

A STUDY ON EFFECTIVENESS OF ENVIRONMENTAL LAWS IN INDIA**Roopan Raj. S¹****Ms. Keerthana P. G²**¹ (BA, LLB) Saveetha School of Medical and Technical Sciences (SIMATS),
Saveetha University,² 4th year BBA, LLB(Hons), Saveetha School of Medical and Technical Sciences (SIMATS),
Saveetha University,**ABSTRACT**

The present paper is an attempt to verify efficiency of Environmental Law in India and to analyze for obtaining better solutions for Environmental issues. Environmental awareness needs to be cultivated in any society to be an ideal society, or rather to be more precise, in other words, an ideal society means, and the society which has the environmental awareness. In this research paper, empirical study was used and analysis for acquiring better and accurate results and this survey is taken through online due to Lockdown with the threat of Covid19. The number of sampling sizes is 205 which is collected among various age groups of people. This research follows non-doctrinal research, it means that it is socio-legal research and the sampling used in this survey is a random sampling method. Most importantly, the survey was made in an authenticated way for appropriate results and also tries to reveal the actual truths regarding this issue. We tried Know the efficiency of Environmental provisions in India for obtaining better solutions for Environmental issues. We conclude that the Environmental provisions in India are not in their efficiency as it got 92% of negative response and there are much traits of misuse of Environmental provisions are found in this research response but some more reforms on machinery of Pollution Control Board would reduce the 92% to less than 10% of unsatisfactory rate of good environmental conditions in India.

KEYWORDS:

Environmental, Efficiency, Pollution Control-Board, Preservation. Laws.

INTRODUCTION

This analysis paper is concentrated on the study of the effectiveness of environmental laws for environmental protection in Asian country. Environmental awareness must be cultivated in any society to be a perfect society, or rather to be a lot of precise, in alternative words, a perfect society means that, and also the society that has the environmental awareness. there's no dearth of legislation on environmental protection in Asian country however their social control has not been satisfactory. there's a desire for the effective and economical social control of the Constitutional mandate and alternative environmental legislation. though various legislative steps are taken to provide impact to the many right of man to measure in a very sound setting and also the corresponding duty on state and people to make sure setting preservation and conservation, our endeavor, during this study, is to research the environmental law in Asian country. consistent to the Constitutional provisions contained in Articles 48A and 51A (h), several Public Interest Litigations are instituted within the Supreme Court of Asian country against several industries for failing to produce adequate pollution management. Forests ar decreasing at AN horrendous rate, land lots are becoming worn, the climate in several components of the planet is undergoing a modification because of heating and clean air and water ar more and more turning into rare commodities. Poor sanitation conditions and waste product issues compound the matter touching the health of standard voters in Asian country. the explanations for these disconnections between enlightened environmental laws and high levels of pollution can be copied to lax social control of existing

environmental laws, discrepancies within the environmental tips for businesses to follow between the central government and at the state levels. The word “environment” relates to surroundings. It includes just about everything. It are often outlined as something which can be treated as covering the physical surroundings that are common to any or all folks, together with air, space, land, water, plants, and life. In step with the Webster wordbook, it's outlined because the “Aggregate of all external conditions and also the influences touching the life AND development of an organism. The setting (Protection) Act, 1986 Section 2(a) setting “includes water, air and land and also the interrelation that exists among and between water, air and land, and people in general, alternative living creatures, plants, microorganism and property. Thus, once analyzing all the higher than definitions, the fundamental concept that are often complete is that setting means that the environment during which we tend to live and is important for our life. Environmental law could be a combination of 3 things: the primary is that the statute that's elapsed the parliament. The united kingdom might draw inspiration from the novel environmental jurisprudence developed by the Indian Supreme Court. This study conjointly favors institution of AN environmental court in every jurisdiction. The aim of this analysis is to examine effectiveness of Environmental Law in Asian country.

OBJECTIVES

1. To Know the efficiency of Environmental provisions in India.
2. To check the misuses by Environmental boards of India.
3. To Check the needed reforms in Environmental laws in India.
4. To analyse for obtaining better solutions for Environmental issues.

LITERATURE REVIEW

(Desai and Sidhu 2019), they focused on environmental awareness in present scenario due to unawareness among people towards nature because in present technical era environment is being depleted day by day, forests are diminishing at an alarming rate, landmasses are getting eroded, climate in different parts of the world is undergoing a change due to global warming and clean air and water are increasingly becoming rare commodities. So they focused awareness and alertness about environmental protection. **(Rajamani 2007; Mazhuvanchery 2018)**, they found and suggested that Hindu pilgrims consider the waterways sacred since the religious texts hold that the Ganges purifies the bather of sins - merely catching the sight of Narmada is said to do the same. However, India's rivers are increasingly becoming the dump sites for domestic, industrial, and agricultural wastes. Polluted environment endangers the human race by threatening its survival on planet earth. Awareness of environmental laws in society plays a vital role in prevention and control of pollution in industrial as well as at community levels. Moreover, awareness is essential for the action. **(Gill and Nain Gill 2010)** introduced that Environmental Impact Assessment and Environmental Management Plan are widely used as tools of Environmental appraisal in project analysis and plays an effective role in supporting sustainable development. Poor quality of data or information was the major bottleneck in improving and strengthening the EIA reports. The factors that determine the quality of EIA reports are legislation, quality of consultant groups and their expertise, scoping, the extent of land use change, coverage of EIA reports, public response, and nature of projects. **(Cullet 2014; Lau 1995)**, they found that India undertakes a new approach in the fight against environmental pollution. The key element of this new initiative is the shared and cooperative participation of the people, the government, the industrial sector, and NGO's. This type of approach seems to have worked for a few countries and it appears to be a doable solution for India too. A series of steps are recommended that could lead to an improved environment and at the same time prove to be helpful for the Indian population. Furthermore, to reduce the growing MSW problem, it is recommended that India undertake proven waste to energy conversion techniques that have been adopted by the European Union. **(Mrema 1981; Orubebe 2018)**, she studied the Environmental Governance and the Role of Indian Supreme Court, with special focus on the period from 1988 to 1996 in India. The study shows that the procedural innovations have widened the scope for environmental justice through recognition of citizens' right to healthy environment, entertaining petitions on behalf of affected people and inanimate objects and creative thinking of judges to arrive at a decision by making spot visit, substantive innovations have redefined the role of Court in the decision-making process through application of environmental principles and expanding the scope of environmental jurisprudence. The Clean Development Mechanism projects in India has been introduced and as on 4 January 2016, 1593 out of a total of 7685 projects registered by the CDM executive board are from India, which so far is the second highest in the world with China taking the lead with 3764

projects registered. These projects are in the energy efficiency and having Certified Emission Reductions (CERs), fuel switching, industrial processes, and municipal solid waste, renewable energy and forestry sectors and are spread across the country. **(Judiciary of India and Implementation...)** Earlier the Kyoto Protocol of 1997 signed by 37 industrialized countries and the European Union, the goal for 2008-2012 was to reduce the Green House Gases (GHGs) emissions to 5.2% lower than the 1990 level. India, as the third largest producer of GHGs, is facing tremendous pressures from the international community to meet these targets. India's extensive environmental laws seem to have very little effect in reducing the harmful effects of pollution, and GHG emissions. **(Gill and Nain Gill 2010)**

The Government of India is reluctant to enforce its own laws on air and water pollution lest it stops developmental projects that help create jobs and improve the economy. Although many of the environmental regulations in India on air and water pollution are similar to those of the existing standards of other industrialized countries, the lack of its enforcement has upset the global business community as it seems to provide Indian businesses an important cost advantage. **(Desai and Sidhu 2019)**. The need for protection and conservation of environment and sustainable use of natural resources is reflected in the constitutional framework of India and also in the international commitments of India. The Constitution under Part IVA (Art 51A-Fundamental Duties) casts a 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. Further, the Constitution of India under Part IV (Art 48A-Directive Principles of State Policies) stipulates that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. **(Bhat)**. Several environment protection legislations existed even before Independence of India. However, the true thrust for putting in force a well-developed framework came only after the UN Conference on the Human Environment (Stockholm, 1972). After the Stockholm Conference, the National Council for Environmental Policy and Planning was set up in 1972 within the Department of Science and Technology to establish a regulatory body to look after the environment-related issues. This Council later evolved into a full-fledged Ministry of Environment and Forests (MoEF). **(Gill 2014)**. The need for protection and conservation of environment and sustainable use of natural resources is reflected in the constitutional framework of India and also in the international commitments of India. The Constitution under Part IVA (Art 51A-Fundamental Duties) casts a 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. Further, the Constitution of India under Part IV (Art 48A-Directive Principles of State Policies) stipulates that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. **(Cullet 2014)**

Several environment protection legislations existed even before Independence of India. However, the true thrust for putting in force a well-developed framework came only after the UN Conference on the Human Environment (Stockholm, 1972). After the Stockholm Conference, the National Council for Environmental Policy and Planning was set up in 1972 within the Department of Science and Technology to establish a regulatory body to look after the environment-related issues. This Council later evolved into a full-fledged Ministry of Environment and Forests (MoEF). **(Cullet 2014; Lau 1995)**. Water quality standards especially those for drinking water are set by the Indian Council of Medical Research. These bear close resemblance to WHO standards. The discharge of industrial effluents is regulated by the Indian Standard Codes and recently, water quality standards for coastal water marine outfalls have also been specified. In addition to the general standards, certain specific standards have been developed for effluent discharges from industries such as, iron and steel, aluminium, pulp and paper, oil refineries, petrochemicals and thermal power plants. Legislation to control water pollution are listed below. **(Slater 2017)**

This Act represented India's first attempts to comprehensively deal with environmental issues. The Act prohibits the discharge of pollutants into water bodies beyond a given standard, and lays down penalties for non-compliance. The Act was amended in 1988 to conform closely to the provisions of the EPA, 1986. It set up the CPCB (Central Pollution Control Board) which lays down standards for the prevention and control of water pollution. At the State level, the SPCBs (State Pollution Control Board) function under the direction of the CPCB and the state government. **(Rajamani 2007)**

This Act provides for a levy and collection of a cess on water consumed by industries and local authorities. It aims at augmenting the resources of the central and state boards for prevention and control of water pollution. Following this Act, 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. **(Rajamani**

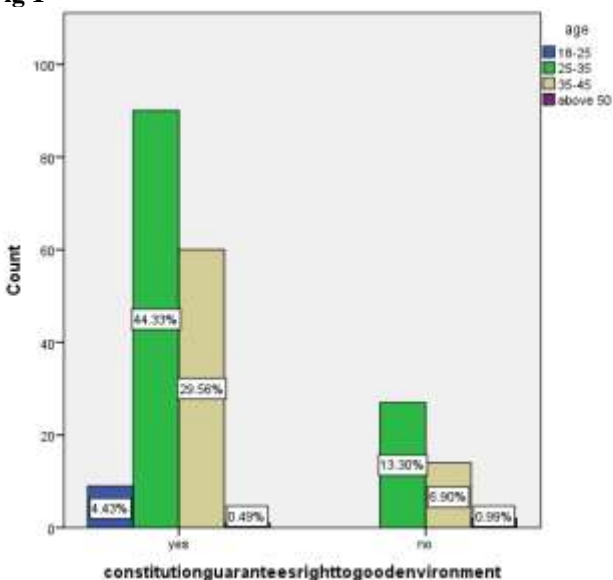
2007; Mazhuvanchery 2018).To counter the problems associated with air pollution, ambient air quality standards were established, under the 1981 Act. The Act provides means for the control and abatement of air pollution. The Act seeks to combat air pollution by prohibiting the use of polluting fuels and substances, as well as by regulating appliances that give rise to air pollution. **(Mrema 1981)** . Under the Act establishing or operating of any industrial plant in the pollution control area requires consent from state boards. National Ambient Air Quality Standards (NAAQS) for major pollutants were notified by the CPCB in April 1994. These are deemed to be levels of air quality necessary with an adequate margin of safety, to protect public health, vegetation and property **(CPCB 1995 cited in Gupta, 1999)**. 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 power to cancel consent for non-fulfilment of the conditions prescribed has also been emphasized in the Air Act Amendment.**(Mrema 1981; Orubebe 2018)** .The Air (Prevention and Control of Pollution) Rules formulated in 1982, defined the procedures for conducting meetings of the boards, the powers of the presiding officers, decision-making, the quorum; manner in which the records of the meeting were to be set etc. They also prescribed the manner and the purpose of seeking assistance from specialists and the fee to be paid to them.**(Jha 2021)** .The regulatory agencies at the Centre, as well as at the State, level have substantial powers under the Water Act, 1974, and the Air Act, 1981, to deal with violations of any nature. Similarly, Pollution Control Boards at the Centre and State level deal with the enforcement of environmental laws on a day-to-day basis and ensure strict compliance of the same. The regulatory agencies also look into aspects of hazardous waste, consent to establish, consent to operate and renewal of environmental permits, routine inspection of industrial units, surprise inspection and various other enforcement mechanisms to deal with environmental violations.**(Jha 2021; Umashankar)**

METHODOLOGY

The study deals with empirical research Le non-doctrinal study.It deals with both primary as well as secondary source of data and various secondary sources like books, articles, research papers , etc. were used for reference. The study deals with survey method and the main tool for calculating or analysing the results is the cross tabulation count through percentage and Correlation analysis. The method of collecting responses is through an online survey method by getting people's opinion and answers to the questionnaires.Random sampling method was used for the purpose of this study.There are a total of 203 samples collected with regard to this study. Age , gender and occupation are considered as the independent variables , whereas the dependent variables are regarding the awareness of environmental laws

ANALYSIS

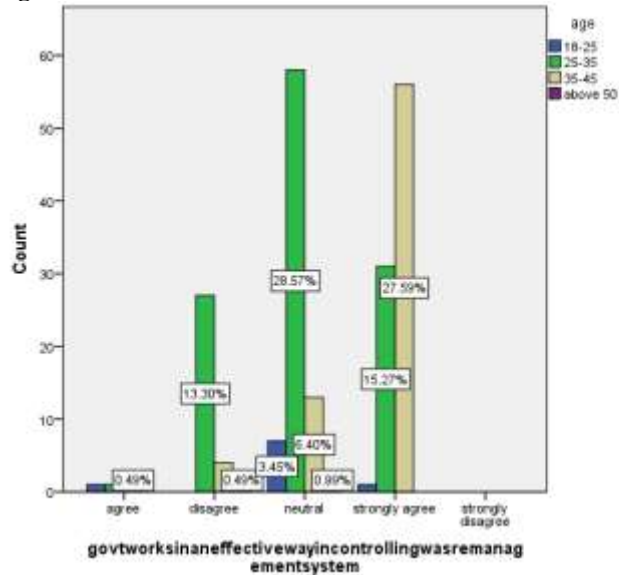
Fig 1



Legend

The fig 1 shows the graph for the question constitution guarantee right to good environment with respect to age.

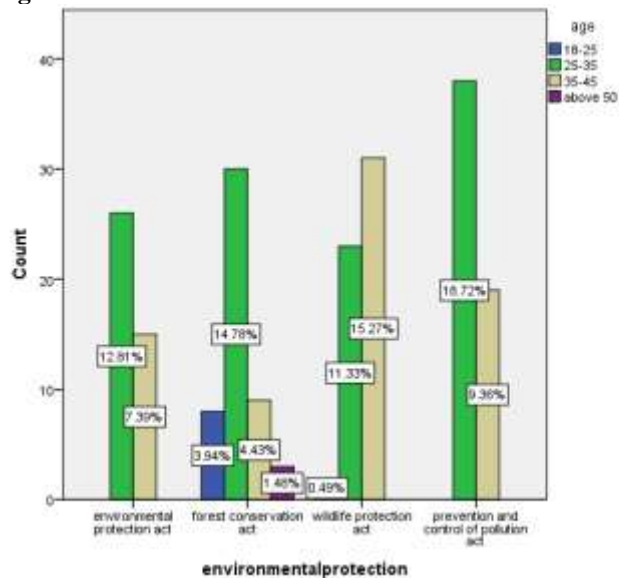
Fig 2



Legend

The fig 2 shows a graph for the question: the government works in efficient ways in controlling the waste management system with respect to age.

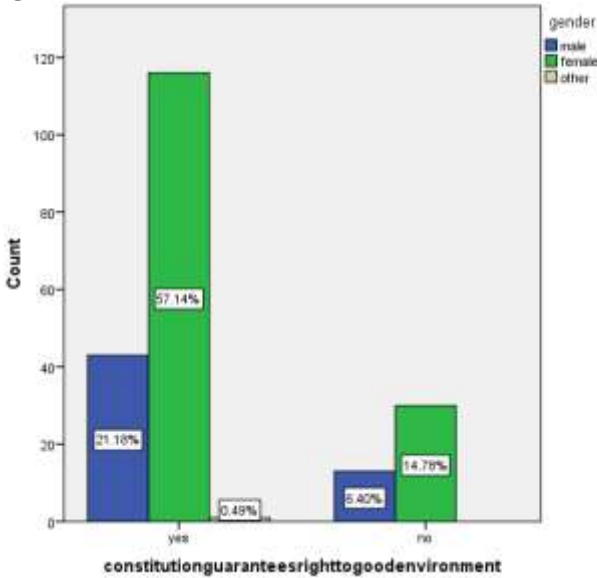
Fig 3



Legend

The fig 3 shows the graph for the question regarding of awareness of environmental protection acts with respect to age

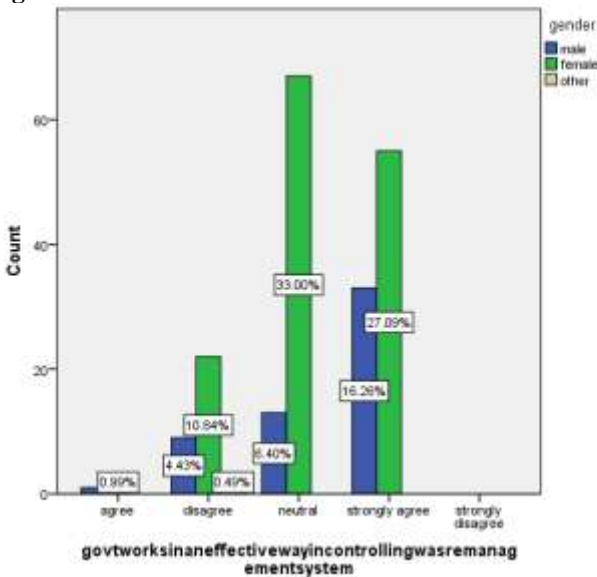
Fig 4



Legend

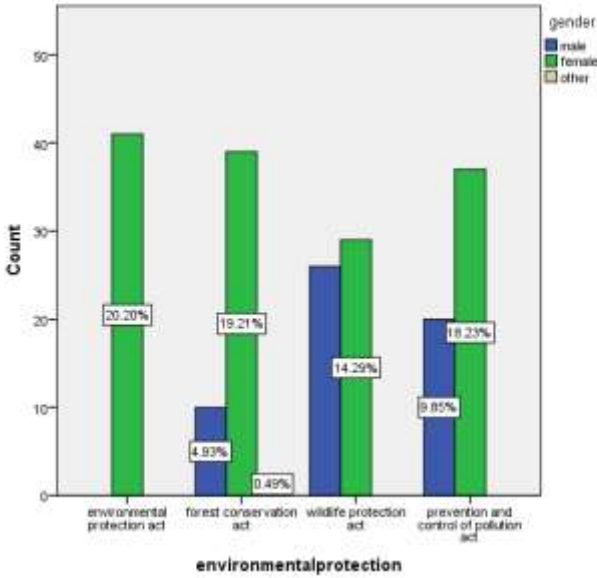
The fig 4 shows the graph for the question constitution guarantee right to good environment with respect to gender.

Fig 5



Legend The fig 5 shows a graph for the question: the government works in efficient ways in controlling the waste management system with respect to gender

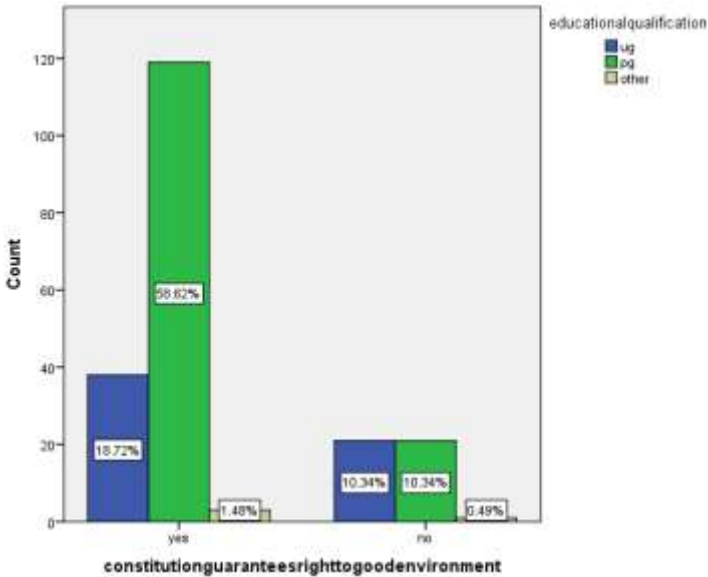
FIG 6



Legend

The fig 6 shows the graph for the regarding of awareness of environmental protection acts with respect to gender

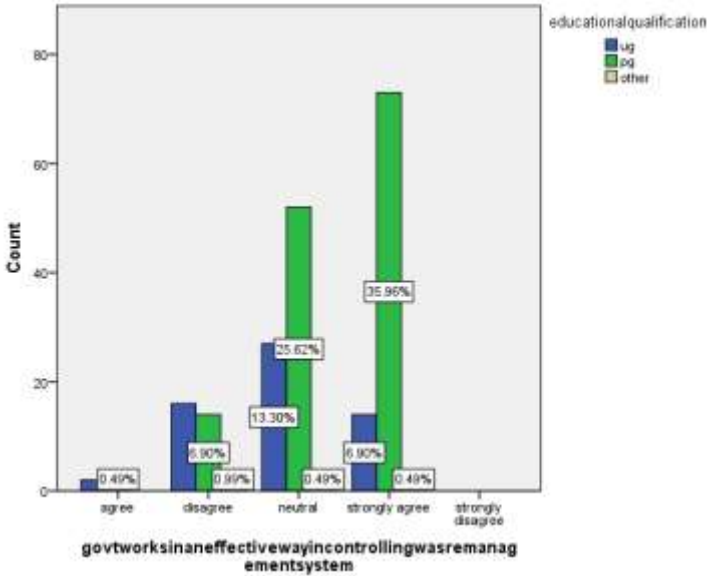
FIG 7



LEGEND

The fig 7 shows the graph for the question constitution guarantee right to good environment with respect to educational qualification.

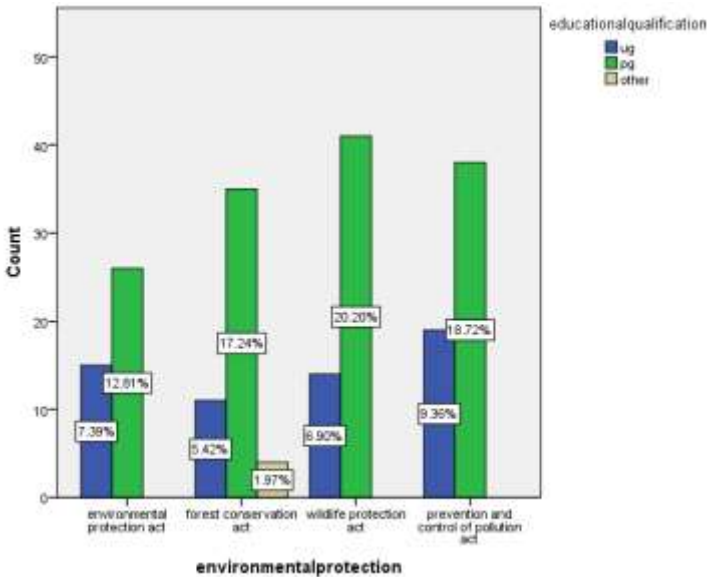
FIG 8



Legend

The fig 8 shows a graph for the question: the government works in efficient ways in controlling the waste management system with respect to educational qualification.

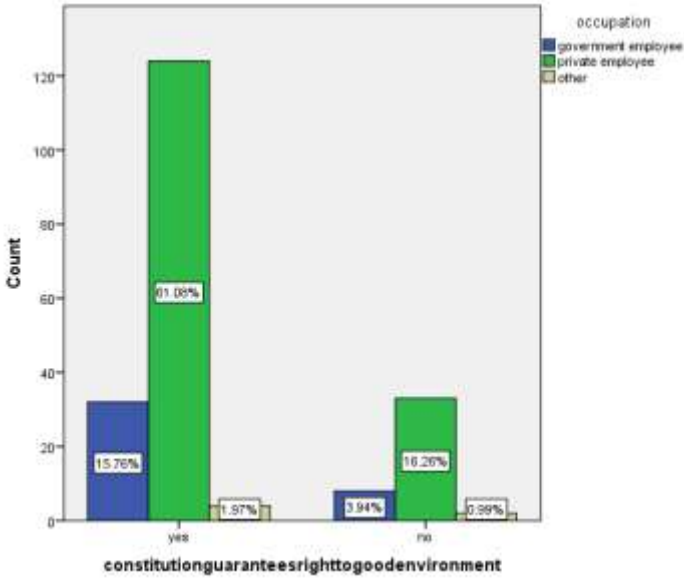
FIG 9



LEGEND

The fig 9 shows the graph for the regarding of awareness of environmental protection acts with respect to educational qualification

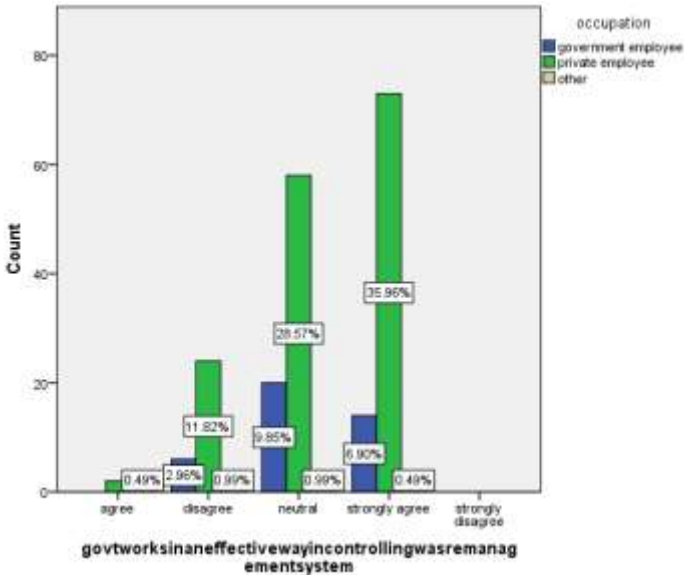
FIG 10



Legend

The fig 10 shows the graph for the question constitution guarantee right to good environment with respect to age.

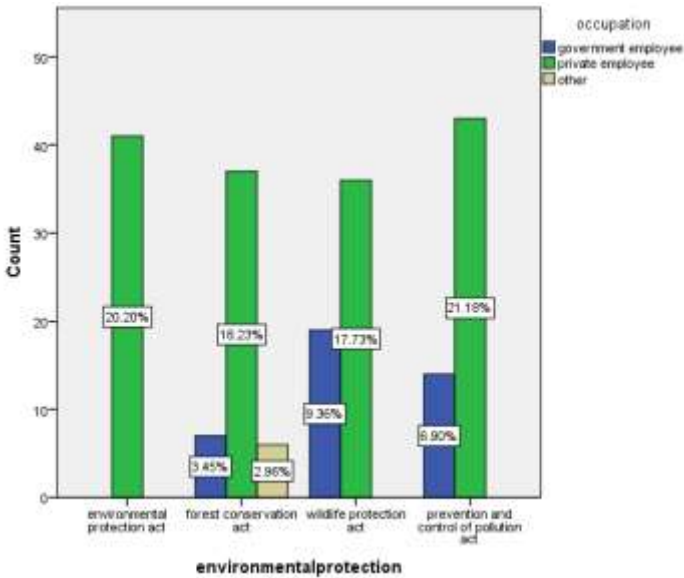
FIG 11



Legend

The fig 8 shows a graph for the question: the government works in efficient ways in controlling the waste management system with respect to occupation.

FIG 12

**LEGEND**

The fig 12 shows the graph for the regarding of awareness of environmental protection acts with respect to occupation

RESULTS

Fig 1 shows that the respondents of age with 25-35 years have highly rated that constitution guarantee right to good environment

Fig 2 shows that the respondents of the shows the graph for the the government works in efficient ways in controlling the waste management system with respect to age and many agreed

Fig 3 shows that many state awareness on prevention of pollution and control act followed by forest conservation act

Fig 4 shows that the respondents of gender female have highly rated that constitution guarantee right to good environment

Fig 5 shows that the respondents of the shows the graph for the the government works in efficient ways in controlling the waste management system with respect to gender and many agreed

Fig 6 shows that many state awareness on environmental protection act followed by forest conservation act

Fig 7 shows that the respondents of educational qualification PG have highly rated that constitution guarantee right to good environment

Fig 8 shows that the respondents of the shows the graph for the the government works in efficient ways in controlling the waste management system with respect to educational qualification and many agreed

Fig 9 shows that many state awareness on environmental protection act followed by forest conservation act

Fig 10 shows that the respondents of private sector occupation have highly rated that constitution guarantee right to good environment

Fig 11 shows that the respondents of the shows the graph for the the government works in efficient ways in controlling the waste management system with respect to occupation and many agreed

Fig 12 shows that many state awareness on prevention of pollution and control act act followed by environmental protection act

DISCUSSION:

From **fig1**, it shows the graph for the question constitution guarantee right to a good environment with the Independent variable Age. People with age Group between 25-35 years (44.33%) states yes whereas people between the same age group 13.30% of were responded no

From **fig2** ,it shows the graph for the the government works in efficient ways in controlling the waste management system with respect to age. People with age Group between 25-35 years (28.57%) states neutral whereas people between the same age group 27.59% of were responded strongly agree.

From **fig3** ,it shows the graph for the question regarding of awareness of environmental protection acts with respect to age . People with age Group between 25-35 years (18.72%) states prevention of pollution and control act whereas people between the same age group 14.75% of were responded forest conservation act .

From **fig4** ,it shows the graph for the question constitution guarantee right to a good environment with the Independent variable gender . People with age Group between 25-35 years (57.14%) states yes whereas people between the same age group 14.78% of were responded no

From **fig5** ,it shows the graph for the question government works in efficient ways in controlling the waste management system with respect to gender. People with age Group between 25-35 years (33.37%) states neutral whereas people between the same age group 27.09% of were responded strongly agree

From **fig6** ,it shows the graph for the question regarding of awareness of environmental protection acts with respect to gender . People in group (20.20%) female states environment protection act and whereas people between the same age group 19.21% of were responded forest conservation act .

From **fig7** ,it shows the graph for the question constitution guarantee right to a good environment with the Independent variable educational qualification . People with UGGroup (58.62%) states yes whereas people between the same group 10.34% of were responded no

From **fig8** ,it shows the graph for the question: the government works in efficient ways in controlling the waste management system with respect to educational qualifications . People with PG Group (35.96 %) states strongly agree whereas people between the same age group 25.62 % of were responded neutral

From **fig9** ,it shows the graph for the question regarding of awareness of environmental protection acts with respect to educational qualification . People in group (20.20%) female states environment protection act and whereas people between the same age group 19.21% of were responded forest conservation act .

From **fig10** ,it shows the graph for the question constitution guarantee right to a good environment with the Independent variable occupation . People in private sector (61.08%) states yes whereas people between the same age group 16.26% of were responded no

From **fig11** ,it shows the graph for the question: the government works in efficient ways in controlling the waste management system with respect to occupation . People in private sector (35.96 %) states strongly agree whereas people between the same age group 25.62 % of were responded neutral

From **fig12** ,it shows the graph for the question regarding of awareness of environmental protection acts with respect to occupation . People in private sector (21.18%) states prevention ans control in pollution act and whereas people between the same age group 20.21% of were responded to the environmental protection act.

SUGGESTIONS

The Pollution management boards aren't abundant economical in handling public complaints and not collateral the essential environmental precautions taken by the industries. The Pollution management boards aren't abundant economical in handling public complaints and not collateral the essential environmental precautions taken by the industries. Here additionally individuals operating within the Government sector ar rated high in potency of Pollution management Boards, this could be as a result of they themselves ar abundant tuned in to their potency however additionally {may be|could additionally be|is also} biased since the question is on their own potency as they're also principally engaged in Pollution management activities regardless of their departments. The potency isn't robust with the legal governance of environmental provisions.

CONCLUSION

In recent times the state and its voters ar below the elemental duty and responsibility of protective and up the surroundings. they're obligated to safeguard the flora, fauna and at identical time have civic sense towards the surroundings. Then the community sensitivity can got to be amid the need and therefore the capability to subject organic process comes at the govt level. This impact relies on principles of ecology and energy conservation. we have a tendency to conclude that the Environmental provisions in Asian nation|Bharat|Asian country|Asian nation} aren't in their potency because it got ninety two of negative response and there ar abundant traits of misuse of Environmental

provisions are found during this analysis response however some a lot of reforms on machinery of Pollution panel would cut back the ninety two to but 100 percent of unacceptable rate of fine environmental conditions in India. From this paper, we have a tendency to suggest for constitutional compulsions that ought to vitalise the rule of law into making dynamic policies on the surroundings, Affirmative judicial actions and legal actions despite its adversarial considerations are needed to enliven environmental law and additionally with efficiency designed government comes intermingled with people's action will alone take the goal to the conservation cannot stay the responsibility exclusively of the govt and alternative authorities should work along to make larger awareness. Then environmental democracy and justice are going to be at par and have pendency in its effective implication in Indian society.

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