



## **Environmental Concerns in India: Issues and Solutions**

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### **ABSTRACT**

*The Environment is the greatest gift of God to man. The environment is the total of conditions in which an organism has to survive or maintain its life process. Environment plays an important role in the healthy living of human beings and regulating air and climate. For a healthy life, we need fresh air, clean water, food and surrounding. Unfortunately, more than 90 percent of the global population breathes dangerously high levels of air pollution. Due to the ubiquity and severity of air pollution, it establishes the world's biggest environmental health hazard contributing to as many as 7 million premature deaths globally per year and also encumbrances the global economy with more than \$5 trillion in welfare losses. According to IQAir (PM2.5) data, India has 3<sup>rd</sup> rank as World's most polluted country in the year 2020. Pollution is a very big problem, which is dangerous not only for humans but also for the life of the whole earth. Therefore, it is necessary that air and water should be kept pure by controlling pollution. Along with the government, the common people will also have to be aware of this and play an important role to control the pollution. Central and State governments have played a major role in the development of environmental laws for improving and conserving the environment. In this paper, we have reports on environmental issues and the rules made for their control, as well as discussed, some ideas of pollution control.*

**Keywords:** Climate, Environmental law, Global warming, Human health

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### **INTRODUCTION**

The term environment has been derived from the French word "Environia" which means to surround. It refers to both abiotic (physical or non-living) and biotic (living) environments. Its abiotic components like air, water, light, etc., and its biotic living components like plants, animals, human beings, etc. are responsible for the survival and continuance of life on this planet [1]. It is a beauty of the environment that basic needs of humans such as food, clothes, air, water and medicines are provided by nature. Therefore, the environment is very important for us to understand because it constitutes our surroundings and affects our ability to live on the earth. Global warming, destruction of forests, natural calamities such as floods, earthquakes, tsunamis, wildfires, volcanoes and air, water, sound radiation pollution, and more poison chemical discharge can cause damage to the environment. The natural environment is a gift of nature and we need to conserve it for the benefit of living in the future. Therefore, it is our responsibility to take precautions against pollution.

The preamble of the United Nations Declaration on the human environment, adopted in Stockholm in June 1972 states, "Man is both creature and molder of his environment, which gives him physical substance and affords him the opportunity for intellectual, moral, social and spiritual growth" [2]. Since everything is part of the environment of something else, the word environment is used to talk about many things. People in different fields of knowledge use the word environment differently. The electromagnetic environment is radio waves and other electromagnetic radiation and magnetic fields. The environment of the galaxy refers to conditions between the stars. In recent years, scientists have been carefully examining the various ways by which people affect the 'Environment'. They have found that we are causing air pollution, deforestation, acid rain, and other problems that are dangerous both to the earth and to ourselves. The need for protection and conservation of the environment and sustainable use of natural resources is reflected in the constitutional framework of India and also in the international commitments of India. Environmental protection is influenced by three interwoven factors: environmental legislation, ethics and education. Each of these factors plays its part in influencing national-level environmental decisions and personal-level environmental values and behaviors.

### Some major Environmental Issues Facing India

1. Population growth
2. Air pollution from biomass burning, fuel adulteration, vehicle emission, traffic congestion and industrial effluents
3. Energy-related environmental problems such as chemical & oil pollution
4. Water pollution from untreated sewage, the lack of adequate sanitation
5. Municipal solid waste management (MSWM)
6. Noise pollution
7. Erosion of sands
8. Greenhouse gas emissions
9. Deforestation in India

An environmental policy is fundamentally a set of laws and administrative rules that regulate the relationships and conflicts between all the people concerned with the environment, as well as defining the relationships between people and the environment itself. The Honorable Supreme Court in *K. M. Chinnappa v. Union of India* defined “Environmental Law” as an instrument to protect and improve the environment and control or prevent any. These environmental policies may originate from local, national, or foreign governments, and address an array of issues including air or water quality, fossil fuel extraction, energy conservation, habitat protection or restoration, pesticide use, storage/disposal of hazardous materials, recycling and trafficking in endangered species. In the Constitution of India, it is clearly stated that the State must “protect and improve the environment and to safeguard the forests and wildlife of the country”. It imposes a duty on every citizen “to protect and improve the natural environment including forests, lakes, rivers, and wildlife”. The Indian constitution has provisions to protect and improve the environment [Fig. 1 and 2]. Environment protection has always been important before and after the freedom of India. In this paper, we have described environmental protection laws constructed from the British duration to present in India [3-21].

### The environmental protection laws

1. **The Shore Nuisances (Bombay and Kolaba) Act, 1853:** An Act to facilitate the removal of nuisances and encroachments below high-water mark in the Islands of Bombay and Kolaba.
2. **Oriental Gas Company Act of 1857:**
3. **Easement Act, 1882:** This law allows private rights to use a groundwater resource by viewing it as an attachment to the land. It also illumines that all surface water belongs to the state and is a state property.
4. **Indian Fisheries Act, 1897:** This law erected two sets of penal infractions whereby the government can sue any person who uses any explosive substance in any way (whether coastal or inland) with intent to catch or destroy any fish or poisonous fish to kill.
5. **Bengal Smoke Nuisance Act of 1905:** It was the first law for protecting nature in India. It was framed in 1905 for the abatement of nuisances, arising from the smoke of furnaces or fire-places in the towns and suburbs of Kolkata and Howrah and other areas of Bengal.
6. **Bombay Smoke Nuisance Act of 1912:** It was framed for the abatement of nuisances arising from the smoke of furnaces in the [Greater Bombay] and to provide for the extension thereof to other areas in the State of Maharashtra.  
India adopted a constitution and numerous British-enacted laws, without any specific constitutional provision on protecting the environment. India amended its constitution in 1976.
7. **The Indian Forest Act 1927:** This act consolidates the law relating to forests with the transit of forest produce. This act provides protection and the conservation of the forests.
8. **Factories Act 1948:** This act was framed in 1948 and amended in 1987. It was the first act to express guidelines for a healthy working environment for workers.
9. **Part IVA -Art 51A (g)-Fundamental Duties (1949):** “Duty on every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.”
10. **The Forest Conservation Act 1980:** This act helps to conserve the country's forests. It harshly restricts and regulates the use of forestland for non-forest purposes without the prior approval of the Central Government.
11. **Part IV-Art 39(e), 47 and 48A Directive Principles of State Policies:** “The state shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.”
12. **Part IV-Art 49:** The Directive Principles of State Policy provides for the obligation of the State to protect monuments, places and objects of national importance.

13. **Part IVA-Art 36: Duties of state:** Principles are fundamental in the governance of the country and it is the duty of the state to apply environmental protection principles during the process of law-making.
14. **Part IVA-Art 51(c):** Directs the State to foster respect for international law and treaty obligations in the dealings of organized peoples with one another.
15. **Part III-Art 21:** Right to the pollution-free environment and right to life.
16. **Right to equality Art 14:** Article 14 considers guarantees to every person the right and the equal protection of the laws. This article also may be invoked to challenge governmental projects having adverse impacts on the environment and its protection laws.
17. **Art 19(1) (g):** This article provides freedom to all Indian citizens to select any profession but with environmental protection.
18. **River Boards Act 1956:** This law empowers the states to enroll the central government in setting up an Advisory River Board to resolve issues in inter-state cooperation.
19. **Merchant Shipping Act 1970:** This act provides the guidelines for waste arising from ships along with the coastal to a specified extent.
20. **The Wild Life Protection Act 1972:** This act was framed in 1972 and amended in 1991. This act protects birds, animals and all matters that are connected to forests. This act expresses the strong protection of wildlife by controlling poaching, smuggling and illegal trade in wildlife and its derivatives. This Act has been made more stringent through amended in January 2003 by the considered provision of punishment and penalty for offenses.
21. **The Water (Prevention and Control of Pollution) Act 1974:** This act provides prevention and control the water pollution and preserves the wholesomeness of water in the country.
22. **Water (Prevention and Control of Pollution) Cess Act 1977:** This act provides a guideline for the levy and collection of cess or fees on water consumption by industries and local authorities.
23. **Water (Prevention and Control of Pollution) Cess Rules 1978:** This law has standard definitions and provisions of meters for every consumer of water.
24. **The Air (Prevention and Control of Pollution) Act 1981:** This act provides the prevention, control and abatement of air pollution and views to implementation of the abovementioned purposes by the construction of boards at the central and state levels.
25. **The Atomic Energy Act 1982:** This act provides the guidelines for use of the atomic energy without any misadventure.
26. **The Environment Protection Act 1986:** This act provides the protection and improvement of the environment. The Environment Protection Act establishes the framework for studying, planning, and implementing long-term requirements of environmental safety and laying down a system of speedy and adequate response to situations threatening the environment.
27. **Public Liability Insurance Act, 1991:** This Act applies to all owners related to the production or handling of any hazardous chemicals.
28. **Panchayats and the Municipalities Act 1992:** Constitution inflicts the duty to panchayats and the Municipalities to protect and preserve the environment by Act 1992 Seventy-third Amendment and the Act 1992 Seventy-fourth Amendment respectively.
29. **National Environmental Appellate Authority Act 1997:** This act also provides the protection and improvement of the environment. This Act has been formed to hear appeals concerning restrictions of areas in which classes of industries etc. are carried out or prescribed subject to certain safeguards under the EPA.
30. **National Environment Management Act (NEMA) 1998:** This act also provides guidelines for the protection and improvement of the environment.
31. **The Environment (Siting for Industrial Projects) Rules, 1999:** This rule provides guidelines relating to areas to be avoided for siting of industries, precautionary measures to be taken for site selection as also the aspects of environmental protection which should have been incorporated during the implementation of the industrial development projects.
32. **Noise Pollution (Regulation and Control) Rules, 2000:** There was no direct provision for 'noise pollution' under any environment protection Act. The high noise levels in public places produced from various sources like industrial activity, generator sets, loudspeakers, vehicular horns, etc. have harmful effects on human health. It was a need for a law, which would regulate and control noise pollution. Therefore, the Central Government framed 'The Noise Pollution (Regulation and Control) Rules, 2000'. The government has been set the ambient air quality standards and noise levels for different areas such as industrial, commercial, residential areas and silence zones

33. **The Ozone Depleting Substances (Regulation and Control) Rules 2000:** The main objective of this rule is the protection of the Ozone layer by controlling the production and consumption of ozone-depleting substances. The rule restricts unauthorized sale, purchase, import, export and use of an ozone-depleting substance.
34. **The Biological Diversity Act 2002:** This Act involved the protection of biological resources and associated information as well as sustainably facilitating access to them.
35. **The National Environment Policy of 2006:** This policy helps to conserve the critical environmental resources, intra-generational equity-livelihood security for the poor, inter-generational equity, integration of environmental concerns in economic and social development, efficiency in environmental resource use and enhancement of resources for environmental conservation.
36. **Recognition of Forest Rights Act 2006:** This act recognizes the rights of forest-dwelling Scheduled Tribes and other traditional forest dwellers over the forest areas inhabited by them and provides a framework for according the same.
37. **The National Green Tribunal Act 2010:** This act expresses the establishment of a National Green Tribunal (NGT) for the effective and expeditious clearance of cases relating to environmental protection and conservation of forests and other natural resources.

### HAZARDOUS WASTES MANAGEMENT ACTS

Management of the waste is very important because wastes are a danger to health or the environment. Several legislations directly or indirectly deal with hazardous waste management included the relevant legislations are the Factories Act, 1948, the Public Liability Insurance Act, 1991, the National Environment Tribunal Act, 1995 and rules and notifications under the Environmental Act. There are we discussed some of the rules dealing with hazardous waste management.

1. **Biomedical Waste (Management and Handling) Rules, 1998:** This rule provides the guideline for proper disposal, segregation, transport etc, of infectious wastes.
2. **Batteries (Management & Handling) Rule 2001:** This rule covenant with the appropriate and effective management and handling of lead-acid batteries waste. This Act applies to all manufacturers, assemblers, re-conditioners, importers, dealers, auctioneers, bulk consumers and consumers.
3. **Hazardous Wastes (Management, Handling and Transboundary) Rules, 2008:** This rule provides the guideline for the manufacture, storage and import of hazardous chemicals and management of hazardous wastes. The Ministry of Environment, Forest and Climate Change has formulated the draft Bio-Medical Waste (Management & Handling) Rules, 2015 (Draft BMW Rules).
4. **E-Waste (Management and Handling) Rule, 2011:** This rule has been notified on 1<sup>st</sup> May 2011 and came into effect on 1<sup>st</sup> May 2012. The main objectives of this rule are to alleviate the use of hazardous substances in electrical and electronic equipment by the specifying threshold for use of dangerous material and to channelize the e-waste produced in the country for environmentally sound recycling. This Rule applies to everyone related to e-waste such as producers, consumer, collection centers, dismantlers and recyclers etc.
5. **E-Waste Management Rules, 2016:** E-Waste Management Rules, 2016 notified on 23 March 2016 in supersession of the e-waste (Management & Handling) Rules, 2011. Manufacturer, dealer, refurbisher, recycler, transporter and Producer Responsibility Organizations (PROs) have been introduced as additional stakeholders in the rules. The roles of the State Government has been also introduced in the Rules in order to ensure safety, health and skill development of the workers involved in the dismantling and recycling operations.
6. **E- Waste (Management) Amendment Rules, 2018:** The e-waste collection targets under Extended Producer Responsibility (EPR) have been revised and will be applicable from 1 October 2017. The phase-wise collection targets for e-waste in weight shall be 10% of the quantity of waste generation as indicated in the EPR Plan during 2017-18, with a 10% increase every year until 2023. After 2023 onwards, the target has been made 70% of the quantity of waste generation as indicated in the EPR Plan.
7. **Solid Waste Management Rules, 2016:** This rule provides the guideline for solid waste management including segregation at source, transportation of waste, treatment and final disposal.
8. **Plastic Waste Management Rules 2016:** The Plastic Waste (Management and Handling) Rules 2011 was notified in 2011. The Government has notified the Plastic Waste Management Rules 2016, in suppression of the earlier Plastic Waste (Management and Handling) Rules 2011. These

rules provide the guidelines for use of plastics and plastic waste management. The Ministry of Environment, Forest and Climate Change has an amendment to Plastic Waste Management Rules 2016 as the Plastic Waste Management (Amendment) Rules 2018 on March 27, 2018.

9. **Construction and Demolition Waste Management Rules 2016:** The Ministry of Environment, Forest and Climate Change notified the Construction & Demolition Waste Management Rules, 2016 on 29 March 2016. These rules are applied to everyone who generates construction and demolition waste such as building materials, debris, and rubble waste resulting from the construction, remodeling, repair and demolition of any civil structure of an individual organization or authority. Everyone related to generating construction and demolition has duties of scientific management of construction and demolition waste.
10. **Coastal Regulation Zone Notification 2019:** These norms are issued under section 3 of the Environment Protection Act 1986. These norms aim to promote sustainable development based on scientific principles taking into account natural hazards such as increasing sea levels due to global warming.
11. **Municipal Solid Wastes (Management and Handling) Rules, 2000:** This rule provides the guideline for enabling municipalities to dispose of municipal solid waste scientifically.

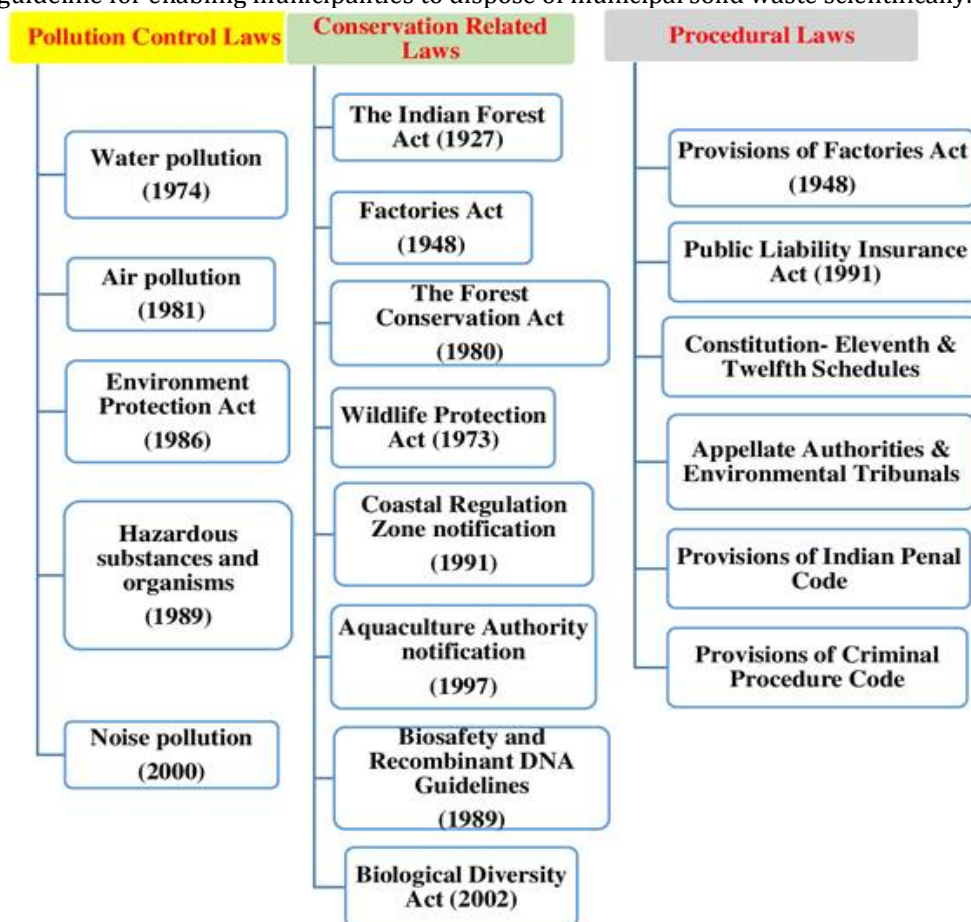


Figure 1. Environmental Protection Laws

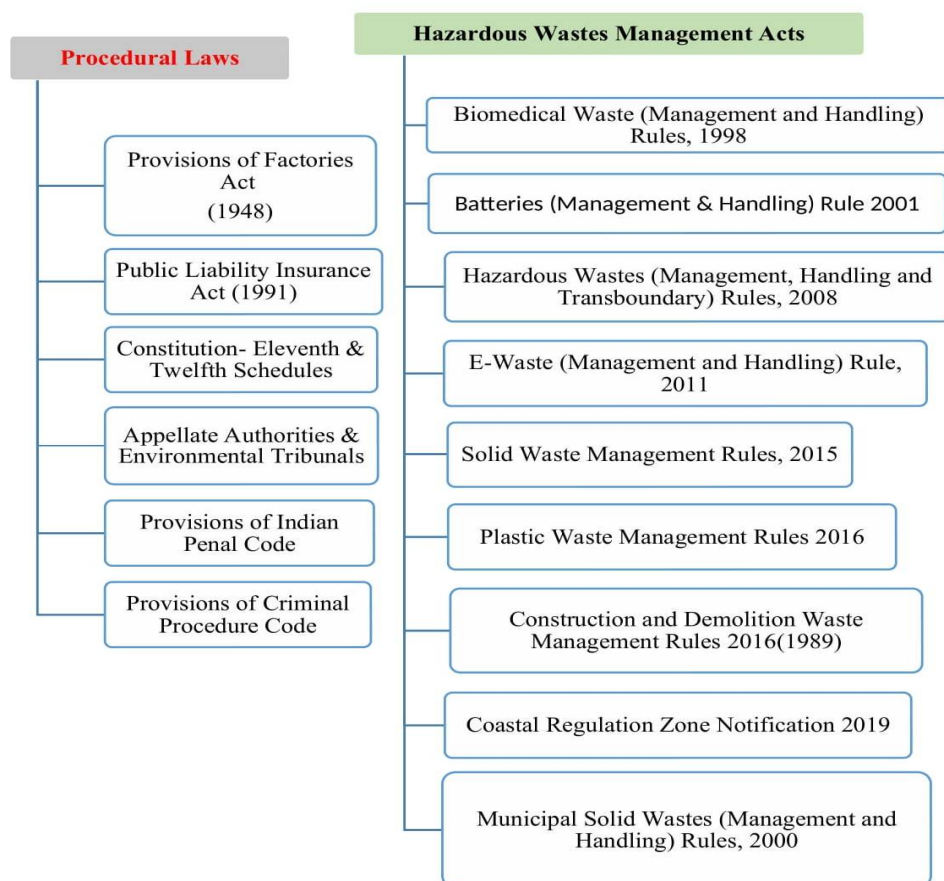


Figure 2. Environmental Protection Laws

## CONCLUSION

Human beings, as well as animals, need clean food, water and air which means a healthy environment. It is necessary to protect the ecosystem that makes survival possible. If we do not stop pollution, it is sure that the world will come to end. India has always been showing sensitivity to conservation and cleanness of the environment before and after the freedom of India. Before the freedom, British-India has constructed the rules for the conservation of the environment. After freedom, India has also played a major role in the development of environmental laws to improve and conserve the environment. We also must protect and improve the environment for the benefit of living in the present and future.

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