

- [1] SUPREME COURT CASES
- [2] [www.manupatra.com](http://www.manupatra.com)
- [3] ALL INDIA REPORTER
- [4] SUPREME COURT REVIEW
- [5] INDIAN LAW JOURNAL
- [6] [www.sconline.com](http://www.sconline.com)
- [7] [www.timesofindia.com](http://www.timesofindia.com)
- [8] NASA CLIMATE CHANGE
- [9] WORLD ECONOMIC FORUM
- [10] UN CLIMATE CHANGE

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<sup>64</sup> Working group on social responsibility, Sydney, Feb 2007.

<sup>65</sup> (1986) 4 SCC 753

<sup>66</sup> (1991) 4 SCC 584

<sup>67</sup> (2013) 4 SCC 575