

A REVIEW OF JUDICIAL TRENDS ON THE FACTORS OF ENVIRONMENTAL POLLUTION IN INDIA

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ABSTRACT

This research paper discus about present scenario of India's current environmental pollution problem. The research paper also covered judicial trends and developments, pollution in India, its causes, and effects. The problem of the environment in India has reached alarming dimensions as a result of the country's tremendous poverty, deforestation, industrial growth without adequate environmental safeguards, and sheer greed. Environmental pollution is currently one of the biggest threats to both human life and the continued existence of all the gifts of nature has kindly given to humankind. In present time of period, the current environmental problems include desertification, climate change, air pollution, carbon dioxide emissions from burning fossil fuels, water contamination from runoff from pesticides and other fertilizers, a lack of clean drinking water, and noise pollution due to heavy transportation and traffic activities.

Keyword: *Environment, Pollution, Deforestation, Poverty, Climate Change.*

INTRODUCTION

The Indian judicial system has directly and indirectly embraced the right to a healthy environment through court judgments. The right to a healthy environment is included in the right to life, according to the Supreme Court.¹ India's environmental pollution has reached alarmingly dimensions as a result of problems including extreme poverty, deforestation, industrial growth without appropriate environmental protections, and pure avarice. The problem of environmental pollution is the problem of both developed and underdeveloped nations. The primary causes of the environment's deterioration include several environmental factors. Environmental degradation is caused by a variety of reasons, including air pollution, water pollution, noise pollution, and other elements that have a direct effect on socioeconomic, institutional, health, and technological activities. Everything that affects the natural environment is considered an environmental factor. Environmental changes may be caused by a variety of factors,

including economic growth, population growth, urbanization, intensification of agriculture, rising energy usage, and transportation. In addition to having an impact on socioeconomic, institutional, health, and technological activities, these variables also have an adverse impact on the environment's quality and atmosphere, which has a negative impact on human health as well as the health of other living and non-living things. These variables also significantly contribute to the disparities in health that exist between different geographic regions.

DEFINITION OF ENVIRONMENT:

In accordance with Section 2(a) of the Environment Protection Act of 1986, "Environment comprises Water, Air, and Land and the interaction which exists between Water, Air, and Land and Human individuals, other living things, plants, microorganisms, and property."²

Environmental Pollutant: Any solid, liquid, or gaseous substance present in such concentration as may be, or likely to be, harmful to the environment is defined as "Environmental Pollutant" under Section 2(b) of the Environment Protection Act, 1986.

Environmental Pollution: According to Section 2(c) of the Environment Protection Act of 1986, environmental pollution is the presence of any environmental pollutant in the environment.

JUDICIAL TRENDS FOR ENVIRONMENTAL POLLUTION:

In recent year, there has been a consistent focus on the role performed by the higher judiciary in developing and overseeing the implementation of policies for pollution control, forest conservation, and wildlife preservation. In order to preservation of the environment, the judiciary is played a crucial role. Public interest litigation (PIL) one of the most important enhancements to the Indian court system. The new judicial system is referred to as "Jurisprudence of the Masses."

Justice system intervention in cases involving violations of human and environmental rights is known as "judicial activism." The Supreme Court not only played a significant role in the implementation of environmental regulations, but also in the interpretation of Article 21 of the Constitution to include the fundamental right to a safe and pollution-free environment.

The Indian High Courts have accepted PIL-based writ petitions under Article 20, Article 47, Article 32 (right to constitutional remedies), and Article 226 (authority of High Courts to issue certain writs). The 42nd Constitution Amendment Act of 1974 provided the PILs constitutional authority by adding Article 39-A to the Indian Constitution, which ensures equal justice and free legal assistance.³

Judicial Remedies for Protection of Environment:

The High Courts of India have accepted writ petitions in the form of PILs according to Article 20, Article 47, Article 32 (right to constitutional remedies), and Article 226 (authority of High Courts to issue certain writs). The 42nd Constitution Amendment Act of 1974 raised the status of PILs by introducing Article 39-A, which guarantees equal justice and free legal representation, into the Indian Constitution.

Torts and statute law remedies are two types of legal remedies available in India for the protection of the environment. There are several potential tort remedies, including trespass, nuisance, strict liability, and recklessness.⁴ Citizen's suit, e.g.

1. A practice that is reported in accordance with Section 19 of the Environmental (Protection) Act of 1986.
2. A violation of the Criminal Procedure Code of 1973's Section 133.

3. An offense listed in Section 268 of the Indian Penal Code of 1860 that is intended to cause public annoyance.

Article 32 of the Indian Constitution allows for writ appeals to only be filed with the Supreme Court of India or the High Court.⁵ If any fundamental freedom or legal right has been infringed, a High Court may issue a writ pursuant to Article 226. Decisions on the locus standi principle's expansion for the sake of implementing these regulations were also made to protect against environmental damage.

Section 133 of CrPC 1973: On obtaining such information, a District Magistrate and Sub-Divisional Magistrate are given the authority to cease the nuisance under Section 133, which deals with the conditional order for the removal of the nuisance.⁶

In *P.C. Cherian v. State of Kerala*,⁷ the Sub-Divisional Magistrate of Kottayam ordered that mixing of carbon be stopped in two rubber companies that were located in the industrial area. because there was nothing in place to stop the spread of it. According to the High Court, the increased amount of carbon black in the environment is harmful to people's respiratory systems.

In India, pollution problems are often divided into five basic categories. Tort liability, nuisance, trespass, negligence, and strict liability are some of these. Chapter X of the Criminal Procedure Code deals with Public Nuisance. The Criminal Procedure Code of 1973's Sections 133 to 143 offer effective, prompt, and preventative remedies for situations involving public nuisances such unsanitary conditions and contamination of the water, air, and sound.⁸

TORTUOUS LIABILITY

The Indian legal system has developed the unpleasant remedies listed below:

Damage:

In order to guarantee that the amount of money or quantum of damages awarded to the injured person is optimal, the court uses all reasonable efforts to do so. This suggests that the damages decided by the courts should be just and adequate, and that the claimant shouldn't get insufficient or excessive compensation. The Supreme Court ruled that in the instance of the *Shri Ram Gas Leak*, where an oil gas leak caused significant environmental harm to Delhi residents, Apex court held the amount of damages imposed must be commensurate to the polluter's ability and desire to pay.

Injunction:

An injunction is intended to stop continuing wrongdoing. Permanent injunctions are granted in accordance with Sections 37 to 42 of the Specific Relief Act of 1963.

Nuisance:

A nuisance is a behavior that interferes with someone's enjoyment of life through the use of scents, air, noise, etc. Public or private nuisances are both possible. Therefore, activities that compromise safety, health, or comfort are considered as nuisances. The interference may be brought on by smell, sound, vibrations, heat, gas, fumes, or smoke. A private nuisance claim is made on the grounds that the defendant's usage of the land has resulted in an unnecessary and unreasonable inconvenience.⁹ In the matter of *Himmat Singh v. Bhagwana Ram*,¹⁰ there were fodder tallies in a residential neighborhood. Each day, fodder was brought there by trucks that were loaded at night and discharged in the morning. In addition to producing unpleasant noises and emitting an offensive odor, the aforementioned also spread dust that contained feed-chopped particles. It was decided to be a public nuisance.

1. The two types of nuisance are as follows:
 - a. Private Nuisance It is a significant and unjustifiable interference with one's right to utilize and enjoy their land.
 - b. Public Nuisance –It is an unreasonable interference with a fundamental right of the public.

Trespass:

According to section 441 of the IPC, the components of the crime of criminal trespass are as follows: access onto or use of another person's property with the intent to commit an offense; intimidation, harm, or inconvenience of any person in ownership; and so forth.

Negligence:

Negligence lawsuits require non-deliberate but careless action. These include medical malpractice, slips and falls, and mishaps with moving vehicles. Injury lawsuits involving strict liability involve damages for which a party may be accountable regardless of direct fault. These include incidents involving wild animals, "abnormally harmful activity" situations, and cases involving defective products.

B. Venkatappa vs B. Lovis¹¹ Andhra Pradesh high court stated that the smoke and fumes that materially interfered with ordinary comfort was enough to constitute an actionable nuisance and that actual injury to health need not be demonstrated once upholding the lower court's mandatory injunction directing the defendant to close the holes in a chimney facing the plaintiff's property.

DOCTRINE PROPOUNDED BY INDIAN JUDICIARY FOR ENVIRONMENT PROTECTION:

Doctrine Of Polluter Pays Principle:

The Supreme Court for the first time applied the polluter pays principle of explicitly in Indian Council for Environmental Action v. Union of India.¹² According to the court, polluting industries are "They should take all necessary measures to remove sludge and other pollutants that are present in the affected areas because they are "totally responsible to compensate for the harm they have caused to the residents in the affected areas, to the land, and to the underground water." and are therefore required to take all necessary steps to remove sludge and other pollutants lying in the affected areas..

In the M.C. Mehta v. Union of India and Ors (Calcutta Tanneries Case), when industries were required to relocate and these enterprises were ordered to pay 25% of the cost of the land, the polluter pays concept was used.¹³ Industries were further ordered to shut down operations if they failed to comply with court orders and the cost of the land. In Vellore Citizens Welfare Forum v. Union of India, the honorable court once more reinstated the prior directives.¹⁴

Doctrine of Precautionary Principle:

The precautionary principle places a strong emphasis on how environmental regulations are preventative in nature. This principle's essential underpinnings are found in scientific innovation. The court gave the meaning of this principle in the context of municipal law.¹⁵ In Kuldeep Singh J in Vellore Citizen Welfare Forum v Union of India¹⁶ declared that the principle involves three conditions:

1. Environmental measures by the state government and the statutory authorities must anticipate prevent and attack the causes of the environment.

2. Where there are threats of serious and irreparable damage, lack of scientific certainty should not be used as a reason for postponing measure to environmental degradation.
3. The 'onus of proof is on the actor or the developers / industrialists to show that his action is environmentally begin.

In *Vijayanagar Education Trust v. Karnataka State Pollution Control Board, Karnataka*¹⁷ the Karnataka High Court accepted that the precautionary doctrine is now part and parcel of the Constitutional mandate for the protection and improvement of the environment. The Court referred to *Nayudu cases*¹⁸ which laid down that the burden to prove the benign nature of the project is on the developer if it is found that there are uncertain and non-negligible risks.

Doctrine of Public Trust:

The public trust doctrine has been incorporated into jurisprudence along with the common law, which forms the cornerstone of the Indian legal system. Natural resources are freely accessible to the public for recreational uses and are not allowed to be turned into private property since they are protected by the state. In accordance with the law, the state is responsible for preserving the environment. In accordance with the law, the state is responsible for preserving the environment.

In *M.C. Mehta v. Kamalnath*,¹⁹ the Supreme Court of India used this doctrine for the first time while dealing with an environmental issue. According to the Supreme Court, the public trust doctrine is based on the idea that some resources, including air, sea waters, and forests, are so important to society as a whole that it would be completely illogical to put them under private ownership.

Shailesh R. Shah v. State of Gujarat,²⁰ The court stated that because the state is the owner of all the resources, including the lake, pond, natural gas, and wetland, it is the responsibility to safeguard and preserve them for use by the general public. According to the court, the state has a responsibility to protect resources and the natural environment from deterioration and extinction.

Doctrine of Inter-Generational Equity:

Inter-general equity consists of the following: The principle of 3 the Rio de Janeiro Declaration states that "Right development must be attained in order to achieve the responsibility of current generation in regards to development and safeguarding of the environment." The Indian Supreme Court supported this strategy in the dispute between *Bombay Dyeing & Mfg. Co. Ltd. and the Bombay Environmental Action Group*. The main objective of the concept is to prevent the present generation from abusing nonrenewable resources in order to deprive them of their benefits in the future.²¹

Doctrine of Strict Liability:

Strict Liability is based on the law of "nuisance," but it varies from nuisance in that it focuses on "escape" rather than "interference."²² The Blackburn rule of strict responsibility was established by the famous *Rylands v. Fletcher*²³ decision.

Essentials to Strict Liability for the regulation to be put into effect, all three of the following essentials must be satisfied:

1. Someone must have brought a dangerous thing into his land.
2. The things brought or kept on the person's on his land in this manner must escape.
3. It must be an non-natural usage of the land.

Doctrine of Absolute Liability:

Simple words, the rule of absolute liability is the strict liability rule with exceptions abolished. In the case of *MC Mehta v. Union of India*, the doctrine of absolute liability was developed in India.²⁴ This is one of the most landmark judgments which relates to the concept of absolute liability.

The facts of the case are that some Oleum gas leaked in a particular area in Delhi from industry. Due to the leakage, many people were affected. The Apex Court then evolved the concept of absolute liability based on the principle of strict liability and stated that the defendant would be liable for the harm caused irrespective of whether the strict liability rule's exceptions are taken into consideration.

The distinction between Strict and Absolute liability:

The Supreme Court explained the distinction between strict and absolute responsibility in *M.C. Mehta v. Union of India*, where the court summarized it broadly as follows:²⁵

1. In Absolute Liability only those enterprises shall be held liable which are involved in hazardous or inherently dangerous activities.
2. The escape of a dangerous thing from one's own land is not necessary. Absolute liability and strict liability those injure on-site and injure off-site are liable to absolute liability.
3. The rule of Absolute liability does not have any exceptions, unlike the rule of Strict Liability.

RECENT SUPREME COURT AND HIGH COURT ORDERS AND JUDGMENTS RELATING TO ENVIRONMENTAL PROTECTION:

Orders and Judgments of the Supreme Court:

1. **Sarina Sarkar & Ors Vs. The State Of Haryana & Ors**²⁶ The Supreme Court orders that all encroachments on Faridabad forest area be removed within six weeks. The Municipal Corporation of Faridabad has been ordered by a two-judge bench of the Supreme Court of India, made up of Justice A.M. Khanwilkar and Justice Dinesh Maheshwari, to ensure that encroachments on the subject forest land are removed within six weeks and to submit a compliance report bearing the signature of the corporation's chief executive officer. An independent compliance report with his signature must be submitted by the Secretary of the State of Haryana's Forest Department after fact-checking the situation of encroachments on the relevant forest area.
2. **Binay Kumar Dalei & Ors vs. State of Odisha & Ors.**²⁷ The State of Odisha has been ordered by the Supreme Court of India to execute the Comprehensive Wildlife Management Plan in the Eco-Sensitive Zone ("ESZ") around the Kuldiha Wildlife Sanctuary in Odisha. The State was also instructed to complete the steps necessary to declare the traditional elephant corridor a conservation reserve in accordance with Section 36A of the Wildlife (Protection) Act of 1972 by the middle of the year.
3. **Anya Malhotra and Another. Vs. Union of India and Ors.**²⁸ The Supreme Court upholds the decision of the Delhi High Court that the Central Vista project cannot be stopped because to the pandemic. The Supreme Court's appeal challenging the judgment of the High Court of Delhi that dismissed a request to halt building on the Central Vista project in the midst of the pandemic was denied by a three-judge panel made up of Justices A.M. Khanwilkar, Dinesh Maheshwari, and Aniruddha Bose.
4. **M/s Pahwa Plastics Pvt. Ltd. & Anr. Vs. Dastak NGO & Ors.**²⁹ The Supreme Court upheld an NGT judgment directing that the appellants' manufacture facilities—which lacked prior EC—be banned from

operating until the EC is secured. The Supreme Court has granted relief to such units that were running after getting Consent to Establish ("CTE") and Consent to Operate ("CTO") from the Haryana State Pollution Control Board ("HSPCB") and filed petitions for ex post facto EC.

Orders And Judgments Of The High Court:

1. **Environment Support Group and Ant.vs. State of Karnataka & Ors.**³⁰In accordance with the Court's order, this Committee shall be composed of the Deputy Commissioner of the relevant districts, the Chief Executive Officer of the relevant zilla panchayats, one higher officer from each of the departments of the forest, minor irrigation, environment, or Karnataka State Pollution Control Board ("KSPCB"), and the Member Secretary of the relevant District Legal Services Authority. Further directing that the jurisdictional Assistant Commissioner rather than the district Deputy Commissioner serve on Committees constituted in Municipal Corporations and Town Municipal Council regions.
2. **Tata Power Company Limited & Ors. Vs. Union of India & Ors.**³¹The High Court of Bombay has ordered the government to provide the permission for the construction of the 220 KV transmission line between Kalwa and Salsette as requested by the petitioners, which includes Tata Power Company Ltd. The Court observed that the petitioners had the necessary basic licenses, such as CRZ clearance and Stage-I forest clearance. The Court observed that the project will go across Mumbai's mangrove buffer zone..
3. **Suo Motu v. State of Kerala & Ors.**³² The Kerala High Court has ruled that any sand dredging activities in the Valapattanam River must have the appropriate licenses. The Court further directed the KSPCB to inspect the location right away and give instructions for reducing the inconvenience and pollution caused by the riverbed's sand-washing. According to the report of inspection that the KSPCB had previously submitted, the site comprised solid trash, which included seashells and other stone particles.

FIRECRACKERS BAN IN DELHI:

In its 2018 order in the Arjun Gopal versus Union of India,³³ the Supreme Court refused to impose a nation 's monetary ban on the production and sale of firecrackers. Instead, it was permitted for "green firecrackers" to be sold all around Delhi and the NCR (national capital area). It restricted the use of firecrackers to only two hours, from 8 p.m. to 10 p.m., for Diwali and other events. Extra time from 11.55 p.m. to 12.30 a.m. was permitted for the Christmas and New Year celebrations. Also prohibited was the online sale of crackers.³⁴

In the case of Arjun Gopal v. Union of India,³⁵ it was noted that the during the winter, wintertime air quality in Delhi ranges from "poor" to "severe," raising the risk of disease. Directions that were issued in the sand decision were:

1. Suspend all such licenses permits which permit the wholesale and retail selling of fireworks within the NCR's territory.
2. The suspension will be in force unless further orders are issued by this Court.
3. No such licenses may be given or renewed prior to further orders.

Sabuj Mancha et al. v. State of West³⁶ The Calcutta High Court held that the Pollution Control Board and the police had a responsibility to ensure that only green fireworks were purchased, sold and set off during festivals "as stated in Goutam Roy and Others (Supra), carrying QR Code in the State of West Bengal." The SC "remanded the issue for consideration of providing appropriate directions to the state of West Bengal to ensure that importation, sale, and bursting of green crackers exclusively in the state."

PROTECTION OF WILDLIFE CORRIDORS IN KAZIRANGA:

The Supreme Court decided to prohibit new construction on private land along with animal routes in April 2019. A Supreme Court bench reprimanded the Assam government for failing to prohibit unauthorized development projects in the wildlife corridors of Kaziranga National Park and Tiger Reserve.

The Supreme Court-appointed Central Empowered Committee (CEC) has directed the Assam government to demolish all illegal constructions in the nine wildlife corridors surrounding Kaziranga National Park and Tiger Reserve. The illegal operations are in violation of a Supreme Court ruling from April 12, 2019, which prohibited construction on private land that are next to the routes used by Kaziranga's animals to move in and out the park's prone to flood.

GARBAGE MATTERS: SOLID WASTE MANAGEMENT IN DELHI:

The Indian Supreme Court has addressed the issue of Delhi's subpar solid waste management. The Supreme Court of India addressed the problem of solid waste management ("SWM") in Delhi in the instances of *BL Wadhwa v. Union of India*³⁷ and *Almitra Patel v. Union of India*.³⁸ The court additionally reviewed the city's laws as well as policies for waste management.

CURRENT FACTORS RESPONSIBLE FOR ENVIRONMENT POLLUTION:

Climate Change:

Long-term shifts in temperature and weather patterns are referred to as climate change. These changes might be the consequence of natural processes, such oscillations in the solar cycle.³⁹ The major reason for climate change has been human activity, largely as a result of the combustion of fossil fuels like coal, oil, and gas. The combustion of fossil fuels produces greenhouse gas emissions that act as a blanket over the planet, trapping sun's radiation and raising temperatures.

India emits about 3 gigatonnes (Gt) CO_{2eq} of greenhouse gases each year; about two and a half tons per person, which is less than the world average.⁴⁰ Despite having 17% of the world's population, the country generates 7% of the world's emissions.⁴¹ India announced the most recent goal of becoming net-zero by 2070 at COP26. This was the first time in the history that India's climate policy included a date for carbon neutrality.⁴² At COP26 India announced 5 main commitments called Panchamrit - "India's gift to the world":

1. Reaching carbon neutrality by the year 2070.
2. Expand the energy capacity not coming from fossil fuels to 500GW by the year 2030.
3. Cut the carbon intensity of economy by 45% by the year 2030.
4. Draw half of its energy requirement from renewable sources by 2030.
5. Cut 1 billion tons of GHG emission from the amount projected to the year 2030.

Causes of Climate Change:

Greenhouse gas emissions by India are the third largest in the world and the main source is coal.⁴³ In 2016, India released 2.8 Gt of CO_{2eq} (2.5 including LULUCF). 79% were CO₂, 14% methane and 5% nitrous oxide.⁴⁴ India emits about 3 gigatonnes (Gt) CO_{2eq} of greenhouse gases each year; about two tons per person, which is

half the world average.⁴² The country emits 7% of global emissions.⁴⁵ India's annual emissions per person are less than the global average, and the UNEP forecasts that by 2030 they will be between 3 and 4 tones.⁴⁶

Effect of Climate Change:

India is the country with the highest social cost of carbon.⁴⁷ According to a report by the London-based global think tank Overseas Development Institute, India's GDP may decrease by 3–10% yearly by 2100 and its poverty rate could increase by 3.5% by 2040 as a result of climate change. Climate change's effects on Indian agriculture are currently a very serious concern. In 2050 and 2080 scenarios, it is predicted that India's rain-fed rice harvests will significantly decrease (by around 2.5%), but irrigated rice yields will increase by 7% and 10%, respectively. Additionally, maize yields will be expected to reduce by 18–23% and wheat yields by 6–25% in 2100. Chickpea productivity is expected to increase by 23–54% in future climates.⁴⁸

AIR POLLUTION:

Air pollution in India is a serious health issue.⁴⁹ Of the 30 most polluted cities in the world, 21 were in India in 2019.⁵⁰ 51% of the pollution is caused by industrial pollution, 27 % by vehicles, 17% by crop burning and 5% by other sources. India has one of the world's largest emission volumes of carbon dioxide. The main source of this is coal, which accounts for seven percent of global emissions 43 percent.⁵¹

India began its "National Clean Air Programmed" in 2019, with an across the nation with tentative national target of a 20%–30% reduction in PM2.5 and PM10 concentrations by 2024, using 2017 as the baseline year for comparison. Despite the lockdown, Delhi's yearly average PM2.5 level in 2020 exceeded the permissible limit by more than two times. Delhi's air pollution levels increased by 43 percent in comparison to its best levels of air quality during the lockdown.⁵² To make matters worse, the Indian capital's air quality reached an eight-month low on October 17, 2020.⁵³

Causes of Air Pollution:

Most of air pollution is caused by the burning of fossil fuels like coal, oil, and gasoline to generate energy for transportation or to make electricity. The primary source of household air pollution is the use of solid fossil fuels for the cooking process, such as wood, dung, waste from agriculture, coal, and charcoal.⁵⁴

In developing countries like India, the combustion byproducts of biomass fuels are the main cause of indoor air pollution. Out of the 0.2 billion people in India who use fuel for cooking, 49% rely on firewood, 8.9% on cow dung cake, 1.5% on coal, lignite, or charcoal, 2.9% on kerosene, 28.6% on liquefied petroleum gas (LPG), 0.1% on electricity, 0.4% on biogas, and 0.5% on any other source.⁵⁵

Transportation contributes for around 25% of air pollution. The biggest sources of air pollution are commercial vehicles, including with trucks, taxis, buses, three-wheelers, and two-wheelers.⁵⁶

Effect of Air Pollution:

Air pollution effected Global warming, acid rain, ozone layer depletion and effect human Diseases such as Chronic Obstructive Pulmonary Disease, Lung cancer, skin diseases, etc. in 2015, pollution killed 9 million people worldwide (one in six death).⁵⁷ In 2019, air pollution accounted for $\frac{3}{4}$ of these earlier deaths.⁵⁸

WATER POLLUTION:

When harmful elements, frequently chemicals or bacteria, contaminate a river, lake, aquifer, stream, or other body of water, its quality starts to decline and they become hazardous to both human beings and the environment. Chemical or oil spills, industrial waste, fertilizers, and pesticides that wash off agricultural land into rivers, sewage that enters rivers and oceans, heavy metals that leak out of the ground or plastics that degrade in water are all examples of water pollution.

Causes of Water Pollution:

In India, more than 38,000 million liters of untreated sewage are discharged daily into the rivers due to the limited sewage treatment capacity, which can treat only 38% of the sewage generated.⁵⁹ The main contributor to water pollution is industrial waste wastewater that is discharged into rivers without being treated.⁶⁰ Surface water and ground water pollution are caused by hazardous material discharged from industries. An alarming amount of India's groundwater is contaminated by numerous organic and inorganic sources, while almost 80% of the country's surface water is polluted by sewage and waste dumps.⁶¹

Effects of Water Pollution:

Unsafe concentrations of pollutants in drinking water can harm the reproductive and nervous systems, as well as cause chronic diseases like cancer. In India today, cholera and typhoid fever, two of the most dangerous bacterial aquatic infections, are rare. Waterborne illnesses, commonly known as parasitic infections and gastrointestinal ailments, claimed the lives of 1.8 million people.⁶²

Noise Pollution:

Noise pollution include the major things such as indiscriminate use of loudspeaker by the religious sects,⁶³ industrial activities(such as stone cutting and grinding),⁶⁴ movement of heavy transport vehicles,⁶⁵Automobiles, rail traffic, airplanes and activities such as those at market place, religious, social, and cultural function, sports and political rallies.⁶⁶ In 2018 Chennai was the noisiest among India's six metros. The average noise levels during the day at the city's 10 stations were 67.8 decibels (dB), which is much higher than Delhi's equivalent value (61).

Causes of Noise Pollution:

The assessment of traffic noise pollution is difficult and depends on the kinds and physical condition of the vehicles, the speed, the honking, and the road layout. In India, there are no restrictions on the volume of vehicle noise or honking that is permissible at traffic junctions. Mumbai traffic horn noise may reach 110 decibels (dB), which is roughly comparable with the level during a rock concert.⁶⁷ In most major Indian cities, personalized transport vehicles, which include two-wheelers (including motorcycles, scooters, and mopeds)

and automobiles (including jeeps), account for more than 80% of the vehicle population. This is despite the fact that the city's traffic is varied.⁶⁸

Effect of Noise Pollution:

Non-hearing effects such as activity, sleep and communication disorders can trigger a range of emotional reactions, including nuisance and subsequent stress, increased blood pressure and increased blood viscosity and blood sugar, and activation of the blood coagulation factor.⁶⁹ Due to noise pollution, also higher memory disturbances and oxidative stress were observed.⁷⁰

Occupational noise exposure to workers have adverse effects on workers' health by increasing hypertension, sleep disturbance,⁷¹ cardiovascular diseases, blood pressure, hypertension, , exhaustion and overworking, mistakes performed in various operations due to noise disturbance,⁷² memory impairment, increased pulse rate, hearing loss and diabetes.

CONCLUSION

Development and the environment are two sides of the same coin, neither of which can be compromised in favor of the other. However, both are equally crucial for a better future. In this scenario, It is now up to the Supreme Court of India and the High Courts to handle these cases with the utmost care; only then will we be able fulfill our goal of ensuring a pollution-free developed country for our future generations.

The judiciary has also established innovative concepts like absolute liability, which holds industries responsible for disasters brought on by hazardous activities. This principle makes sure enterprises, despite their carelessness, take the necessary safeguards to prevent harm to the natural environment and public health.

Judiciary while deciding the cases tried to establish positive relationship between the environment and development under the idea of sustainable development. In many cases judiciary has applied many of the international principles of environmental management, like polluter pays principle, absolute liability principle and precautionary principle.

Thus, after analyzing the above-mentioned cases, We find that at the present time, the Supreme Court Currently extends various legal provisions regarding to environmental and their preservation. Through judicial activism, India has seen new developments and innovations that have opened up a wide range of approaches to helping the country.

The main reason why India is today experiencing huge pollution problem is its rapid economic development based on highly polluting coal powered plants. India is rapidly becoming one of world's largest carbon dioxide (CO₂) emitters and CO₂ is the greenhouse gas mostly responsible for climate change. Two main factors that contributed to massive growth of CO₂ emissions in the last couple of years were building of giant coal powered plants and increased number of cars in the roads.

The main problem about the environmental pollution in India is the fact that Indian government has pretty much accepted it as some sort of attachment to a greed based economy and is willing to sacrifice both natural resources as well as human health to maintain rapid economic development. After the independence the primary concern of the administrators was to eradicate poverty. Millions of people were below the poverty line and the literacy rate was also very poor. The population growth was at alarmingly high rate. All these factors contributed to serious environmental degradation and the persons who were mostly affected by this environmental degradation were the poor and the disadvantage sections of the society. They were the first victims of the poor sanitation, bad air, contaminated water, scarce food, fuel and fodder. For millions of Indians their only wealth and common property resources were threatened by environmental degradation.

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