

## INEXTRICABLE NEXUS BETWEEN POPULATION, POVERTY AND ENVIRONMENT – NEED FOR INTEGRATION OF POLICIES AND LEGISLATIONS

*By*

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Mahatma Gandhi once said “there is enough to satisfy every man’s needs, but not every man’s greed”. The natural environment is the most precious heritage of mankind. Malthus stated that while population increases in geometric progression, food production only increases in arithmetic progression. Hence there is perennial divide between food resources and the numbers –a mismatch between demand and supply. Population explosion in many parts of the world breeds poverty and compel the man to exploit natural resources to satisfy hunger needs. This holds good in the context of developing countries.

The industrial countries indiscriminately exploited natural resources and achieved more than their share of development in order to secure a decent standard of living and thereby giving rise to earth pollution and environmental degradation as a result of affluence and underlying greed. Population explosion breeds hunger and poverty and this in turn exerts enormous pressure on the land to exploit natural resources to sustain hunger needs because the entire economy in developing countries is based on natural resources. The poor not only suffer from environmental damage but become a major cause of the ecological degradation themselves as they have been pushed on to marginal land by population growth and inequitable development patterns. Economic deprivation and environmental degradation reinforce one another in a vicious cycle.

Human demands are increasing with the growth of population and modernity, but

the resources at disposal are limited. Reckless exploitation of natural resources is causing a serious imbalance. The natural environment has started giving way. The spread of desertification, soil erosion, floods, droughts, urban congestion and extinction or threat of extinction of countless species of plants and animals are, the visible phenomena affecting the eco-system and causing pollution of land, water and air. The demands for food, shelter, clothing, energy and other basic human needs have been increasing to the crisis point. In case these natural resources are not managed and used properly it will become impossible to provide for the quality of life of human beings. Therefore, the environment which provides the resources for supporting the population and achieve development has to be managed through protection and conservation.

Any serious attempt at providing equity and social justice would call for a very marked escalation in consumption of resources including energy and services. It will also mean a considerable escalation in greenhouse gases, particularly carbon dioxide. While the country has simultaneously to make serious efforts in these directions to provide goods and services and to mitigate the ill-effects of scarcities, population stabilization becomes all the more necessary. The birth rates must fall perceptibly at the earliest. The transition to stabilization in population would need an action plan to be followed diligently to its logical conclusions.

The world is and has always been unequal; at present there are at least two worlds; The

small but rich and powerful industrial world and a very large but poor and powerless developing world. Between the two, the economic disparity is too wide. It is also reflected in the use of resources and energy. For instance, a child born in the USA today would use 56 times more energy than a child born in India. The industrial nations had their share of development and have left considerable amount of pollution and eco-degradation. The developing countries, as indicated earlier, though way behind in development, have also contributed to pollution and eco-degradation on account of dire need to eke out an existence.

During, the last few decades because of rapid and indiscriminate industrialization all over the globe, the most precious heritage of man-the natural environment is in danger. However, realizing that all human activities impinge on the natural environment concern for protection of environment has gained momentum. While most development decisions used to be based on economic profitability in the past, today it is realized that investments in environmental conservation and pollution control measures enhance the productivity in the long run, rather than be a stumbling block in the path of development.

Pollution of air and water is now recognized to be a problem of global dimension. Ecological changes are caused by increasing exploitation of underground water, increased use of fertilizers leading to degradation of soil content, rapidly increasing consumption of oil, petroleum and diesel, deforestation, on a huge scale. All these factors cause imbalances in the physical and biological surroundings.

The greenhouse effect arising due to increased carbon dioxide content and concomitant increase in global temperature and depletion of ozone layer *via* chlorofluorocarbon use, poses the greatest threat to the very existence and survival of human beings, flora and fauna around the globe.

Industrial projects have profound influence on society, human health and the ecosystem. With rapid industrialization, the deterioration of the earth's natural resources has increased. The absence and ignorance of pollution control measures, deterioration of environmental quality, and rapid growth of human population have caused major environmental problems which threaten not only survival of plants, animals and people but also of the infinitely complex natural systems of the earth.

Pollution of environment is a world-wide phenomenon. To combat it the United Nations Organization has also expressed its deep concern. It organized a conference on Human Environment at Stockholm in June, 1972 which laid down the principles and action plans for regulating and controlling the Human Environment and also deliberated on the institutional and financial arrangements for the purpose. Specifically the International Conference on Human Environment declared: (i) man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of quality that permits a life of dignity and well-being, and (ii) man bears a solemn responsibility to protect and improve the environment for present and future generations.

Although pollution is a fallout of the technological progress it should not be an uncontrollable phenomenon. The primary objective has been to persuade the industries for adoption of pollution, control norms. Large scale industrialization leads to a loss of biodiversity which may far outweigh the gains of industrialization.

In the 'Earth Summit' held in *Rio de Janeiro* in 1992 five major agreements were signed by the participating Governments. Some of the important agreements were: (a) Agenda 21 outlines a comprehensive programme of action to promote environmentally sound and sustainable development in the world, (b) the convention on Biological Diversity

signed by 160 Governments. However it failed to address poverty as a key issue in environment.

The eradication of poverty, hunger, greater equity in income distribution and development of human resources remain major challenges everywhere. Poverty is defined as “the inability to attain minimal standard of living and is measured in terms of basic consumption needs or income required to satisfy them. Poverty this characterized by the inability of individual, households or entire communities to command sufficient resources to satisfy their basic needs. The two conventions on Climate and Biological Diversity hardly addressed the key issue of poverty affecting two-thirds of the world’s populations. In 1974, the World Food Conference declared the inalienable right of every man woman and child to be free from hunger and malnutrition.

The Global Forum on Environment and Poverty (GFEP), based in Dhaka, Bangladesh, has emerged as the leading network to address poverty as the main cause of environmental degradation. The forum has demanded that (a) the rich must pay the full ecological costs of their consumption; and (b) all people, including the poor, must have equal rights to global commons including the atmosphere and the oceans in addition to other resolutions.

### *Indian Context*

About 76 per cent population in India is rural and lives in over 576,000 villages spread throughout the length and breadth of the country. Sustainable development, including environmental conservation, can be ensured only with the involvement of the people at the grass root level. For successful implementation, a change in pattern of governance is necessary. It envisages a decentralized bottom-upwards approach for goal-setting, planning, accountability and sharing of benefits.

Land-use management has belied us for long. India’s mass poverty is directly related to land degradation. The country’s land holding is nearly 2.4 per cent of the world, but it supports 15 per cent of human population and about 20 per cent of cattle population of the world. This had led to a tremendous pressure on land in India. It is one of the most critical problems in a country which is predominantly agricultural. Outside the green revolution belt, the agriculture still depends on rain. In fact, soil loss and water degradation lead to declining agriculture productivity, unsustainable land use, rural poverty, disease and hunger, ecological refugees and finally slums in mega cities. All these are interrelated problems. In India, land, water and forests are State subjects and, therefore, by and large, out of the purview of the Centre. Even so, there is need to develop a policy on the subject including tenurial rights. Although an intractable issue, land-use management is very important and needs urgent attention.

The “green revolution” agriculture in irrigated areas has created its own environmental problems of land degradation through salinization and topsoil loss with increasing global consciousness about the conservation of environment India, too has woken up to a policy of developing ‘environmental friendly technology that gives it an added edge in the already-conscious world market.

In 1971, the Government of India enacted first the Water (Prevention and Control of Pollution Act).

Subsequently the ambit of environmental laws was widened by enacting the Wild Life Protection Act, 1972, Forest Conservation Act, 1980, Air (Prevention and Control of Pollution) Act 1981 and Environment Protection Act, 1985.

The Public Liability Insurance Act, 1991 has been enacted to provide for mandatory

insurance for the purpose of providing immediate relief to the person affected by accident occurring while handling any hazardous substance. An exercise has been undertaken to codify the principles of civil liability in regard to the handling of hazardous substances and setting up of environmental Tribunals at the national level with Benches in the States.

The preamble of the Indian Constitution declares that social, economic and political justice is to be secured and protected to every citizen of India. Further, under the Fundamental Rights, Article 21 of the Constitution guarantees the right to life, a life of dignity to be lived in a proper environment, free of danger of disease and infection. The Directive Principles of State Policy of Indian Constitution in Article 47 clearly declare to raise the level of nutrition and the standard of living of its people, and improvement of public health as one of the Fundamental duties of the State. Article (40A) which was incorporated by the 42nd Amendment of the Constitution provides that "the State shall endeavour to protect and improve the environment and to safeguard forests and wildlife of the country". The 42nd Amendment of the Constitution also added certain fundamental duties of the citizens in Part IV-A of the Constitution.

The Supreme Court of India has emphasized several State Governments on the need for implementation of environment protection laws from time to time.

"Authorities who are willing to see the writing on the wall, the rapid economic growth being witnessed today is taking a heavy human toll in the form of displacement disease and degradation. The people are misled by for short-term gains while long term are a casualty.

Directive principles in Constitution are given prominence in governance of the

country. There is bound to be a backlash for the present path of growth in society. Possible only by an eternal vigilance by all stakeholder and through collective effort for the betterment of the society. We need a constitutional commitment."

In *Orga Tellis* case, Supreme Court observed- "so long as through going land reforms regrouping and distribution of resources to the poorest bottom half of population does not take place the III World Countries can go as increasing their production until hell freezes and hinder will remains for the production will go to those who already have plenty to developed world to the wealthy in III world itself poverty and hunger walk hand in hand.

"How the other half dies"-the real reasons for world hunger.

In *Bandhua Mukti Morch v. Union of India*, 1984 SC 802, Justice *Bhagwati* observed "It is the constitutional obligation of the Court to protect the fundamental rights of the people and for that purpose this Court (SC) has all incidental and ancillary powers including the power to forge new remedies and fashion new strategies designed to enforce the fundamental right."

"Where constitutional fundamentals vital to the maintenance of human right are at stake functional realism and not facial cosmetics must seek the substance and not the form" *Hasis v Khalid Mujib*, 1984.

In *Tarun Bharat Sangh, Alwar v. Union of India*, Supreme Court stated that "imbalances and the consequent environmental damage have reached is so alarming that unless immediate, determined and effective steps were taken, the damage might become irreversible. The preservation of the fauna and flora, some species of which are getting extinction at an alarming rate, has been a great and urgent necessity for the survival of humanity and these laws reflect a last ditch

battle for the restoration, in part at least, a grave situation emerging from a long history of callous insensitiveness to the enormity of the risks of mankind that go with the deterioration of environment. The tragedy of the predicament of the civilized man is that "Every source from which man has increased his power on earth has been used to diminish the prospects of his successors. All his progress is being made at the expense of damage to the environment which he cannot repair and cannot foresee." In his foreword to International World Life Law, H.R.H. Prince Philip, the Duke of Edinburgh said:

Many people seem to think that the conservation of nature is simply a matter of being kind to animals and enjoying walks in the countryside. Sadly, perhaps, it is a great deal more complicated than that....

...As usual with all legal systems, the crucial requirement is for the terms of the conventions to be widely accepted and rapidly implemented. Regretfully progress in this direction is providing disastrously slow...."

"Environmentalists' conception of the ecological balance in nature is based on the fundamental concept that nature is "a series of complex biotic communities of which a man is an interdependent part" and that is should not be given to a part to trespass and diminish the whole. The largest single factor in the depletion of the wealth of animal life in nature has been the "civilized man" operating directly through excessive commercial hunting, or more disastrously, indirectly through invading or destroying natural habitats."

### *Need for Integration of Legislations and Policies*

The consequences of ignoring population, environmental and natural resources factors will be disastrous and it is imperative that the political leadership realize the urgency of the

problem. The problem is short-sightedness and the tendency to focus on immediate crisis and policies that yield visible and fast shortrun results. UN agencies and non-governmental organizations have a responsibility to bring the long term perspective to the attention of political leaders.

*We must realize that a healthy economy cannot flourish in a sick environment.*

Unless environment-friendly technologies become available to the developing world, the objectives of environmental conservation would not be furthered. This would 'again fall under eco-diplomacy.

There is no economic and industrial growth without ecological costs. However, depending upon the technology used, the extent and nature of the ecological costs may vary.

Naturally, zero ecological costs are not possible. Nevertheless, it must be recognized that it is not only the rates of economic growth and GNP that are important; equally important is the rate of degradation (or regeneration) of our natural resources.

Linkages between population pressures and deforestation, biological diversity, water supply, soil erosion and urban pollution are extremely relevant to national policy makers and development planners. Here too, there is a need to examine the requirement for policy-relevant, country-specific new research.

Our industrialization vision has taken away our ability to see the living spirit in the tree, river, mountain and to know that life, energy sustaining them and us is the same.

Management of environment means the proper utilization, conservation, preservation, control and recycling of the resources for maintaining a balanced ecosystem. The main focus of environment management is, thus, to avoid the overuse, misuse and abuse of



the natural resources. The effective environmental management is the optimum allocation of finite resources among the various possible uses and it has to be based on scientific and technological approach which takes full note of socio-economic parameters and compulsions. Environmental management is an interdisciplinary approach to resource conservation and it acts as a regulatory force on human wantonness in resource wasting.

The five principles underlying sustainable development are: ecological harmony, economic efficiency, conservation of resources including energy, local self-reliance and equity with social justice.

This means ushering in a well-meaning programme of environmental education with regard to long range ecological security. Integrated and coordinated approach to development planning is to be adopted by the States in order to avoid conflicts between the needs of development and need to protect human environment.

Each nation must ensure that its activities may not cause degradation of the environment in other nations. The environmental pollution may be avoided by preventive measures. The balanced eco-system must be preserved. Different nations should co-operate in controlling the air, water and soil pollution in protecting the marine atmosphere and in improving the environmental conditions of human settlements. It is necessary, therefore, to introduce the environment aspect into our planning and development.

Three cardinal principles are to be kept in mind to ensure resource utilization on a sustainable basis-equity and social justice, an efficient economic system and ecological harmony. Today, Environmental Impact Assessment (EIA) has become a basic tool in sustainable development. EIA assesses both the policy and environmental impact of individual projects to harmonise sectoral development plans and to prepare the

required environmental management plan for each of the development projects. The EIA study appraises each development project from various impact categories like economic impact, environmental impact and the social impact. The Rio Declaration strongly emphasized the need for using EIA as a tool for internationalization of environmental concerns in the development process.

Environmental education must start from childhood. Formal and informal Government and non-Governmental organizations must encourage people in protecting their environment. Specialized institutions must provide appropriate training and teaching material to such organizations.

In other areas as well, a changeover is needed from the present resource-intensive and pollution-prone technologies to environment-friendly technologies where less and less resources (including energy) are used.

The stress has to be on products that are environment-friendly the manufacture of which does not degrade environment.

Awareness and education is one of the important inputs for a correct appraisal of environmental problems. Education can be at various levels: formal and informal including adult education.

There is an urgent need to make an in-depth study of the effect of the present day environmental protection legislation and policies on industry and economy. Emphasis to be given on the need for new development models and policies that take due account of environmental concerns.

Eco-labelling of products has to become an integral part of technology and business.

Laws were made and laws are being framed, but more important is the proper implementation of these laws to achieve the desired results. Proper implementation of the

laws requires not only proper management techniques but also an active involvement of the inhabitants. Local committees or bodies with members from the industrial units, administration, the pressure groups, citizens and other related fields should be formed with a view to monitor the implementation of the law and pollution control programmes. Such bodies should be given sufficient powers for doing the needful.

This requires sincerity of purpose on the part of the political leadership at the Centre and the State levels and the implementing authorities at local level. Last but not least, the participation of people at every level is of utmost importance.

Legal support should not be a static process. Environmental law is not a codification of do's and don'ts alone, it is law based on science, technology, sociology, economics and ethics. With better understanding of many of these aspects, the legal framework needs to

be updated. Again environmental law is not an end in itself; it can be very meaningful only if it is combined with a mixture of incentives and disincentives.

In the end, one can only say that an organized effort on the part of citizens and the administration is required to keep a check on the environmental pollution.

However all these legislations, policies and guidelines exists in isolation and implemented on piece-meal basis. Hence there is an urgent need to evolve an approach to development is to follow eco-sustainable development model while integrating environment and population policies because poverty, population, natural resources and environment are closely related. It calls for concerted global action, careful environmental planning and major location-specific programmes of development. It will constitute a major step towards saving mankind from man made catastrophe.

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### EXCESS METERING COMPLAINTS: TELEPHONES

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On 31st March, 1987 there was a roaring debate in the parliament that even the Members of Parliament were subject to excess billing. It was alleged that when they were out of station their phone bills in Delhi went up. The estimates committee of the Parliament (7th Lok Sabha 26th April 1987) where it was observed that complaints of faulty and inflated billing had been received by it from a large number of subscribers of non-official organizations from all parts of the country.

The Government of India, Ministry of Communications Department of

Telecommunications addressed a Circular No.4-59/86-TR dated 9.4.1986 to all Heads of Telecom circles/Districts which exhaustively deals with the problem of excess metering and suggested the manner of disposal of the complaints in that regard which includes in Para V advance action in case of a possibility of an excess billing complaints as below :

- (a) Meter reading being taken every fortnight
- (b) Identifying all subscribers whose current fortnightly readings show a sudden spurt and