NEW DELHI: It is the government’s duty to protect the environment but they are unable to do so and instead they accuse the judiciary of encroaching upon its territory, Supreme Court judge Justice Vikramajit Sen today said.

"It is government which is supposed to protect the environment but increasingly, we find, for various reasons, that the government is unable to do this task.

"But that is primarily because politics is the main chase. You need an electorate to give votes. It is expensive exercise and therefore you have to increasingly depend on big businesses which exploit environment," Justice Sen said.

Speaking at the release of Jindal Global Law Review’s special issue on Environmental Law, the judge said no government is interested in environment and is on the lowest priority list and taken as an obstacle to industrialisation.

"Increasingly, we hear from the government and bureaucracy that we are going into areas which is not expected of judiciary. What does the judiciary do? A and B have a dispute and we are expected to decide. But what about the constitutional vision.

"Are we supposed to look the other way when we see degradation at such a large-scale. Or is it our duty, as a member of higher judiciary, to take note of it. Governments think that we are encroaching on their territory but the reality is that we are doing very little to protect the environment. Any judge who is mindful will put environment on his priority list," Justice Sen said.

Expressing concern that law students are preferring to take up jobs and not coming to courts, he said they should join courts as lawyers and even go for judicial services.

"Law students are preferring to take jobs and not coming to courts because they see a big salary package on the other side and see a penury as a young lawyer. Courts have their own advantages. The job satisfaction is unparalleled here," he said.

NGT Chairperson Justice (retd.) Swatanter Kumar said that times have come when we have to balance between sustainable development and protection of nature and environment.

"Development is essential, who can dispute that fact? You need industries, you need aeroplanes, you need energy... Only thing is that how would you do it?

"We need to take some harsh decisions so that the people today and the next generations do not suffer," he said.

Addressing the gathering, Justice (retd.) Kumar said, "The earth, the nature, like a mother forgives you for all that you do. It tolerates every harsh thing, human beings are inflicting on it...

"But there is limit to this tolerance. When it gets beyond the tolerance, then the mother earth and the nature revolt. And when it revolts, disasters are what you are seeing in Uttarakhand, Nepal, and other places."

"Development is essential, who can dispute that fact? You need industries, you need aeroplanes, you need energy... Only thing is that how would you do it? You can not ignore what you are going to pass to your next generation."

Expressing concern over Delhi’s bad air quality, he said that the situation is so bad that every child born in Delhi, Ghaziabad or Agra, within five years of his birth, would be asthmatic.

"Is this what we are looking for? Is this what we are going to pass on to our next generations? The kids today, half of them are living on antibiotics. What harm they have done to deserve that," he said.

Professor C Raj Kumar, Founding Vice Chancellor, O P Jindal Global University (JGU), Sanjiv Goswami, Managing Director, Springer, Dr Vishwas H Devaiah, Associate Professor, JGLS also spoke on the occasion.