

ISSN 2063-5346



IMPERATIVES ON CIVIL SOCIETY IN ENVIRONMENT PROTECTION: AN ANALYSIS IN ECONOMIC PERSPECTIVE

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Article History: Received: 10.05.2023

Revised: 29.05.2023

Accepted: 09.06.2023

Abstract

Every activity of all human being has an impact on the environment. Therefore, human being has a direct bearing with the environment protection. The development brought at the cost of the Nature for the benefit of human being and in doing so, by over extraction or misuse of natural resources, human being is digging their graves.

Every human being must understand one's own responsibility towards saving the earth and respond accordingly. The industries and factories or other military inventions which largely affects the atmosphere through exertion of different chemicals and gases leading to ozone depletion, global warming and ultimately climate change. It is nothing but consequences of human activity which are being done even knowing the cost- effect of the activity. The benefit of such act may fallaciously be good and effective but adverse impact on Nature is irreparable and permanent.

Innovation of technology is a never-ending process. To make a technology which is presumed to be more environment friendly another industry is to grow and such industry may cause adverse impact on environment. Therefore, imperative is to compare the cost effect of the invention or production including possible preventive measures and its durable benefit in respect to environment.

Activities of human being has direct bearing with the environment pollution. The civil society has to play a proactive role in dealing with environmental issue. As the act of human being is supposed to be regulated and as it is to be started locally, it is an imperative on the part of each state to start implementing laws strictly. Again, as the issue is a global one, there is a need to have global environmental law and its adjudicating authorities which will deal with exclusively issues related to environment.

Key words: Environment, industry, global, civil society, law implementation.

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DOI:10.48047/ecb/2023.12.9.145

INTRODUCTION

Increasing demand of human being induced by population growth and development of science and technology have increased environment pollution. Growth or increase of population necessitates increase of production of food grains to meet the demand which leads to use of fertilizer or modern technology. Profit centric economy also aggravated the problems. Industries or factories by flouting the guidelines prescribed by the concerned authorities has focused only on using technology which affects the environment in large scale. Transborder pollution occurs because of the exerts of gases and wastes of factory and industries. Greenhouse gases are basically connected to the industries and other machineries run by the fossil fuel which has direct bearing with climate change. It has been estimated that since 1800s, human activities have been the main driver of climate change, primarily due to burning of fossil fuels (like coal, oil, and gas), which produces heat trapping gases. It is widely assumed that the effects of human caused global warming are happening now, are irreversible for people alive today, and will worsen as long as humans add greenhouse gases to the atmosphere. Unprecedented cyclone, untimely flood and melting of glacier in an unexpected way are nothing but the signs of climate change. The factors may be manifold but behind this, human activity is the main causes. UN Secretary General Anthonio Guterres also in his statement made it clear that the signs of climate change are everywhere and our planet is in the emergency roomⁱ. Issues related to climate change has tremendously been discussed in different summits and conventions right from Rio summit to Egypt conference commonly known as COP27 held in the year 2022. However, the result reflects that the objective of keeping

the global temperature to the expected level could not be achieved.

The issue of climate change caused due to manifold reasons is not a local issue. The activity may be local but consequences may be global. Every activity of all human being has an impact on the environment. Therefore, human being has a direct bearing with the environment protection. So, to understand and deal with the problem the widely circulated message reading 'think globally act locally, needs to be executed.

Environmental pollution has direct bearing with the production like the production having close nexus with the growth of population. Due to growth of population the demand increase and to meet the demand the supply must be increased for equilibrium. In the name of meeting the increased demand the production is supposed to be increased and in the chain of meeting demand the factories and industries are established which is nothing but the maximum exploitation of natural resources and utilization of the same properly or improperly by just centering meeting the demand or necessities as an end. Thus, means, whether ethical or unethical is hardly addressed, so, in our rapid technological conquests, victimizing Nature and borrowing 'westoxicated' imitation of pollutive technology, geared to profit greedy toxic processes, regardless of grave injury, to living Creation.ⁱⁱ

The human necessities and development of science and technology which is based on the gift of Nature in fact has led to the destruction of the Nature in as much as science is nothing but the extract or use of natural properties of substances or material things available in the nature. It has suppressed or surpassed the sublime harmony of creation we behold in Nature. The violence and vulgarity which became a bye product of industrial revolution,

obliterated the happy fusion of science and human wellbeing, and the arrogance and money manic vice of the savage in man repressed the rule of Nature to achieve the rule over Nature.ⁱⁱⁱ

The growth of industrialization has resulted urbanization which again aggravated the situation through destruction of forest or any other habitats besides increasing air pollution through vehicular pollution or other wastes. Thus, industrialization has helped meeting the demand and brought development. As development is required natural resources are being extracted relentlessly without considering the worse effect on harming the ecology in the name of development. So, development and environment are interdependent and indivisible.^{iv} The more industrial development the more economic development.

Poverty, hunger and illiteracy which are the problems of developing countries and which may be the result of population growth is one of the root causes of environmental problem which generates multiple problems in the name of resolving the problems. At the same time the developed countries also have their own problems being over production, nuclear radiation, over exploitation of resources, industrial wastes in different forms, industrial accidents and living styles of the people are some of the contributing factors for environmental problems.^v Space expedition and testing or worn-out satellite are also causing hazards which has created environmental problems.

OBJECTIVE AND RESEARCH QUESTION

In many occasion the issues of environment protection including global warming or climate change and saving the Earth has been discussed in different forums. In world

forums also covenants are being signed. Domestic laws are also being made in some of the countries. Claims are being made of allegedly performing both legal as well as equitable obligations emerged out of national as well as international laws by different countries. Even then the overall result shows imminent danger. So, here is a need to introspect to find out the loophole and work for it by the stakeholders. Therefore, the research has been carried out inter alia with the following objectives:

1. To know the economic factors on environment protection
2. To know the loopholes of the existing system including provisions of international covenants.
3. To find out the role of civil society in mitigating the menace of climate change and
4. To know the impact of current world order in mitigating the climate change menace.

For systematic analysis of the data and for addressing the issues in a proper manner the following research question has been formulated:

Is there any possible role on the part of the civil society to contain the menace of environment pollution including climate change and what are the laws in this respect?

METHODOLOGY

While carrying out the research data were collected by following doctrinal methodology and accordingly paper was prepared relying on information available in books, journals and other reliable and authoritative websites.

Economic factors of environment pollution

Due to scientific and technological advancement the mortality rate has come down resultantly contributing to increase of population. It has been said that population growth is the primary root cause of environment degradation in as much as due to increase of population natural habitats has been destroyed for human residence causing deforestation or intrusion to the Nature. Forests are being destroyed and houses are being constructed. In Stockholm Declaration it was proclaimed that the natural growth of population continuously presents problems for the preservation of the environment^{vi}. The increase of population also impacted the production of foodgrain also. As population has increased, more production of foodgrains is required. Therefore, with the motive of increase of production, the technologies are being used in agricultural sector. Machineries are being used, resultantly for production of machineries to be used for agricultural purpose, industries are being set up. On setting up of industries in particular area human settlement increased and thus urbanization started. Large number of people from rural area move to the urban areas in search of livelihood and this exodus has turned the areas densely populated area. Use of vehicle for transportation purpose has thus created air pollution as well as sound pollution. Concentration of population in particular areas has resulted slam areas and unhygienic situation which is the cause of urban hazards and wastes. These factors relating to urban waste have close bearing with economic factors. Though there appears economic development, but by the side of the economic development environmental pollution also occurs.

Poverty and environment

Increase of population and shortage of production particularly in a developing

country has begotten the menace of poverty. The starving population, in the name of earning their livelihood do any activity irrespective of its impact. Poverty is said to be both causes as well as effect of Environment Degradation and the vicious circle of poverty and environment is quite complex^{vii}. Poverty reduces people's capacity to use resources in a sustainable manner, it intensifies the pressure on environment.^{viii} In the name of livelihood, the forests are being destroyed and a section of traders have exploited the situation by indulging to destroy the forest by instigating or luring the poor and uneducated people who, being enticed, destroy the forest or exploit the forest produces by handing over the produces to the cunning traders. This poor section of people fails to think over the impact of deforestation and being influenced and lured in terms of monetary benefits, go on exploiting the forest produce relentlessly which led to destruction of large forest areas. Apart from this, the poor families collect the forest produces and sell out to gather their livelihood on which basis the cunning traders of forest produce grab the opportunity to utilize their services and exploit them.

Multi-purpose hydra electric power project and its impact on environment

The construction of multi-purpose hydra electric power project set up with a motive of generating electric power has allegedly brought development in respective country in as much as for development energy plays pivotal role in multi-faceted developmental activity. However, the projects, though apparently brings development in agricultural sector and other areas besides generating energy, in many respects, has some adverse impact also. The damage caused to the Nature through such projects are irreparable. Unfortunately, the adverse

impact on the Nature caused by the construction of such dams is fallaciously justified by the supporter of dam construction and accordingly impact on Nature is outweighed by the fallacious justification of benefit of construction of dams with multipurpose project. The impact on Nature for construction of dam is at the core of the Nature. With the construction of dams, the status quo of the Nature changes. Flora and fauna get affected and the aquatic lives also affected. The sediments caused due to construction of dams, impacts the waterbed. Downstream also gets affected as the natural courses are affected by the dams. So, whole state of Nature in and around the water course gets affected. The claim about management of the same or precautions allegedly undertaken are nothing but artificial. Apart from unfulfilled promises about management, the artificial effort for sustaining the ecological balance is impracticable. The man-made artificial arrangement or the intrusion upon Nature cannot restore the state of nature in its original position as Nature has its own nature of ongoing course. Virginity cannot be restored if once destroyed. The virginity of Nature cannot be restored in its original state if once intruded. Same is the case about the construction of dams.

Economic development may take place on construction of big dams. But it is at the cost of adverse impact on Nature since it has its own inherent adverse impact on environment which damage is irreparable and the fact is a hard fact which cannot be denied.

Excessive extract of natural resources

The Nature gave everything needed to human being. After knowing almost everything of the nature of natural substances, the human being started extracting the resources relentlessly and

have been using for the benefit of human being. With the gift of the Nature, the human being has used the natural resources according to his own sweet will. Often the natural resources are being used even against the mother Nature who provided the power by gifting the natural resources. Atomic energy, which is also nothing but a bye product of gift of Nature has threatened to destroy the Nature. With the help of the gift of Nature the human being has challenged the creatures of the Nature and thus beckoning its peril.

Artificial satellite is created with the help of advancement of science and technology by using the resources of the Nature. With the use of artificial satellite benefit is accrued in different aspect. It has brought tremendous change in human life. Simple instance of change brought by the smart phone will suffice to exemplify the benefit enjoyed from the invention of artificial satellite. However, the impact of radioactive wave exerted during the operation of the system has hardly been analyzed and highlighted. The radioactive wave has affected the procreation process of numerous tiny lives in the Nature. It has been proven that due to the impact of radioactive wave some of the living organisms have extinguished or stopped breeding due to loss of fertility. The radioactive wave also has created health hazard to human being also. But the benefit enjoyed from the services of artificial satellite has compelled to ignore the negative impact of the services which is a hard fact. The impact of satellite services on economy is so tremendous that the human being cannot live even a single moment without those benefits.

Ozone Layer Depletion

With the demand of increase of production and easier lifestyle coupled with industrial wastes and other leakages in different

chemical factories, the ozone layer which is a protective umbrella for the living creatures on earth, has been depleted and resultantly allowed to penetrate ultra-violet ray on earth which is detrimental to the living creatures on earth. The insecticide used in crops and the chemical fertilizer used with a motive of more production are responsible for causing ozone depletion. Therefore, economic development has also direct bearing with the ozone layer depletion.

Apart from the pollution created by vehicular traffics, industry, factory and other wastes also caused environmental pollution. Means of water transportation also has caused water pollution besides the pollutants exerted by the industries, factories and urban sewage and effluents. This type of water pollution has direct bearing with the economic development. Excess extract of water resources or minerals also attribute to water pollution. Catching fishes by using chemicals creates water pollution leading to death of countless other aquatic lives. Use of certain materials made of chemicals like plastic or polythene which are being used for comport and effectiveness for its light weight and portability creates pollution in many respects. As the polythene is not easily dissoluble in the water or soil even if it is burnt, it creates pollution in anyway. But for effectiveness in terms of cost, portability or economy the adverse effect has been overlooked and largely been used which has also nexus with economy.

Climate change and Economy

Factors leading to climate change and impact of climate change are inter-woven. Greenhouse gases emanated from factories, industries or other sources like refrigerator, air conditioner or other machineries are some of the causes of global warming and climate change. These factors have close

nexus with economy. Global warming and climate change have severely affected the earth's surface atmosphere and impacted upon economy and society^{ix}. Global warming and climate change happened due to economic activity and it has impacted the economy also. Unpredictable and unprecedented change of weather like drought and unseasonal flood have affected the agricultural activities which hampered national economy of a country.

Expansive attitude and activity

With the development and emergence of cities and expansion of developmental activities including setting up of industries, factories and residential purpose, and with the objective of expansion of urbanization the wetlands have been destroyed and transformed into residential area or used for specific projects like setting up of industries, factories or any other installations. Such expansive activities in the name of development have affected the environment as the wetlands or other habitats have been destroyed. Therefore, it may be summed up that the economic activities have direct bearing with the environmental problems as rightly opine by the supreme Court stating that industrialization, urbanization, population explosion, poverty, over exploitation of resources, depletion of traditional resources of energy and raw materials and the research for new sources of energy and raw materials are some of the factors which have contributed to environmental deterioration the world over.^x For this reason in Stockholm Declaration under 14 principle it was provided that there should be rational planning and it constitutes an essential tool for reconciling any conflict between the needs of development and need to protect and improve the environment^{xi}.

How to deal with the problem

The best possible means to deal with the environmental problem is to maintain a balance between the development and use of the natural resources which are studied within the parameters of the term sustainable development. As the concept implies bringing development without exhausting the natural resources or in other words saving the natural resources for future generation without exhausting it.

Sustainable development may enable to maintain balance between development as well as saving the natural resources leading to environment protection in as much as the concept has following attributes^{xii} namely-

1. Inter-generational equity
2. Use and conservation of natural resources
3. Environment protection
4. Precautionary principles
5. Polluter pay principles
6. Obligation to assist and co operate
7. Eradication of poverty and
8. Financial assistance to the developing countries.

Inter-generational equity:

The concept of sustainable development is based on the concept of equitable rights of every people and as such the future generations have also equitable rights over the natural resources. Therefore, the present generation has the equitable obligation or duty to preserve or save the natural resources for the use of the future generation. Present generation unfairly cannot exhaust the natural resources by extracting irrationally. The theme of inter-generational equity is the right of each generation of human being to benefit from the cultural and natural inheritance of the past generations as well as the obligation to preserve such heritage for future generation^{xiii}. Principle 3 of the Rio Declaration also declares that the right to

development must be fulfilled so as to equitably meet developmental needs of the present and future generation^{xiv}. Thus, by following the principles of sustainable development the environment may be protected.

Use and conservation of natural resources:

The natural resources may be used and conserved by following certain protective measures against the natural extinction or decadence. The resources can be used as well as conserved and such effort should be indulged and encouraged. Principle 8 of the Rio Declaration states that to achieve sustainable development and a high quality of life for all people, states should reduce and eliminate unsustainable pattern of production and consumption^{xv}.

Environment protection:

All creatures are dependent on the Nature. Everything used by human being are also provided by the Nature. Therefore, protection of environment is a must for subsistence of creatures on earth. The sense of importance of environment protection should be inculcated to the future generation in the name of continuing the legacy of inter-generational equity. Certain activities, which are also part of development like pollution free water and air is itself a part of improvement in welfare, comes under the purview of environmental protection. Capability to maintain pollution free air and water or in other word sustaining healthy environment is also becomes part of the development in as much as it relates to bringing good health to the people. If the benefits from the rising incomes are offset by the costs imposed on health and quality of life by pollution, this is in any sense cannot be called development^{xvi}.

Precautionary Principles:

While working out the project for economic development the possible adverse impact on environment should be taken into account in as much as environment is very vulnerable. Therefore, precautionary measures are required to be undertaken for the protection of environment. Safety measures or other alternative arrangement is required to be undertaken in working out those projects. The main purpose of the precautionary principle is to ensure that a substance or activity posing a threat to environment is prevented from adversely affecting the environment. The Center for Environmental Law, in 1991, defined precautionary principles in its Draft Convention for the conservation and wise use of forests as 'the principles of establishing a duty to take such measures that anticipate, prevent and attack the causes of environmental degradation where there is sufficient evidence to identify a threat of serious or irreversible harm to the environment if there is not yet scientific proof that the environment is being harmed'^{xvii}. In Rio Declaration also expectation was expressed that the government will apply precautionary principles widely according to their capability^{xviii}.

Polluter pay principle:

The polluter pay principle is like the concept of absolute liability since it compels the polluter to defray the injury caused to the nature or environment in as much as under this principle irrespective of its fault or liability the polluter is compelled to pay the compensation for the damage to the environment. It is a strict liability without any exception. It has been applied in the case of *Indian Council for Environmental Action vs Union of India* wherein it has been held that remediation of the damaged environment is part of the process of sustainable development and as such the polluter is liable to pay the cost to the

individual suffered as well as the cost of reversing the damaged ecology^{xix}. Thus, this principle also attributes to the protection of environment.

Obligation to assist and cooperate:

The issue of environment protection is not confine to an individual or one country. Environment pollution has no boundary. It is a global problem. Impact of greenhouse gases exerted by one country affects whole world through global warming. Therefore, the means to deal with the environmental problem should be through joint effort. This can be tackled only by assistance and cooperation of all. So, honest commitment or obligation to provide assistance is imperative to contain the issues. Principle 9 of the Rio Declaration provides that the states should cooperate to strengthen indigenous capacity building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.^{xx} At the same footing Principle 10 states that environmental issues are best handled with the participation of all concerned citizens, at the relevant level.^{xxi} Further Article 12 of the Rio Declaration provides that the states should cooperate to promote supportive and open international economic systems that would lead economic growth and sustainable development in all countries, to better address the problems of environmental degradation^{xxii}. Again, Principle 21 of the Rio Declaration provides for participation of people and state and to cooperate in good faith and in a spirit of partnership in the further development of international law in the field of sustainable development^{xxiii}.

Eradication of Poverty:

Until poverty is eradicated the environmental problem will persist, as for livelihood, the starving people may do

anything which may affect the environment. Highlighting poverty as a factor of environmental pollution Prime minister Indira Gandhi, in Stockholm Conference in 1972 said, “of all pollutants we face, the worst is Poverty”. So, for protection of environment poverty is required to be eradicated. It has been said that reduction of poverty is a precondition for environmentally sound development in lower income countries.^{xxiv}

Financial assistance to Developing Countries:

Developing countries tries to exploit the natural resources to meet their needs. Due to non-availability of advance technology they try to extract the natural resources by using traditional mechanism which affects the nature in a larger extent. As they cannot afford the advance technology due to their poor economic condition, the mode of production or mechanism of extracting the natural resources have caused harm to the nature in a larger extent. Apart from that due to financial constrain they cannot take up the projects relating to environment protection. Therefore, the financial assistance and transfer of technology from the developed nations to the developing nations is a must if the goal of sustainable development and environment protection is to be achieved.^{xxv}

Corporate Social Responsibility and Environment Protection

In India the Companies Act under 135 provides for spending 2 % of the profit in the name of corporate social responsibility. Such fund should be used for generating employment opportunity. Under the provision of corporate social responsibility, the unemployed should be trained and show the employment opportunity in field of waste management and thus, waste management should be encouraged. The corporates should indulge in adoption of natural water reservoirs, small forest and maintenance of parks etc. which has direct bearing with the environment protection.

Again, in line of the aforementioned provision of Companies Act with regard to Corporate Social Responsibility provision may be made by compelling the profit-making entity like industry, factory or other companies for earmarking fund out of the annual profit for spending exclusively for environment protection. The companies need to strive for innovative technology to bring out something from the waste. The initiative undertaken from Indian Oil Corporation for production of garments from waste plastic bottle is a laudable effort. The above discussed effort may be undertaken to save the environment and the earth in as much as saving earth is possible only through environment protection and it is an imperative to all human being. Therefore, the human being, in other words, the concerned authorities, particularly the government authorities must undergo or put certain restrictions, and also should find out alternatives in the name of refraining from affecting the environment adversely. The govt. can compel the citizens to protect environment. By invoking the provisions contained in different laws with regard to protection of environment every govt. in each and every country must prescribe this noble duty of protection of environment. It is an urgent need of the hour for saving the earth.

Role of Civil Society

Every human being must understand one's own responsibility towards saving the Earth and respond accordingly. The industries and factories or other military inventions which largely affects the atmosphere through exertion of different chemicals and gases leading to ozone depletion, global warming and ultimately climate change. It is nothing but consequences of human activity which are being done even knowing the cost-effect of the activity. The benefit of such act may fallaciously be good and effective but adverse impact on Nature is irreparable and permanent.

A small act of individual may lead to protection of environment and if every individual shoulders the responsibility of environment protection it may be done by just bringing conscious effort in one's behavior. Growing trees for enjoying fruit, sustaining water reservoir in the name of rearing fish as agricultural activities and maintaining ecological balance by conserving forest through growing medicinal plants are some of the activities which are the direct bearing with environment protection. Though the activity appears to be small but it contributes a lot in mitigating climate change in as much as if every individual understands that the Nature may be conserved in this way which may help in balancing the greenhouse gases in the atmosphere. The civilian responsibilities may be discussed as following:

Responsibility to conserve and grow more trees

Activity of growing trees may be carried along with our day-to-day life. Gardening in the housing compound or elsewhere will definitely contribute to absorb carbon dioxide in the atmosphere. It is a task which appears to be simple but effective one. On the other hand, for that in situ conservation may be maintained.

Economic activities and civilian responsibility

The impact to the environment must be taken into account. Destruction of forest and other habitats of living organism are rampant particularly in developing areas which is common in both developed and under developed countries. In the name of expanding the cities or for setting up of industries the wetlands are being destroyed, small hills are being broken apart from causing deforestation which has adverse impact on environment. The development

is taking place but at the cost of irreparable damage to the environment. It has impacted the environment in two ways. Firstly, it has changed the natural course and secondly by originating pollution which resulted for using vehicles, air conditioners used by people besides gases exerted from industries and factories and urban wastes.

The sustainable development talked much in almost every international conference relating to environment protection are least taken into account while carrying out the project. The norms relating to sustainable development remained complied only in papers whereas practically it is in reverse. Therefore, as the government as well as the profit monger businessman are concerned only with profit without caring the impact on environment it is the civil society only which will have to stand against such detrimental activity. Message of bringing sustainable development is aired amongst the public but the same is not materialized. Instances of violating the prescribed norms are found in setting up of industries or factories in prohibited areas. Such instances are taking place in connivance of the government authorities. Even instances of deregulating norms in contravention to the provisions of international covenants for setting up of industry of carrying out economic projects are found^{xxvi}. In such situation, where the government also stands with the development at the cost of the Nature or environment the civil society is the only entity which may stand against such act.

Change of way of life and climate change

The way of life the people leading by enjoying the benefit of science and technology has contributed tremendously to the environment pollution. With regard to emission of greenhouse gases the industry is considered to be one of the highest contributors in the atmosphere. The gases

used for operating air conditioner is an added contributor along with the smoke emitted by the vehicular traffic. It is estimated that the normal medium size air conditioner if operated for the day emit 5–8 pound carbon dioxide in a day. In case of application of air conditioner and refrigerator among other facilities gifted by the science and technology, which has become part of the conditions of luxurious life and which has fallaciously been claimed to be necessity now a days, also added fuel to the burning fire in as much as it has increased the quantum of presence of carbon dioxide in the atmosphere for which warmth is increasing leading to more use of air conditioner or refrigerator. Apart from that increase of use of vehicle also attributed to increase of carbon dioxide in the atmosphere. It has been observed that the proportion of use of vehicle are increasing unreasonably since a person who could travel by bus or could travel jointly with another person in a vehicle without taking one vehicle for himself are using one for himself separately. Thus, additionally he is also burning fuel thereby contributing carbon dioxide in the atmosphere additionally. Burning plastic substances or other object by creating air pollution are also commonly carried out activity of human being in their day-to-day life which also attributes to increase of greenhouse gases in the atmosphere. So, there is a need to change the way of life people lead by adapting to such activities which cause less adverse impact in the atmosphere. By abandoning the luxurious life enjoyable at the cost of environment degradation people can contribute to lessen the quantum of greenhouse gases in the atmosphere.

Uncoordinated activity of different activists

It has been observed that different people are working in different levels with

different capacities. NGOs are also striving to environment protection. But their activities are not chalked out in a coordinated manner. For instance, different individuals are working by their own in their respective areas in different capacities which might have not been noticed or identified. There are many reasons for inability to work in a coordinated manner. Among others following are the important reasons:

- i. Communication gap among the activist. The activists are not much bothered with the affairs of others. Such persons usually confined themselves to their work with honesty. They are not concerned with what any other person is doing. They feel that their duty is to do what he feels proper and most of the true activists do it as a passion as they feel it necessary and love to do it.
- ii. Territorial barrier is also another reason for inability to work in a coordinated manner. The municipal laws prohibit the activist to come and work jointly. Though sometimes allowed, it is also after undergoing different formalities to which activists dislike. Same is the case in case of NGOs also. The municipal laws restrict activities as there is every possibility of criticism of govt. policies or activities also. The NGOs, without the govt. permission cannot carry out an activity. In such situation any NGOs of other country has very limited scope of working in the area and therefore cannot work out freely in a coordinated manner.

Therefore, there is a need for a platform for facilitating to work in a coordinated manner without any hindrance from domestic laws if the activity is purely related to environment protection. Such platform may be used even against the respective country which go against the activity relating to environment protection of an individual or NGOs. Any issue may be raised in such platform with full liberty. For that the activist and their works should be identified by an agency properly appointed impartially and genuinely.

Civil Society, Government Environment Protection

The civil society plays an important role in shaping the policy of the government. By taking active part in political process the civil society can pressurize the govt. to take certain policy. Therefore, it is an imperative on the part of the civil society to influence the government not to compromise with the issues relating to environment protection to the possible extent. There are instances where the government relaxed the agreed international norms relating to environment protection. Instances of even deregulating the international norms by the government are found for the development of the country^{xxvii}. In such situation the civil society needs to play an proactive role to persuade the government not to take decisions which may bring adverse impact on environment. The government should also encourage use of other alternatives of fossil fuel and facilitate to avail other remedies. However, while finding other alternatives, the cost -benefit and impact on environment should be taken into account. If in the name of finding out other alternative there requires setting up of more industry which may again create pollution then there cannot be any justification of allowing to sustain such alternatives.

The civil society may also act for bringing awareness about the need of change of way of life so as to help contain the emission of greenhouse gases in the atmosphere which leads to global warming and climate change.

Civil society, Law and Climate Change

It has been observed that laws are being made on the issues relating to environment protection. However, sometimes it appears that the law enforcing agencies are not enforcing the laws strictly. Apart from that it has also been observed that the government is more concerned with the national economy and other interests. For this possible reason sometimes, the respective government tacitly relaxes certain norms which sometimes goes against the norms prescribed by the international covenants. In such situation also member of civil society has to intervene if the impact of the act is detrimental to the environment by availing the remedies available. Every member of the society must be able to think that if the Earth exists then only the human being will survive. Laws relating to environment protection is to ensure it and there is a need to obey laws. It requires to understand that law is not against the human being rather for the human being. If everyone is caused to realize their duty to obey laws and accordingly brings change in their behavior then objective of laws will be realized and the menace of climate change may be contained to some extent.

International Covenant, Environment Protection and current world order

The vexed issues related to climate change has been discussed several times in different perspective in different world forums. Since 1972 many principles, protocols have been propounded. Many covenants are being signed. Targets for

meeting certain objectives are being set many times but the menace could not be contained. Rather the situation has turned worse. Obvious possible reasons among others are:

Firstly, there is no enforcing agency of the provisions of the covenant. Though there are few approaches for redressing the grievances, but apparently these are inefficacious.

Secondly, the respective member countries keep their national interest ahead of the compromising provisions of the covenants. Therefore, even in contravention to the provisions of the international covenant the respective countries take the national policies.

Thirdly, no country is ready to take the risk of abiding by the provisions of international covenants unconditionally by compromising the national interest or development. The alternative remedies optioned in the form of sustainable development also has not got much importance. Chemical fertilizer has not been replaced by organic fertilizer for the same reason.

Fourthly, the present world order is so volatile that no any country is reliable. All countries are busy in depending their country both economically and militarily. Even the UN Security Council could not avert the menace of war and thus allegedly become ineffective. Therefore, every country is least bothered with the world forum and accordingly takes their policy decision as per need of their country.

CONCLUSION

Environment has close nexus with the agriculture, industry and energy. It is not a separate sector. It cannot be studied in isolation. As environment includes

everything, all are included under the scope of environmental studies. Economic activities have direct bearing with the environment pollution. Therefore, while taking policy decisions, environment protection is required to be taken into consideration. This should happen in all level of decision-making process. On the other hand, the entities which usually affects the environment should be put under obligations to protect the environment. Such entity should be held responsible for environment protection.

It has evidently been observed that laws are being made but it has not fetched satisfactory result. The major problem with the application of the environmental laws as rightly observed by Justice Madan B. Lokur^{xxviii} is that the conflict of values and interest. The value of protection of environment in the interest of all, versus production (industrial and otherwise) for the good of all. The right jurisprudential approach to environmental legislation would only be one that seeks a resolution to the conflict of these values. Ideally, the regulators of the environment and the producers who use natural resources must be one and the same. Only laws which lead to this end can be said to have the right spirit. Seeking co-operation within a democratic set up necessarily requires that we give up a “policing the society” theory and adopt what may be called a “Managing the Society” theory. For, clearly, the question concerning environmental problems is not how best to punish someone, but how to manage society in the best manner possible so that maximum development is attained with minimal environmental exploitation. In other words, complete change in our jurisprudential perspective is required if we are to protect the environment and get over the exploitative mentality.

From the above it may be concluded that the civilian has pivotal role to play relating to environment protection and in mitigating climate change. It can be done by carrying out drive for mass awareness with regard to benefit of growing trees, conservation of forest and need for changing one's habit or behavior pertaining to habits which leads to environment pollution. The civilians can mould the policy of the government through taking part in the political processes which may compel the govt. to work for environment protection. In the present world order also if the civil society of respective countries wish and take bold

steps then every menace may be resolved. However, each and every individual has to act in as much as every simple and single act will lead to accomplish the mighty task.

ⁱ Statement by the UN Secretary General at the conclusion of COP27 in Sharm el Sheik, Egypt.

ⁱⁱ V.R. Krishna Iyer, *Off the Bench*, Universal Law Publishing, p.226.

ⁱⁱⁱ *ibid* at p.227.

^{iv} Rio De Janerio Principle 4 and 25.

^v Paramjit S. Jaswal, *Environmental Law*, Allahabad Law Agency, p. 2.

^{vi} Stockholm Declaration.

^{vii} *Essar Oil Ltd. V. Halar Utkarsh Samiti and others*, (2004) 2 SCC 392 as quoted by Rakesh Kumar Singh in *Environmental Law*, at p.5.

^{viii} J.J.R. Upadhyay, *Environmental Law*, 3rd ed. (2012), p. 8.

^{ix} Shreeparna Rajkhowa, *Responding Climate Change: Causes and Consequences in Gauhati University Journal of Law* (2021-22) Vol. XV, p 49.

^x *Shri Sachidananda Pandey vs State of West Bengal*, AIR1987 SC 1109 and *T N Godavarman Thirumalpad vs Union of India*, (2002) 10 SCC 606.

^{xi} Principle 13 of Stockholm Declaration.

^{xii} J.J.R. Upadhyay, *Environmental Law*, 3rd ed. (2012), p.149.

^{xiii} *Ibid* at p.150.

^{xiv} Rio Declaration of 1992.

^{xv} *ibid*.

^{xvi} *Supra* note vii.

^{xvii} *ibid*

^{xviii} Principle 15.

^{xix} (1996) 3 SCC 212.

^{xx} Rio Declaration of 1992

^{xxi} *Ibid*.

^{xxii} Rio Declaration of 1992

^{xxiii} *ibid*

^{xxiv} Brundtland Report.

^{xxv} *Supra* note vii.

^{xxvi} *Global Climate Litigation Report 2020 status review*. P.12.

^{xxvii} *Ibid*.

^{xxviii} Justice Madan B. Lokur, *History of Environmental Jurisprudence*.