

12. Sustainable Development through Environmental Laws Protection: A Review

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Figure 12.1: Need for Environmental Laws to Protect Our Environment

Abstract:

*Environment protection has become concerns for world community. Environmental law plays a very crucial and powerful role in regulating the use of natural resources and in protecting the environment. The success of environmental laws mainly depends on the way they are enforced. Legislation also serves as a valuable tool for educating people about their responsibility in maintaining healthy environment. It is very important task while fulfilling the present generation needs, to protect environment for future generation. The environmental pollution has resulting so many health issues and environmental degradation. It is the duty of all people on the earth, Government of all nations to make collective effort to protect Environment. Environment consists of natural resources like land, water, air, plants and animals. When environmental imbalance happens it leads to earth quakes, cyclones and, threat for the human life. To give effect to the provisions of the **Stockholm declaration of 1972**, the water (prevention and control of pollution) Act 1974 was passed, the Air (prevention and control) Act 1981 passed. After Bhopal gas leak disaster of Dec 1984, Environment (protection Act 1986 was passed. There is close relationship between protection of Environment and Sustainable development. Most of the nations have enacted environmental protection laws to ensure sustainable development. Various legal provisions and policies have been discussed in this paper.*

Keywords:

Sustainable Development, Environmental Protection, Pollution, India.

12.1 Introduction:

Human development has created the serious environmental pollution. When the environment of earth sustains injury it affects human security. There is a connection between environment and life. Destruction of environment means destruction of life on earth. Use of natural resources enormously, nuclear radiations, industrial wastes, cutting of forests, pollution of rivers and water resources, increase of air and noise pollution are main reason for environmental pollution. All the countries around world are giving importance to protect environment.

Therefore, the environmental law has come into existence. International concern for environmental protection¹⁻⁸ started with Stockholm declaration Sweden in June 5th 1972. It was written in Stockholm declaration that, "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being and he bears a solemn responsibility to protect and improve the environment for present and future generation ". There are numerous laws in India that deal with environmental protection. Environmental law is an important part of any regulatory body. It includes a set of laws and regulations related to air, water quality and other aspects of environment. Environmental law in India directly reflects what is envisioned in the constitution (Fig.1). The detailed and developed framework for environmental protection came after the United Nations Conference on the Human Environment in Stockholm in 1972.

The Air (prevention and control of pollution) act, 1981: CPCB and SPCB were given the responsibility. It states that the sources of air pollution such as internal combustion engines, industry, vehicles, power plants, etc., are not permitted to release particulate matter, lead, carbon monoxide, sulphur dioxide, nitrogen oxide, volatile organic compounds and other toxic substances beyond the prescribed limit. The act targets to control and prevent air pollution in India and its main objectives are:

- To provide for prevention, control, and abatement of air pollution.
- To establishment of the boards at the central and state levels to implement the act.
- It empowers the state government to designate air pollution areas.

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

The government formulated this act in 1974 to prevent the pollution of water by industrial, agricultural and household wastewater that can contaminate our water sources. As on day, it is applicable in all the states of India. Waste waters with high levels of pollutants that enter land, river, lake and sea are serious health hazards. The main objectives of the water act are to provide for prevention, control and abatement of water pollution and the maintenance or restoration of water. It is designed to assess pollution levels and punish polluters.

The Central Government and State Government have set up PCBs to monitor water pollution. Controlling the point sources by monitoring the levels of different pollutants is one way to prevent pollution, by punishing the polluter. Among other things, the Act provides for constitution of central and State Boards for preventing water pollution, power to take water samples and their analysis.

The State Governments also plays an advisory role to the Central Government; it coordinates the activities of, resolves disputes among, and provides technical assistance and guidance to the State Board.

The SPCB has been granted certain powers to prevent and control water pollution. It can direct closure, prohibit or regulation of any industry, operation or process, or to stop or regulate supply of water, electricity or any other service.

The Wildlife Protection Act, 1972:

The Wildlife Protection Act enacted in 1972 by the refers to the protection⁷⁻¹¹ of wild animals, birds and plants. The Act provides absolute protection offence under these are prescribed the highest penalties.

The hunting to the Enforcement authorities have the power to compound offences under this Schedule (i.e. they impose fines on the offenders). Government of India enacted this act with the objective of effectively controlling poaching and illegal trade in wildlife and its derivatives.

Forest (Conservation) Act, 1980:

Forest is defined as an ecosystem in which trees are dominant form of vegetation, the plants, animals and the soil play an important role. The Forest Act, 1980 was adopted to protect reserved forests. This act regulated the duty levied on timber and other forest products. This act has different sections to deal with various concepts related to conservation of forests.

- a. This act has the main aim to protect all types of forests.
- b. This Act, indirectly help to maintain the ecosystem and biological diversity.

- c. This Act, stresses that the state government would be empowered to declare a reserve forests as unreserved and any forest land cannot be used for non-forest purpose.
- d. This act further checks the operations that must be carried out in forests such as mining which will cause ecological imbalance leading to environmental deterioration.
- e. According to this act the central government has the authority to maintain an ecological balance in the forest extending from the tropical to temperate regions.
- f. This act was enacted and strictly followed on the basis of the fact that forest is a valuable treasure.

The Environment Protection Act, 1986:

The Environment Protection Act, 1986 was constituted on 19 Nov 1986, to provide protection and improvement of environment. The spirit of the proclamation adopted by the United Nations Conference on Human Environment, held in Stockholm in June 1972, was implemented by the Government of India by creating this act. The Act is one of the most comprehensive legislation with a pretext to protection and improvement of the environment. The main objective of the implementation of the EPA are:

- To implement the decisions made at the UN Conference on Human Environment held at Stockholm in June 1972.
- To enact a general law on the areas of environmental protection. Various hazardous substances creating problems that chiefly caused major environmental pollution.
- To co-ordinate activities of the various regulatory agencies under the existing laws.
- To provide an authority for environmental protection.
- To provide severe punishment to those who endanger the human environment, safety and health.
- The Act prohibits a person carrying on any industry, operation or process from discharging or emitting water pollutants in excess of the prescribed standards.
- In case of any non-compliance of the Environment Act, the violator will be punished with imprisonment up to five years or with fine up to Rs 1, 00,000, or with both.
- The ultimate object is to ensure sustainable development for protection of environment from being degraded or polluted.

12.2 Issues in Environmental Law Enforcement in India:

A. Lack of Strict Enforcement:

Although India has comprehensive environmental laws and regulations, their enforcement is often lax. This leads to unchecked violations and undermines the effectiveness of these laws.

B. Complicated and Overlapping Rules:

The legal landscape can be complex and sometimes there is overlap between different laws and regulations. This can confuse industries and law enforcement agencies, and can also create loopholes for non-compliance.

C. Delays in Proceedings:

Legal proceedings regarding environmental violations can be time consuming and lengthy in the Indian court system. This delay can result in unfair timing and impede effective enforcement.

D. Lack of Audience Participation:

Meaningful public participation is often lacking in the development and implementation of environmental policies and projects.

E. Corruption:

Corruption in regulatory bodies can lead to improper approvals and abuse of resources devoted to environmental protection.

F. Inadequate Sanctions:

The penalties for environmental violations are not always severe enough. This could cause industries to pay more fines instead of investing in sustainable practices (Figure 12.2).

G. Lack of Data and Monitoring:

Accurate and up-to-date data on environmental indicators is essential for effective decision making. However, there may be gaps in the data collection and monitoring systems.

H. Inconsistent Implementation:

Environmental regulations may be implemented inconsistently in different states and regions due to different capacities and priorities of state governments.



Figure 12.2: Needs for Sustainable Development

12.3 Conclusion:

Increase in population and economic development are main reason of environmental problem in India. For the purpose of protection of environment and sustainable Development we should give importance to protection of our environment. India has established a comprehensive regulatory framework to address environmental challenges and promote sustainable development. The country's environmental laws reflect its commitment to protecting ecosystems, conserving natural resources and ensuring a healthier and cleaner environment for its people. These laws cover many different aspects of environmental protection, including air and water quality, forest and wildlife conservation, waste management and biodiversity conservation.

While India's environmental law provides a solid foundation, its successful implementation requires the active involvement of government agencies, industries, communities and individuals. Effective enforcement, awareness campaigns and stakeholder collaboration are essential to achieving the intended goals of these laws.

To protect environment from degradation massive awareness is necessary. Government has passed lots of Legislation to tackle the environment pollution but these all legislation are not implemented strictly. Minimum usage of hazardous materials and toxic chemicals, careful usage of toxic gases will reduce environmental pollution. To protect environment is a responsibility of each and every individual living on the earth. Environment and development both are necessary.

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