



Environmental Laws and Regulation in India

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ABSTRACT: Every individual has the fundamental right to seek a healthy environment to live in. It makes environmental awareness internationally imperative. In 2011, India's population has reached 1.21 billion and its economy is growing at 8.5 percent, the fastest after China. Due to the population pressure and industrial development, thousands of industrial clusters are producing a large amount of untreated waste that often ends up in rivers, lakes, forests and landfills. Industrial activities are adding emissions of poisonous gases in the atmosphere. Agriculture has rendered soils highly polluted and depleted. No wonder, with the proliferation of organizations, awareness about environmental issues spread from scientific and academic communities to the mainstream political parties and from them to the public at large. Conventions and conferences on environment have now assumed a respectable place in international diplomacy. Although, India has sufficient environmental laws but the lack of funds and manpower blocks the enforcement of environmental laws. Men only think about the profit without concern about the impact towards the environment and the future of life. The long term effect from the environmental pollution can be seen when the ecosystem is not able to endure the pollution. Present India is facing many important environmental challenges which currently threaten both the development of India and the outlooks of its future. The uncontrolled human activities are causing decrease of land quality, increasing air, water and land pollution and many health related problems. The present paper is an attempt to analyze the environmental issues, laws and suggests some effective measures for protection of environment.

KEYWORDS: Environment, degradation, management, policies, legislative measures.

I. INTRODUCTION

The word "Environment" is most commonly used to describe "natural" environment and means the sum of all living and non-living things that surround an organism, or group of organisms. Environment includes all elements, factors, and conditions that have some impact on growth and development of certain organisms. Progress in agriculture and industry has resulted in unlimited exploitation of every bit of natural resources. Various development activities of man had adverse effects on all forms of living organisms. Unlimited exploitation of nature by man disturbed the delicate ecological balance between living and non-living components of the biosphere. Environmental issues in India become more serious every day. In fact, there is no shortage at all of government legislation protecting the environment but unfortunately it is never enforced due to flagrant abuse of power, corruption and lack of resources.

1. Forest agricultural land degradation: An estimated 60% of cultivated land suffers from soil erosion. 12 billion tons of topsoil is lost annually from soil erosion. The Indian Agricultural Research Institute has estimated that a 3 °C rise in temperature will result in a 15 to 20% loss in annual wheat yields. These are substantial problems for a nation with such a large population depending on the productivity of primary resources and whose economic growth relies heavily on industrial growth. Forest area covers 18.34% of India's geographic area (637000 km²). Nearly half of the country's forest cover is found in the state of Madhya Pradesh (20.7%) and the seven states of the northeast (25.7%) the latter is experiencing net forest loss. Forest cover is declining because of harvesting for fuel wood and the expansion of agricultural land.

2. Pollution (a) Air pollution: Indian cities are polluted by vehicles and industry emissions. Road dust due to vehicles also contributes up to 33% of air pollution in cities like Bangalore around 50% of children suffer from asthma. One of the biggest causes of air pollution in India is from the transport system. It also appeared that the excessive pollution was having an adverse effect on the Taj Mahal due to closure of all industrial factories in the area. On the positive side, the government appears to have noticed this massive problem and the associated health risks for its people and is slowly but surely taking steps. The first of which was in 2001 when it ruled that its entire public transport system, excluding the trains, be converted from diesel to compressed gas (CPG).

(b) Water pollution: Out of India's 3,119 towns and cities, just 209 have partial treatment facilities, and only 8 have full wastewater treatment facilities. 114 cities dump untreated sewage and partially cremated bodies directly into the



Ganges River. The untreated water is used for drinking, bathing, and washing. This situation is typical of many rivers in India as well as other developing countries.

(c) **Noise pollution:** The Supreme Court of India gave a significant verdict on noise pollution in 2005. Unnecessary honking of vehicles makes for a high decibel level of noise in cities. The use of loudspeakers for political purposes and by temples and mosques make for noise pollution in residential areas. Recently Government of India has set up norms of permissible noise levels in urban and rural areas

(d) **Solid waste pollution:** Trash and garbage is a common sight in urban and rural areas of India. Indian cities alone generate more than 100 million tons of solid waste a year. Street corners are piled with trash. Public places and sidewalks are despoiled with filth and litter, rivers and canals act as garbage dumps. In part, India's garbage crisis is from rising consumption. In 2000, India's Supreme Court directed all Indian cities to implement a comprehensive waste-management programme that would include household collection of segregated waste, recycling and composting. The organization for Economic Cooperation and Development estimates that up to 40 percent of municipal waste in India remains simply uncollected. Even medical waste is routinely dumped with regular municipal garbage. A recent study found that about half of India's medical waste is improperly disposed of.

(e) **Land pollution:** Pesticides and fertilizers cause land pollution. In March 2009, Uranium poisoning in Punjab caused by fly ash ponds of thermal power stations, which reportedly lead to severe birth defects in children in the Faridkot and Bhatinda districts. A fast growing population increased the rates of deforestation, which causes soil erosion which leads to Land Pollution. In 2012, the Government of India confirmed that the ground water in Malwa belt of Punjab has uranium metal that is 50% above the trace limits set by the United Nations.

3. Greenhouse gas emission: India was the third largest emitter of carbon dioxide, a major greenhouse gas, in 2009 at 1.65 Gt per year, after China and the United States. With 17 percent of world population, India contributed some 5 percent of human-sourced carbon dioxide emission, compared to China's 24 percent share. On per capita basis, India emitted about 1.4 tons of carbon dioxide per person, in comparison to the United States 17 tons per person, and a world average of 5.3 tons per person.

4. Population growth and the environment: A growing population puts pressure on agricultural land and causes environmental degradation. This environmental degradation ultimately reduces agricultural yields and food availability, causes famines and diseases and death, thereby reducing the rate of population growth. Population growth is also a major cause of air, water, and solid- waste pollution. The result, Malthus theorized, is an equilibrium population that enjoys low levels of both income and environmental quality. Malthus suggested positive and preventative forced control of human population, along with abolition of poor laws.

ILLEGAL FRAMEWORK FOR ENVIRONMENTAL PROTECTION

In Arthashastra Kautilya made provisions to regulate activities related to environment Fifth pillar edict of emperor Ashok also contains some regulations. During British period, some act such as Shore Nuisance (Bombay and Kolkata act) 1853, Indian Panel code (1860), The elephant preservation act (1879), The factories act (1882), and Wild birds and animal protection act (1912) were passed for environmental protection. Before Indian independence in 1947, several environmental legislations existed but a well-developed framework came only after the UN Conference on the Human Environment. Under the influence of this declaration, the National Council for Environmental Policy and Planning within the Department of Science and Technology was set up in 1972. This Council later evolved into a full-fledged Ministry of Environment and Forests in 1985 which today is the apex administrative body in the country for regulating and ensuring environmental protection. After the Stockholm Conference, in 1976, Constitutional sanction was given to environmental concerns through the 42nd Amendment, which incorporated them into the Directive Principles of State Policy and Fundamental Rights and Duties. The pollution control boards (CPCB Central Pollution Control Board and SPCBS State Pollution Control Boards) form the regulatory and administrative core of the sector.

Some national laws for the prevention and control of industrial and urban pollution include the following:
Wildlife (Protection) Act, 1972: The WPA provides for protection to listed species of flora and fauna and establishes a network of ecologically-important protected areas. The WPA empowers the Central and State governments to declare any area a wildlife sanctuary, national park or closed area. It provides for authorities to regulate the hunting of wild animals, protect specified plants, sanctuaries, national parks and closed areas, restrict trade or commerce in wild animals or animal articles and miscellaneous matters. The Act prohibits hunting of animals except with permission of



authorized officer when an animal has become dangerous to human life or property. Water (Prevention and Control of Pollution) Cess Act, 1977: It provides for a levy and collection of a cess on water consumed by industries and local authorities. It aims at augmenting of the central and state boards for prevention and control of water pollution. The water (prevention and control of pollution) cess rules were formulated in 1978 for defining standards and indications for the kind of and location of meters that every consumer of water is required to install.

Water (Prevention and Control of Pollution) Amended Act, 1977: The Water (Prevention and Control of Pollution) Amended Rules were formulated in 1978 for defining standards and indications for the kind of and location of meters that every consumer of water is required to install industrial and motor vehicle pollution output.

Air (Prevention and Control of Pollution) Act, 1981: This act controls air pollution, prohibits the use of polluting fuels and substances and regulates appliances that give rise to air pollution. To empower the central and state pollution boards to meet grave emergencies, the air (prevention and control of pollution) amendment act, 1987, was enacted. The boards were authorized to take immediate measures to tackle such emergencies and recover the expenses incurred from the offenders.

The National Environment Appellate Authority Act, 1997: Establishment of a national environment appellate authority was to hear appeals with respect to restriction of areas in which any processes could not carry out or would be allowed to carry out subject to certain safeguards under the environment (Protection) Act, 1986. Factories Act, 1948 and its Amendment in 1987 The Act contains a comprehensive list of 29 categories of industries involving hazardous processes. which are defined as a process or activity where unless special care is taken, raw materials used there in or the intermediate or the finished products, by-products, wastes or effluents would cause environmental problems.

Public Liability Insurance Act (PLIA), 1991: This Act was adopted to protect and conserve forests. The Act restricts the powers of the state in respect of de-reservation of forests and use of forestland for non-forest purposes (the term non-forest purpose includes clearing any forestland for cultivation of cash crops, plantation crops, horticulture or any purpose other than re-forestation).

National Environment Tribunal Act, 1995: The act provided strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a national environment tribunal for effective and expeditious disposal of cases arising from such accident, with a view to give relief and compensation for damages to persons.

Thus, we see that many legislative measures have been adopted for environmental protection but lack or inadequacy of skill, less than satisfactory infrastructural facilities, poor and unimaginative understanding of the law, jurisdictional conflicts and lack of coordination among different agencies of implementation, appear to contribute to poor and ineffective implementation of the laws. Ability of some of the more resourceful industries in either camouflaging their violations and noncompliance and in exerting undue pressure on the enforcement agencies, also has contributed to the inefficiency of the enforcement apparatus. Nevertheless, the search for better alternative principles of liability hardly needs an elaboration. A policy framework has also been developed to complement the legislative provisions. The Policy Statement for Abatement of Pollution and the National Conservation Strategy and Policy Statement on Environment and Development were brought out by the MOEF in 1992, to develop and promote initiatives for the protection and improvement of the environment. The EAP (Environmental Action Program) was formulated in 1993 with the objective of improving environmental services and integrating environmental issues with development.

The following measures should be adopted for environmental protection:

1. Use of plastic cover should be minimized.
2. Water should be used in economic way.
3. Aware people about various environmental issues and their adverse effects.
4. Promote the use of eco-friendly products.
5. Grow more and more trees
6. Develop innovative research to stop environmental issues.
7. Support the initiative taken by central and state government.

III. CONCLUSION

The environmental problems are not related to a particular country and region. Their impacts are global. The global concern for environment, wild life and natural resources caused the development of legal framework both at national and international levels. Rules were established by authority, mutual consensus or traditions to regulate the behavior of



individuals, a community or concerned country for the protection of environment and natural resources. Efforts are being made for inculcating environmental consciousness or awareness among the masses through education. Still, there is a need to take further steps for environmental protection.

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