

## ENVIRONMENTAL LAW: IN BROAD SCENARIO

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### ABSTRACT.

India constitution is perhaps one of the rare constitutions of the world which contains specific provisions relating to environment protection. It puts duty on the 'State' as well as 'citizens' to protect and empty the environment. Now it is considered as an integral part of right to life under article 21 of the Constitution. Articles 32 and 226 of the Constitution empowers the Supreme Court and the High Courts, respectively, to issue directions, orders or writs, including writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari. The writs of mandamus, certiorari and prohibition are generally resorted to environment matter. Indian constitution is perhaps one of the rare constitutions of the world which contains specific provisions relating to environment protection. It puts duty on the 'State' as well as 'citizens' to protect and empty the environment.

The extent of the environmental legislation network is evident but the enforcement of the laws has been a matter of concern. Fines are levied on a flat basis and in addition, there are no incentives to lower the discharges below prescribed levels. Various economic incentives have been used to supplement the command-and-control policies. Depreciation allowances, exemptions from excise or customs duty payment, and arrangement of soft loans for the adoption of clean technologies are instances of such incentives. Another aspect that is evident is the shift in the focus from end-of-pipe treatment of pollution to treatment at source. The role of remote sensing and geographical information systems in natural resource management and environmental protection has also gained importance over time.

Environment play an important role in any society, for providing better environment legislation made a many laws. It is a basic right of all to live in a healthy environment. The acute poverty in the country requires developmental process to be accelerated. But we cannot do so at the cost of environment thereby endangering not only the present generation but also the future generation. The crying need of the hour is the "sustainable development". "Sustainable development" is that development which meets the need of the present without compromising the ability of future generations to meet there own needs.

The current debate on intellectual property rights raises a number of important questions on the strategy and policies for the building a more dynamic agricultural research system. It is very important to decide that what would be the role of private and public sectors; and the role of MNCs. At the moment the bulk of the research agricultural activity is in the public sector-specifically the network of research institutes forming a part of ICAR<sup>1</sup> & the agricultural universities. The private sector only accounts 15 percent of the total research work expenditure.<sup>1</sup>But private sectors play a major role in the developed countries like, USA, Japan, UK and Germany.

Hence, in this research paper we would like to focus mainly on environmental policies and the initiatives which are being taken for the implementation of these polices to protect our environment and to create awareness. We will also try to provide certain suggestive measures which will ultimately benefit the human race and which will further be helpful in maintaining the ecological balance and sustainable development.

**KEYWORDS:** *Environment, Humanity, Sustainable Development, Environmental Awareness, Future Generation*

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<sup>1</sup> Indian Council of Agricultural Research (ICAR)

## INTRODUCTION

It is a basic right of all to live in a healthy environment. The acute poverty in the country requires developmental process to be accelerated. But we cannot do so at the cost of environment thereby endangering not only the present generation but also the future generation. The crying need of the hour is the "sustainable development". "Sustainable development" is that development which meets the need of the present without compromising the ability of future generations to meet their own needs.<sup>2</sup>

There is a close relationship which exists between a healthy environment and economic condition of the community at large. The problem of environmental pollution is the problem of both developed and under developed or poor nations.

Today, Most of our rivers are polluted. Deforestation of most of our forests is increasing day by day. Leakage of poisonous gases and other harmful gases. Liquids and solid wastes from the industries has almost become a regular phenomenon of present day. The problem of noise pollution. Particularly, in big cities is at alarming stage. Land erosion through winds and water has become the common feature.

**Professor Paras Diwan** has expressed the view that "traditionally we are a pollution loving nation". According to him: we pollute air by bursting crackers on Dussehra , Diwali and on the occasions of marriages and other festivals. We pollute our Rivers by disposing of our dead bodies and all other human and other waste. We take out so much wood from our trees for fuel that in many areas trees have become scarce. We are primarily a vegetarian nation. But our wild life is on the verge of extinction. We are lovers of cleanliness and, therefore, broom out all our household and other waste on the public streets. Any space is good enough for us to ease. We are a country which believes in open latrines. Municipalities are oblivious of their duties and all city wastes. Human and

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<sup>2</sup> See Our Common Future- The World Commission on Environment and Development. 43 (1987)

industrial effluents are allowed to flow in open drains and to flood the streets. We are equally fond of noise pollution. Godmen's voice must be heard by all, day and night. And our Ratjagas. Akhandpaths and azan must use loud speakers and amplifiers; no one should be deprived from hearing god's and God man's voice-and gods too are for a way beyond the hell and heaven our voice must reach them. Otherwise our spiritual needs will remain administered. We are not less noisy in our secular matters. Our marriage and burial processions must be accompanied by bands twists and Bhangras”.

### CONSTITUTIONAL COMMITMENTS

India constitution is perhaps one of the rare constitutions of the world which contains specific provisions relating to environment protection. It puts duty on the ‘State’<sup>3</sup> as well as ‘citizens’<sup>4</sup> to protect and emptive the environment. The judicial grammar of interpretation has made the right to live in healthy environment as sanctum sarictorurrst of human rights. Now it is considered as an integral part of right to life under article 21 of the Constitution.<sup>5</sup> Articles 32 and 226 of the Constitution empowers the Supreme Court and the High Courts, respectively, to issue directions, orders or writs, including writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari. The wilts of mandamus, certioran and prohibition are generally resorted to environmental matters. The Indian judiciary has made an extensive use of these constitutional provisions and developed a new “environmental jurisprudence” of India.<sup>26</sup> in India most of the environmental matters have been brought before the judiciary through ‘Public Interest Litigation” (PIL). Out of all the legal remedies available for the protection of environment, the remedy under the constitution is preferred because of its relative speed, simplicity and cheapness.

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<sup>3</sup> See Article 48-A, of the Constitution of India

<sup>4</sup> See Article 51-A(g)

<sup>5</sup> For details of this aspect, see infra Chapter III on "Constitutional Provisions and Environment Protection in India."

The Supreme Court while developing a new environmental jurisprudence has held that the powers of the Supreme Court under article 32 are not restricted and it could award damages in public interest litigation or writ petition in those cases where there has been any harm or damage to the environment due to pollution. In addition to damages, the person guilty of causing pollution can also be held liable to pay exemplary damages so that it may act as deterrent for others not to cause pollution in any manner. The said approach of the Supreme Court is based on "Polluter Pays Principle."<sup>6</sup> Recently the Supreme Court has imposed exemplary damages on multinational companies such as Coca Cola and Pepsi for damaging the ecology in the States of Himachal Pradesh and Jammu & Kashmir by painting advertisements on the rocks. The Supreme Court directed the companies to remove these advertisements without further polluting the environment.

### COMMON LAW REMEDIES

The Common Law remedies against the environmental pollution are available under the law of Torts. Tort is a civil wrong other than breach of trust or contract.

The Supreme Court in the case of *M.C. Mehta v. Kamal Nath*,<sup>7</sup> rightly observed that environmental pollution amounts to civil wrong and by its nature it is a tort committed against the whole community. The court observed.

Pollution is a civil wrong. By its very nature, it is a tort committed against the community as a whole. A person, therefore, who is guilty of causing pollution, has to pay damages (compensation) for restoration of the environment and ecology. He has also to pay damages to those who have suffered loss on account of the act of the offender... In addition to damages... the person guilty of causing pollution can also be held liable to

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<sup>6</sup> See Infra Chapter V on "Sustainable Development and Judiciary in India".

<sup>7</sup> (2000) 6 SCC 213

pay exemplary damages, so that it may act as a deterrent for others not to cause pollution in any manner.<sup>8</sup>

The liability of the polluter under the law of tort is one of the major and oldest legal remedies to abate the pollution are under the following heads.

- (i) Nuisance;
- (ii) Trespass;
- (iii) Negligence; and
- (iv) Strict Liability

#### **Environment Protection:**

Indian Penal Code, 1860, makes various acts affecting environment as offences, Chapter XIV of the Indian Penal Code containing section 268 to 294-A deals with the offences affecting the public health safety, convenience, decency and morals. The sole object of Chapter XIV is to safeguard the public health, safety and convenience by causing those acts punishable which make environment polluted or threaten the life of the people.

Section 268 of the Indian Penal Code (IPC) defines public nuisance and section 290 provides for punishment for public nuisance in cases not otherwise provided for. Thus, under these provisions any act of omission of a person which caused injury to another person by pollution the environment can be controlled. Under section 268 of IPC, inter-alia, noise pollution can also be controlled.

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<sup>8</sup> Id., at 224.

In *K. Ramkrishanan v. State of Kerala*,<sup>9</sup> the Kerala High Court held that smoking in public places amounts to public nuisance and cases can be filed under section 290 of the Indian Penal Code. The Court also the Supreme Court held that smoking in public places violates the fundamental right of the passive smokers under article 21 of the Constitution of India.,

Sections 269 to 271 make a negligent act likely to spread infection of disease dangerous to life, punishable. The punishment provided for such act is imprisonment up to six months or with fine or both. Thus, if the pollution is caused by any act which spreads the infection of disease dangerous to life, the same can be controlled by punishing the person who is responsible for such act.

Section 272 to 276 deal with the adulteration of food, drinks and drugs. Section 277 can be used to prevent the water pollution in certain cases. This section provides that fouling of water of public spring, well or reservoir rendering it less fit for purposes for which it is ordinarily used. Shall be punishable with imprisonment upto three months or with fine up to rupees five hundred or both. It must be noted that the act of fouling water must be voluntary and not due to ignorance.

The IPC can be used to prevent pollution of atmosphere noxious to health of persons in general. Thus no trade, business or manufacturing process can be carried out in the residential area which produces noxious and offensive smell.<sup>10</sup>

The IPC can also be used to prevent the negligent handling of poisonous substances combustible materials and explosive substances which may cause environmental pollution.<sup>11</sup>

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<sup>9</sup> AIR 1999 Ker, 385

<sup>10</sup> See sec. 277 of IPC

<sup>11</sup> Id. Sec. - 284 to 286

Under Sections 426, 430, 431 and 432 of IPC, general pollution caused by mischief can be controlled as the same is punishable.

## **THE WATER ( PREVENTION AND CONTROL OF POLLUTION) ACT. 1974**

### ***SOURCES AND EFFECTS OF WATER POLLUTION***

Water pollution is one of the major problems facing humanity. Industrialization, urbanization, increase in human population are responsible for water pollution. Some of the important sources and effects of water pollution are given as under:

#### **(a) Industrial Wastes**

Industrial waste or trade effluent includes any liquid or solid substance, which is discharged from any premises used for carrying on any industry, operation or process or treatment and disposal system other than the domestic sewage. It is a common practice that a large number of industries, which are located on the banks of rivers, discharge their untreated effluent into the river and thus pollute the river water. Industrial effluents contain, inter alia, mercury, lead, cadmium and copper etc., which are harmful to the aquatic animals. For example, mercury results in large-scale killing of fish and other animals. It is also responsible for developing deformities in human beings feeding on such poisoned animals. The presence of lead in water also causes deformities and it is also responsible for causing anemia and loss of appetite. Certain trade effluents change the pH value of the water and thus produce toxic effect on plants and animals.

#### **(b) Domestic Wastes**

Nearly 75%- of the water pollution is due to sewage and domestic wastes. Sewage generally includes biodegradable pollutants like human fecal matter, animal waste and many organic compound such as carbohydrates, protein, fats, urea etc. and inorganic salts such as nitrates and phosphates of detergents. The urban solid waste is posing a serious threat to the environment. The urban poor suffer from the high incidence of



diseases most of which are environmentally based. According to a report by the Centre for Science and Environment, out of India's 3,119 towns and cities, only 209 had partial and only 8 had full sewage and sewage treatment facilities. On the river Ganges. 114 cities each with 50,000 or more inhabitants dump untreated sewage into the river every day.<sup>12</sup> The section of the Yamuna River, which flows through Delhi collects nearly 200 million liters of untreated sewage daily. This has made the capital the fourth most polluted city in the world.

Domestic waste is highly contaminated with infectious agents for typhoid, cholera, dysentery and various other skin diseases. Nearly 25 million deaths are caused every year due to water borne disease. Detergents accumulated in water make it unfit for the drinking purposes. Sewage also produces foul smell. Organic wastes give rise to scum and sludge that make the water unfit for its natural use. The domestic waste is also having social and economic effects, as heavy amount is required for cleaning operation of rivers, - lakes and ponds etc.

### **(c) Insecticides and Pesticides**

The farmers use large amount of Insecticides and pesticides. Due to rain or irrigation these insecticides and pesticides either pollute the neighbouring fresh water in lakes, rivers or ponds or they also percolate down and affect the underground water. The insecticides and pesticides also kill the aquatic animals.

### **(d) Thermal Pollution**

Heat from power plants, industries, automobiles, and hot summers which raises the temperature of water to a harmful level is called thermal pollution. The thermal pollution speeds up biodegradation of organic matter, which results into ecological Imbalance.

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<sup>12</sup> See Our Common Future- The World Commission on Environment and Development. 240 (1987)

Thermal pollution also is harmful to the aquatic life.

### **(e) Radioactive Wastes**

Wastes generated from atomic reactors contain different kind of radioactive isotopes, are very harmful for the plants and animals living in water.

## **OBJECTIVES**

This specialized legislative measure is meant to tackle one facet of environmental pollution. The fundamental objective of the Water Act is to provide clean drinking water to the citizens.<sup>13</sup> Its other main objectives are:

- (i) To provide for the prevention and control of water pollution and the maintaining restoring of wholesomeness of water.
- (ii) To establish Central and State Boards for the prevention and control of water pollution.
- (iii) To provide for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.
- (iv) To provide penalties for the contravention of the provisions of the Water Act.

## **PENALTIES AND PROCEDURES**

Under the Water Act different penalties have been prescribed for violating different provisions of the Water Act. Sections 41 to 45-A are relevant provisions in this regard.

Section 41 provides that for failure to give information as required under Section 20 of the Water Act. The punishment is imprisonment for a term which may be extended to three months or with fine which may be extended to Rs. 10,000/- or with both. In case the failure continues, an additional fine may be imposed which may be extended to Rs.

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<sup>13</sup> A.P. Pollution Control Board (II) V. M.N. Nayudu (2001) 2 SCC 62 at 79.

5,000/- per day during the period for which failure continues after the conviction for the first such failure.

## THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

### OBJECTIVES

The Air (Prevention and Control of Pollution) Act, 1981 is a specialized legislative measure, meant to tackle one facet of environmental pollution. Its main objectives are the following :

- (i) To provide for the prevention, control and abatement of air pollution.
- (ii) To provide for the establishment of Central and State Boards, with a view to implement the aforesaid purpose:
- (iii) To provide for conferring on such Boards powers and assigning to such Boards functions relating thereto; and
- (iv) To lay down the standards to maintain the quality of air.

Keeping in view these objectives the Air Act has provided for measures, which are preventive in nature, in the cases of industries to be established; and in the cases of industries already established, they are remedial. In the case of established industries, it insists on obtaining consent of the Board, making the industry amenable to the administrative control of the Board.

### DEFINITIONS

Section 2 of the Act deals with definitions. Some of the important definitions given in the Air Act are as under :

**Section 2(b) Air Pollution :** "Air pollution" means the presence in the atmosphere of any air pollutant.

## PENALTIES AND PROCEDURE

The Air Act originally was not having effective provisions for the penalties. But the Amendment Act of 1987 has made significant changes in the provisions dealing with penalties. But a person guilty of contravention of any provisions of this Act, which constitutes an offence, has to be prosecuted for such an offence and in case the offence is found proved then alone can he be punished.<sup>14</sup> Section 37 of the Air Act deals with the penalties for offences under sections 21, 22 and 31-A of the Air Act. This section provides that :

- (a) for operating or establishing any industrial plant in an air pollution control area without the consent of the State Board (section 21); or
- (b) for allowing emission of air pollutants in excess of the standards laid down by the State (section 22); or
- (c) for violating any directions issued by the Board in exercise of its power and performance of its functions under the Act (section 31-A).

The punishment shall be an imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine. In case the failure continues an additional fine of rupees five thousand per day after the conviction shall be imposed.

If the failure continues beyond a period of one year after the date of conviction, the punishment shall be imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

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<sup>14</sup> M.C. Mehta V. Kamal Nath, (2000) 6 SCC 213 at 222

## INTRODUCTION OF INTELLECTUAL PROPERTY RIGHTS IN INDIAN AGRICULTURE

Introduction of Intellectual Property Rights in Indian agriculture brought a dramatic change in the process of management of agriculture. The influx of Multinational Companies (MNCs) affected the traditional pattern of agricultural system which was mostly based on free exchange of knowledge and on public sector involvement. Various questions have been raised about the aftermath of this changed pattern of agro-environment. The MNCs who are solely geared with profit maximization intention-what can India achieve from them in the long run? The transfer of technology and boost to agricultural research is some of the benefits India can obtain but what India will lose at the cost of these benefits. There has been a countrywide debate involving policy makers, scientists, NGOs and other stakeholders on the issue of intellectual Property Rights. They are working to find out a solution, which would benefit both the researcher as well as farmers. There is a consensus on the need of legislating an act of farmers for using the material from the harvest, which was traditionally used, by the farmer from the beginning. The regime of IPR to provide an incentive to the inventor is a really remarkable decision of the world community. This system will provide a boost to the R and D in various fields is obvious. Now a day, this IPR regime has spread its tentacles from agriculture to major technological innovations. When we try to make an analysis of the impact of the IPR in agriculture; both the positive and negative effects of this regime are crystal clear in front of us. The IPR regime in India will invite the private sectors to provide a helping hand in the development of research in the agricultural sectors. But it is obvious that there will be a fierce competition among the companies to trap the markets. The farmers will lose their traditional rights to protect the seeds and plants according to the environment. It may create a dependency syndrome among the framers, which will create a disastrous effect in the agriculture system.. In conclusion, India has demonstrated that the private sector can contribute to improving agricultural productivity and food security through the research, development, and delivery of pearl

millet and maize hybrids. A more conducive policy environment and an expanding technological frontier suggest that private-sector innovation can contribute even more.

## IPR AND RESEARCH

The current debate on intellectual property rights raises a number of important questions on the strategy and policies for the building a more dynamic agricultural research system. It is very important to decide that what would be the role of private and public sectors; and the role of MNCs. At the moment the bulk of the research agricultural activity is in the public sector-specifically the network of research institutes forming a part of Indian Council of Agricultural Research (ICAR) and the agricultural universities. The private sector only accounts 15 percent of the total research work expenditure. But private sectors play a major role in the developed countries like, USA, Japan, UK and Germany. In these countries, the private sectors research activity is mainly confined in technologies 'embedded' in fertilizers and pesticides seeds and other inputs. These techniques are seen to have immense potential in the markets of the developing countries and it also provides heavy profits. Realizing these several MNCs are involved to exploit the potential in the long-term basis. This puts the whole process under the control of private companies and they produce the trans genetic products, which will provide them a rich dividend. These MNCs are also vigorously pursuing to expand their activities in developing countries, which offer a vast, and as yet untapped, potential market.

The MNC agribusiness played a leading part in lobbying for such a regime during the Uruguay Round Negotiations. Their argument was incentives are necessary for the innovations. Therefore, inventor must be provided the opportunity to patent his invention for a certain period. With the influence of their governments they became successful to pass the TRIPS.

The current debate in India on TRIPs is whether the patent protection would benefit India in the long run. Some scholars give their opinion in the favour of this while others give

against this. Those are in favor of this they say that the research of MNCs will bring new technology to India by which we can our problems like, hunger, malnutrition and food insecurity. In other countries these MNCs dominate over this research and they have patented a lot of things. If they would not be permitted to enter into India, they will not co-operate India and our research work would be hampered without their cooperation.

Those who are against this policy they put their arguments that the entry of MNCs in this sector would hamper the traditional interests of the peasants. It will create a dependency syndrome among the farmers on private sectors who will take the advantage of this situation. Again the genetically engineered products may increase the vulnerability of agriculture to the outbreak of pests and diseases. Again it may reduce the agro-diversity and may invite the monoculture in the existence. Taking these views into the account must of the developing countries are not infavour of the entry of the private sectors.

Recognizing these risks involved in the biotechnology, US, Europe, Japan and other countries have regulations to access the possible adverse impacts. Claims of likely benefits are screened rigorously before patent is given. That India lacks a regulatory system to oversee these aspects cannot be seen but expected. Under these conditions the risks of allowing MNCs to operate freely in this sphere are highly risky. These apprehensions are far from fanciful is amply demonstrated by way the field trials of transgenic cotton have been conducted by Monasanto in India.<sup>15</sup>That means, the poor peasants cannot take the benefit of this private research system. Again, these private sectors are taking the advantage of the loopholes of existing IPR system. They are again and again patenting the same system with a little modification by which they can control their monopoly over these products. At the international level, the genetic engineering

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<sup>15</sup> Shiva Vandana et al, 'Globalisation and threat to food security: case of Transgenic cotton trials in India.*Economic and Political Weekly*,2001,March,6-13,

<sup>16</sup> Vaidyanathan A., 'Research for Agriculture', *Economic and political Weekly*,Aug.12, 2000,p.2919

industry is today heavily concentrated in the hands of few private companies or firms that hold a substantial number of key patents on germplasm and control significant seed distribution networks. One of the consequence is that this is making the setting up and growth of new firms in this field much more difficult. Further this implies that the private or public sectors interested to work in these fields, they have to have an alliance with these firms, and otherwise they cannot accomplish their work.

We need to remind ourselves that the improved varieties are themselves are not sufficient for sustained growth of agriculture. In our own experience, some of the early HYV (High Yielding Varieties) of rice and wheat were found susceptible to widespread of attack of pests. Further, research is necessary to sort out this problem. A question may be raised here that who would bear the losses out of this practice. The private companies are financially so much powerful that any individual cannot expect the justice against them. Again they can influence the policy of government by the use of their financial power. So in this case, it would be difficult on the part of the individual farmer to bear the losses and may create more traumatic condition.<sup>16</sup>

The other important lesson of the HYV experience is that the realization of full potential of these varieties is contingent on a significant improvement in the quality of soil and water management. The more sophisticated the varieties, the higher the required level of skill and sophistication of other elements of agricultural technique. It has to be accompanied by significant improvement of soil moisture of rain fed agriculture and management of water in irrigated tracts. Even in a state like, Punjab , where the farmers are quick to learn and absorb the technology but they are also unable to tap off all the potential of these HYV. All the states of India have not provided the adequate irrigation facility to their farmers. In this case, how the Indian farmers can take the full advantage of this situation. Therefore the impact of the Green Revolution has remained confined within a few states.



The research of the public sectors in India would keep the interests of farmers as the primary motive behind the research. Therefore, it can be presumed that for Indian situation, the research of the public sectors would be proved conducive. But government should give special attention to this research if it is genuinely interested to bring the revolution in the agricultural sectors and to take the fullest advantage of genetic engineering. More funds should be earmarked to the development in the agricultural research.

The aim of research being to improve the yields and reduces the costs by more efficient use of inputs, it would seem that the trend in maximum yield of individual crop and crop combinations achieved in research institutions, along with the quantum of inputs used per unit of output, could be one companies index of performance. The combined with surveys of the extent which farmers actually adopt the practices recommended by the researchers and the performance of selected varieties or practices on farmers fields would give a better basis to assess the success of research. Independent evaluation is essential. Besides making information on the overall indicators, periodic reviews of the scientific aspect of the work and independent surveys to access farmers' perceptions and responses to research recommendations need to be institutionalized. The review process and information base must also be made public in order to strengthen the pressure of greater accountability of the research system.

### **CORPORATE RESPONSIBILITY FOR ENVIRONMENTAL PROTECTION (CREP),**

CREP is a charter promoted by the Central Pollution Control Board of India for Commitment and voluntary initiatives of industry for responsible care of the environment for building a partnership for pollution control. It is an initiative which requires compliance by leading resource intensive industries. The Ministry of Environment & Forest has launched the Charter on "Corporate Responsibility for Environmental Protection (CREP)" in March 2003 with the purpose to go beyond the

compliance of regulatory norms for prevention & control of pollution through various measures including waste minimization, in-plant process control & adoption of clean technologies. The Charter has set targets concerning conservation of water, energy, recovery of chemicals, reduction in pollution, elimination of toxic pollutants, process & management of residues that are required to be disposed off in an environmentally sound manner. The Charter enlists the action points for pollution control for various categories of highly polluting industries. The Task Force was constituted for monitoring the progress of implementation of CREP recommendations/ action points.

Corporate social responsibility was the term first used by Howard R. Bowen in his book 'social responsibility of business'. It means contributing to the society meaningfully, while working towards the profit motive of the company. An increased awareness of our environmental impact and understanding of corporate social responsibility is important in industrial context.

By reducing office waste produced like paper-recycling, replacing, disposal, and using reusable ones. Encouraging staff-members, suppliers, customers to reduce their environmental footprint by using green product. There are many firms which follow the CSR and are working in a number of areas including 'building a low carbon future', they are actively promoting their CSR activity. One of the most important issue of CSR in climate change. The companies which are following CSR properly take measures like, promoting nationwide in waste management and commissioning of various farmland, taking proper anti-pollution measures. Rain water harvesting in firms, installation of solar panel in hilly areas, encouraging more and more use of public transport instead of private one. CSR can be used as a great tool in building the ecological balance, sustainable developing.

The paper shall discuss CSR's origin and how it is developed in recent years. . Every company should act according to their limits in mitigating the climate change and those limits, procedure and actions to be taken by the respective companies shall be further discussed in paper and the Investment is needed to be made by the giant companies in

order to lessen the effect of climate change and the burden levied on the NGO's to that effect shall discussed in the paper. Many methods like reforestation, switching to low-carbon energy sources such as biotic, renewable and hydro energy will play a vital role and this will be discussed in detail.

'Corporate Social Responsibility' (CSR) has become the mainstream prescription by business and governments for dealing with social and environmental ills. It is a voluntary form of self-regulation that aims to tackle everything from human rights and labour standards to limiting carbon dioxide emissions that lead to climate change. But because CSR ultimately lies within the framework of markets, and requires market-based incentives for companies to invest in such programmes, it ultimately falls prey to the vagaries of the market. The myths of CSR include that voluntary reporting improves performance; that codes and management systems change corporate behaviour; the consumer will drive change and that the investment community will provide the best incentive for business to perform in a more sustainable manner. Re-envisioning ethical business requires us to look at opportunities below the radar screen: not at minimising the impacts of big business. Understanding and providing the institutions to support the 'ethical minnows': those business that operate on a sustainable platform and provide a social return on investment, beyond mere financial profit. Ultimately, we need to transform markets in such a way as to see an end to the larger corporate winner-takes-all approach if we are to see a sustainable future. Climate change is one of the most critical issues that emerges in the debate on sustainability. Voluntary business initiatives, in the form of corporate social responsibility practices, can play a key role in promoting sustainable development, whose effectiveness depends on the responsible involvement of factors operating in the political, economic and societal sphere. Financial institutions, such as banks, play an important role with respect to sustainable development, since their activity may have relevant direct and indirect impacts on environment and society. This paper analyzes the state-of-the-art of green financial products and services in India, addressing some interrelated questions regarding ethical issues: Which is the effective involvement of banks in supporting sustainable development? To what extent is the

diffusion of specialized financial services on the climate change issue part of a more comprehensive ethical view? Is there a relationship between the degree of importance and internalization of corporate social responsibility aspects within banks' corporate governance and the number and quality of green/carbon services and products offered? This paper considers the motivations for and nature of business contributions to sustainable development through the medium of corporate social responsibility (CSR). It compares CSR with sustainable development, given that they are both 'essentially contested concepts'; it introduces CSR's changing meaning and it explains why there has been a recent increase in CSR with reference to the increasing socialization of markets as a result of narrow market drivers, along with other social, governmental and globalization drivers. It uses Hart's 'A natural-resource-based view of the firm' to explain the way in which these drivers give rise to sustainable development agendas in companies and provides illustration of these. The concluding discussion identifies some limitations to CSR as a vehicle for sustainable development and signals important avenues of research for policy-maker.

Every business enterprise is an integral part of the society. It uses the scarce resources of the society to continue and grow. Hence, it is important that no activity of business is injurious to the long run interests of the society. The Development of the concept of Social Responsibility of business whereby the owners and managers of business are made conscious about the responsibilities of their business towards the community and its customers, workers. Social Responsibility of business refers to the obligation of business enterprises to adopt policies and plans of actions that are desirable in terms of the expectation, values and interest of the society. It ensures that the interests of different groups of the public are not adversely affected by the decisions and policies of the business. The concept of Corporate Social Responsibility (CSR) is not a new one in India. There is a conscious shift from making profits to meeting social challenges. The World Business council for sustained Development defines in the following manner:-

“Corporate Social Responsibility is the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large”

Organizations, now, are realizing the need to shift their focus on the environment. The spectrum of CSR includes a number of areas as human rights, safety at work, consumer protection, climate protection and caring for the environment, and sustainable management of natural resources. In fact, CSR is one of valuable tool to manage the Enterprise Social Risk Management.

## **ENVIRONMENT AND HUMAN RIGHTS**

Environmental and human rights law have many essential things in common that enable the creation of a field of cooperation between the two: Firstly, both disciplines have deep social roots; Secondly, both disciplines have become internationalized. The international community has assumed the commitment to observe the realization of human rights and respect for the environment. The protection of the environment is internationalized, while the State-Planet Earth relationship has become a concern of the international community. Thirdly, both areas of law tend to universalize their object of protection. Human Rights are presented as universal and the protection of the environment appears as everyone’s responsibility. Moreover the enjoyment of all human rights is closely linked to the environmental issue. Not only rights to life and health in the first place, but also other social, economic, cultural, as well as political and civil rights, can be fully enjoyed only in a sound environment. And certainly, to go to an extreme, they cannot be enjoyed at all if the environment becomes impaired beyond a certain critical level. The whole of mankind could in such a case perish together with all its civilization, including human rights. The worse the environment becomes, the more impaired are human rights, and vice versa. That is the reason why there is the need for sustainable development and that means, in the first place, ecologically sound development of economies, science and

technology, and all other fields. This is a sine qua non for both protection of the environment and further promotion of human rights.

## CONCLUSION

The extent of the environmental legislation network is evident from the above discussion but the enforcement of the laws has been a matter of concern. One commonly cited reason is the prevailing command and control nature of the environmental regime. Coupled with this is the prevalence of the all-or nothing approach of the law; they do not consider the extent of violation. Fines are levied on a flat basis and in addition, there are no incentives to lower the discharges below prescribed levels.

Some initiatives have addressed these issues in the recent past. The Government of India came out with a Policy Statement for Abatement of Pollution in 1992, before the Rio conference, which declared that market-based approaches would be considered in controlling pollution. It stated that economic instruments will be investigated to encourage the shift from curative to preventive measures, internalize the costs of pollution and conserve resources, particularly water. In 1995, the Ministry of Environment and Forest (MoEF) constituted a task force to evaluate market-based instruments, which strongly advocated their use for the abatement of industrial pollution. Various economic incentives have been used to supplement the command-and-control policies. Depreciation allowances, exemptions from excise or customs duty payment, and arrangement of soft loans for the adoption of clean technologies are instances of such incentives. Another aspect that is evident is the shift in the focus from end-of-pipe treatment of pollution to treatment at source. The role of remote sensing and geographical information systems in natural resource management and environmental protection has also gained importance over time. Environment play an important role in any society, for providing better environment legislation made a many laws. Like

The Water (Prevention and Control of Pollution) Act, 1974

The Air (Prevention and Control of Pollution) Act, 1981

The Wild life (protection) Act, 1972

The Forest (Conservation) Act, 1980

The Environment (protection) Act, 1986

The Noise Pollution

Through above laws we change the environment of society which gives good effect in the society.

