

EFFECTIVENESS OF ENVIRONMENTAL LAWS IN INDIA: A STUDY OF REGULATORY AND JUDICIAL APPROACHES

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ABSTRACT

Environmental protection is definitely the most important thing to do in the present age, as the world is changing day by day, Environment protection of environment is also growing at a good pace; the ways to preserve or to protect the nature in our country are also increasing and creating awareness amongst the people. Our country has laid down many rules and laws regarding the protection of the environment. Environment that includes all elements, factors, and conditions that have some impact on growth and development of certain organism. Environment includes both biotic and a-biotic factors that have influence on observed organism.

The research work is based on the data collected by the secondary sources such as Books, Articles, Journals and Newspapers the collected has been analysed through suitable techniques at different place.

INTRODUCTION

One of the essential conditions for the general development of any country is environmental protection. The goal of environmental protection is to preserve and enhance the state of the environment. It emphasizes the idea that human activity has no effect on any area of nature. India is currently a nation with rapid GDP growth. This suggests that the country has a consistent rise in the areas of urbanization, industrialization, and resource usage. The environment is negatively impacted by all of these developments in the form of pollution, water scarcity, and temperature rise. As a result, the country adopts sustainable development to safeguard the environment. Nearly everyone in our current surroundings, even those on radio and in newspapers, uses the phrase "environment." Environmental protection is a topic that everyone is talking about. Environmental issues are routinely discussed at global summits. The link between environment, social structure, and culture has been the subject of discussion in geography, anthropology, and sociology over the past millennium. All of this demonstrates how important the environment is becoming. Furthermore, the connection between life and the environment is a fact. Biology is the source of the idea of ecology that social science uses. Ecology is the study of the interaction between living things and their surroundings. It is a subfield of biology. Biology has a big impact on sociology. Through the lens of ecology, sociology also examines the interaction between

humans and their surroundings. man and his surroundings are at the focus of the sociological field of research known as "human ecology." Park and Burgess initiated human ecology in sociology, highlighting the close relationship between man and the environment. Man is born in harmony with it, but also controls it to meet his needs.

Meaning and definition

Environmental protection involves measures to conserve, maintain, or preserve the environment by reducing pollutants and preventing degradation. Conservation aims to ensure the environment's safety and health by reducing overuse of natural resources and addressing all environmental components.

Preserving and conserving are related concepts, focusing on maintaining the environment without altering it. Environmental protection involves sustainable human practices to prevent harm to ecosystems. Animals play a crucial role in conservation, protecting endangered species and discouraging poaching. Protecting the environment benefits all those relying on it, including plants, humans, and animals. Preventing abuse or damage to the natural environment is the primary goal of environmental protection.

HISTORY

Protection of environment in India had started since early days as it was a crucial step to be taken to safeguard the future. As protecting it has been an challenging task from the very beginning, We must examine the origins of environmental protection in order to comprehend the current system of environmental law protection. An idea might be gained by looking into Indian customs and traditions from the past regarding environmental protection. It has been divided under four phases¹

1. Ancient Indian policies-

It is possible to argue that the pre-Vedic Indian Valley Civilization, which thrived approximately 5,000 years ago in northern India, was environmentally sensitive. Archaeological data has been used to compile all of this information.

The building of homes, streets, wells, & many other structures demonstrates the awareness of the need for hygiene and sanitation. One of the primary concerns of Vedic civilization was hygiene.

Numerous lines in the Charka Samhita discuss using water to preserve its purity. In addition, there were other penalties listed for the man in case he chopped down a tree or damaged the surroundings.

¹environmental-protection-in-india/#History_of_environmental_protection<https://lawbhoomi.com/>

2. Medieval Indian policies-

Forests were taken into consideration for hunting during the Mughals. There were no significant environmental protection statutes or laws in force during this time. The Mughal emperors have played a noteworthy role in the preservation of the environment. They created stunning gardens, fruit orchards, and verdant parks surrounding their palaces, provincial and central offices, public spaces, riverbanks, valleys, and gorges, which they utilized as summer retreats, temporary headquarters, or vacation spots.

3. British Indian policies-

The Shore Nuisance (Bombay and Kolaba) Act, 1853, which prohibited fouling of seawater, the Merchant Shipping Act of 1858, which addressed preventing oil pollution of the sea, the Fisheries Act of 1897, the Bengal Smoke Nuisance Act of 1905, and the Bombay Smoke Nuisance Act of 1912 are some of the significant laws pertaining to environmental protection that were introduced.

Natural resource looting was prevalent in India during the early years of British rule. The necessity of protecting forests was completely ignored. Their "ferocious attack" on India's forests was initiated. The British Navy, local construction projects like roads and railroads, the need for teak and sandalwood for sale, and the growth of agriculture as a means of generating income were the primary causes of the invasion of forests.²

4. After independence policies-

The National Forest Policy was created in 1952 with the intention of managing the nation's forests well and maximizing their direct and indirect benefits. In order to compile reports on the state of the environment for the 1972 United Nations Conference on Human Environment, which was held in Stockholm, the Pitambar Pant Committee on Human Environment was established. The Committee's recommendations served as the foundation for India's environmental policy, which was presented at the Stockholm Conference.³

There are no such statutes or themes pertaining to environmental protection that are the main focus of the Indian Constitution. The Stockholm Declaration of 1972 put a strong emphasis on environmental preservation. In order to concentrate on environmental protection, the National Council for Environmental Policy and Planning was established in 1972.

Modern wildlife management was the goal of the 1972 Wildlife (Protection) Act, and several laws and regulations have been passed to protect the environment.

²RAMA CHANDRA GUHA, THE UNQUIET WOODS (ECOLOGICAL CHANGE AND PEASANT RESISTANCE IN THE HIMALAYA)

³S. SHANTA KUMAR'S *supra* note 66 at 78-84

Acts and Policies Pertaining to Environmental Protection Today –

The National Council for Environmental Planning and Policy was founded in 1972 at the Stockholm Conference following independence, although environmental protection laws and policies before that. This eventually evolved into the Ministry of Forests and Environment. This is currently one of the primary organizations promoting environmental conservation.

Now let's talk about some significant and widely used environmental protection legislation:

The Water (Prevention and control pollution) Act,1974:

This act was designed to keep the nation's water wholesomeness intact and to prevent and regulate water pollution. The primary goal of this legislation is to forbid the release of contaminants into water bodies and to penalize those who violate the aforementioned laws.

The purpose of the CPCB at the Centre and the SPCBs at the State is to provide guidelines for the preservation of water bodies. The Water (Prevention and Control of Pollution) Act of 1974 established the Central Board and State Boards' funding sources for water pollution prevention and control. The cess is collected to augment these sources. The Act was last changed in 2003⁴.

The Air (prevention and control pollution) Act,1981:

This act's goals are to maintain the contaminants already present in the air while also preventing new pollution from entering it. The Boards at the State and the Centre were established with the intention of protecting the air. The Air Acts established criteria for the preservation of air quality.

By outlawing the use of air-polluting fuels and substances, these criteria were established. This Act gave the State the authority to declare any region to have contaminated air⁵.

The Environment Protection Act, 1986:

This act was designed to safeguard and enhance the environment. The framework for researching and putting into practice the environments long-term needs for protection has been established by this legislation.

Other significant actions from the perspective of protecting the environment include:-

⁴<https://ddashboard.legislative.gov.in/actsofparliamentfromtheyear/water-prevention-and-control-pollution-act-1974>

⁵<https://blog.ipleaders.in/an-overview-of-the-air-prevention-and-control-of-air-pollution-act-19/>

- The Wildlife Protection Act of 1972.
- The 1980 Forest Conservation Act.
- The 1991 Public Liability Insurance Act.
- Act of 2022 on Biological Diversity.

IMPORTANCE: -**The importance of safeguarding the environment**

Environmental protection is extremely important for the following reasons:

1. To reduce land, water, and air pollution.
2. To facilitate the preservation of natural resources for upcoming generations.
3. To guarantee the preservation of biodiversity.
4. To implement sustainable development.
5. To restore ecological balance.
6. To shield the environment from the harmful consequences of climate change.

To keep our lives safe:

All living things on Earth depend on its environment to survive. Our existence depends on our surroundings. We can expect better health when it is preserved. Food, clean air, and a ton more. According to the late professor Wangari Mathai, "if we destroy the natural world, nature will destroy us," and I quote her. The environment is what keeps us alive, which makes this statement extremely true.

Scientific advancements have had a negative impact on the environment:

Over time, many new discoveries have been made. Even while the human race is attempting to improve their lot in life, many of these inventions have a tendency to be detrimental to the environment. Worldwide, factories have been constructed in a vast number of locations. Hazardous gas emissions into the atmosphere are rising. Another example is the dredging of oil in the ocean. To make room for more land, trees are being taken down. The ecosystem is still at the mercy of human protection in light of all of this.⁶

Release of carbon dioxide:

Getting a car is the first thing that everybody with a decent amount of money considers. Over time, the number of car purchases has increased. The scarcity of environmentally friendly autos is the worst aspect. The majority of them use fuel, which emits carbon into the atmosphere when burned. In this, factories are also involved. Because carbon gasses are environmentally harmful, we must safeguard the environment.

⁶<https://www.trvst.world/environment/negative-impact-of-technology-on-the-environment/>

Usage of inferior polymers:

The environment is seriously threatened by the extremely hazardous chemicals used to make plastics. Toxic vapours are released into the atmosphere both during and after the burning of plastics during manufacture. Additionally, the poisons have the potential to contaminate groundwater and soil through leakage. This hinders the growth of plants and may even interfere with the hormones of many living creatures.

Natural diversity is vital:

Biodiversity is necessary for the ecosystem to be a healthier place to live. According to research, mammals inhale in oxygen and exhale carbon dioxide during the day, whereas plants consume carbon dioxide. This type of arrangement is an exchange. Humans gain when plants contribute to the reduction of carbon dioxide in the atmosphere. Every living thing in the environment has a purpose. It improves living conditions throughout the world.

It is our moral duty:

The environment is the reason we are here. It is our responsibility to make sure that the environment comfortably supports both humans and other living things. We must take every precaution to protect it if we are to repay it.

There are risks associated with the environment:

Observing our bodies of water, we see that they have turned into hazardous chemical disposal sites. The majority of factories dump their trash into the seas and lakes. These substances, like mercury in fish, find their way into the food chain. When these items wind up on our plates, they may cause major illnesses. It matters what we put on our skin and the air we breathe in. Life is in danger when there are dangerous gasses in the atmosphere.

Our survival will be seriously threatened if the environment is significantly destroyed, the air quality declines, the water supplies are contaminated, and the soil becomes barren. Furthermore, harm to the environment can result in a variety of natural disasters, including hurricanes, droughts, floods, and others that severely disrupt human existence.

All things considered, maintaining the environment is crucial to our survival and growth, as well as to how we respond to changes in climate and biodiversity and—above all—to our duty to future generations. Thus, in order to safeguard both the environment and our future, we must act.⁷

⁷<https://safetyculture.com/topics/risk-assessment/environmental-risk-assessment/>

URGENTLY NEEDED**In India, environmental protection is urgently needed: -**

Given that India's GDP is clearly growing and getting better every day. India is constantly working to strengthen its economy and become more self-sufficient.

Since advancing technology is necessary to improve the economy, technological advancements are correlated with the environmental damage that some industry-related activities create. Urbanization, industrialization, and the acquisition of every resource necessary to live in a pure and healthy environment and lead a better life.

Therefore, India made some significant environmental conservation efforts, such as achieving sustainable development. India has introduced policies to prevent droughts, the depletion of energy and water supplies, and many other issues.

A balance needs to be established between environmental and economic development. There are a few actions that can be taken, which are listed below:

- **Sustainable development:** Involves taking steps to ensure that there are enough resources available for usage by future generations. India has implemented these strategies to enhance resource efficiency and save the environment.
- **Adoption and advancement of technology:** India is making some efforts to enhance and progress technology. Initiatives like Made in India, Smart Manufacturing, and Skill India have been implemented.
- **The three-way cooperation:** The nation will be able to preserve the link between environmental preservation and economic growth with the support of industry, government, and regulatory agencies working together. Every element that affects the economy as a whole need to work toward the same goal.

GOING FORWARD: -

The future involves strengthening the environment, limiting industrial waste disposal, reusing natural resources, recharging groundwater, limiting deforestation, planting more trees, reintroducing afforestation, adopting smart farming, and incorporating technology advancements to reduce soil erosion and water and soil usage. Technology advancement, eco-friendly development, and sustainable construction should be prioritized for environmental conservation. Smart villages and electric vehicles can help reduce natural disasters and promote sustainable living. Ensuring complete regulation and enforcement of current laws is crucial. Green politics should be introduced, awareness campaigns organized, and tree-cutting

restrictions enforced. Vertical and indoor farming can limit land use, reducing environmental degradation. Implementing farming in urban and rural areas, making environment studies compulsory, teaching children about climate change, and enforcing more environmental laws can mitigate global climate change impacts.

CONCLUSION: -

India, a developing country, is actively working to improve its economic conditions while protecting its environment. The judiciary has introduced laws and regulations to achieve this, while the government is focusing on maintaining nature for the survival of people, flora, and fauna. The country has established constitutional provisions for environmental protection, including Make in India and Skill India initiatives. The government introduced environment laws in the 1980s to protect water, land, soil, public health, and flora and fauna due to the excess use of natural resources and fossil fuels. This was in response to the growing population's need for access to basic needs, which required more land, water, and food. This led to excess deforestation, water pollution, and air pollution due to increased road transport. India is now one of the most vulnerable countries to climate change and environmental degradation, and reforms in these laws are necessary to address the issue. The law was introduced to address the limited urbanization and the growing population's need for access to basic needs, which led to increased deforestation, water pollution, and air pollution. As India faces increasing vulnerability to climate change and environmental degradation, it is crucial to reform these laws to ensure the protection of these vital resources and reduce the negative impacts of human activities on the environment. India is one of the most vulnerable countries to climate change and environmental degradation due to its unchecked use of natural resources and fossil fuels. The government introduced environment laws in the 1980s to protect water, land, soil, public health, and flora and fauna. However, this has led to excess deforestation, water pollution, and air pollution due to increased road transport. India's current situation highlights the need for reformation in laws to address the increasing human impact on the environment and nature, as there is no limit on human use, leading to climate change.