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## An overview of Enforcement and Creation of Effective awareness on Environmental Sustainability in India

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Dr. Thriveni Urs.

Associate Professor, Mangalore University, Mangalore, India.

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### Abstract:

The central and state government have enacted and amended several acts to protect the environment pertaining to water pollution, air pollution, noise pollution, radiation, pesticide, wildlife conservation etc. The then Bombay presidency passed the shore nuisance act in 1853. This act paved the way for conservation of environment and this shows the farsightedness and foresightedness of the British rulers. This article aims to highlight that some sections of the society have been kept out of these laws. According to the Section 8 of environment protection act of 1986 persons or entities carrying on manufacture, production, operation processing shall not be allowed to discharge the affiliates in excess of such standards as may be prescribed. The section 10 of the above act clearly states that any person empowered by the central government shall have a right to enter at all reasonable times to examine test any equipment, plant, record, register etc. to detect violation of environmental protection. The government should provide more teeth to the existing boards and agencies to take stringent action against non-compliance. The findings and reports published by the testing labs should be made public and implemented for the safety of the citizens. Steps should be taken to minimize the use of chemical fertilizer and pesticides and it should boost organic and natural farming. Industrial units, hotels and hospitals should take the responsibility of waste to the minimum.

**Keywords:** Conservation, sustainability, development, awareness

### Introduction:

The central and state governments have enacted and amended several acts to protect the environment pertaining to water pollution, air pollution, noise pollution, radiation, pesticides, wildlife conservation etc. based on the doctrines of implied powers and strict enforcement of public welfare legislation, courts have broad powers to offer relief to the litigants under various sections of different acts. However, polluters take to back door tactics to avoid restraining order to quash the order on the ground that it takes away the fundamental rights to carry on business/trade/occasion guaranteed by the constitution of India. These are numerous legislations to protect the environment but their enforcement tells a different story. There is a pressing need for law enforcement authorities to enforce environmental legislations effectively and efficiently. Public interest legislations filled in various courts across the land against various industries have forced them to adopt pollution control measures. It is essential that nation development and nation sustainability go hand in hand.

In the changing scenario conservation, protection and improvement of environment are burning issues throughout the world. Various facts have contributed to environmental deterioration viz industrialization, urbanization, over population, exploitation of resources, deforestation to bring more land under the plough etc. This problem of environmental pollution is a universal phenomenon. Our country cannot stand apart.

The shore nuisance act 1853 passed by the then Bombay presidency takes me down the memory lane. This act paved the way for conservation of environment and this shows the farsightedness of the British rulers <sup>1</sup>.

### **Creation of effective awareness on environmental sustainability:**

Effective awareness on environmental sustainability is on the rise since 1960. All the citizens of our country irrespective of their literacy status should be made aware of environmental problem. The elected representatives, administrators, industry, institutions and media should address contemporary environmental issues and the concept of sustainable development. In this regard I would like to quote honorable forest, environment and ecology

minister, government of Karnataka, Mr. B. Ramanath Rai's statement in toto 'the key challenge is to strike a balance between development and sustainable use of natural resources. We are framing a new policy to ensure that socio-economic development will not be at the cost of environment and the fragile eco system'.<sup>2</sup> Karnataka is set to frame policy on sustainable development by December, 2014.

Karnataka state pollution control board chairmen Vaman Acharya lamented that Bangalore had a high content of organic waste while other citizen across our state were burdened with debris. Managing such a waste becomes a challenge due to lack of awareness to protect environment.

That's the reason objectives of environmental public awareness comes in handy, they are as follows:-

- (i) To improve the quality of environment.
- (ii) To create among the masses an awareness on environmental problems and protection and conservation of environment.
- (iii) To create such an atmosphere where the people find themselves fit enough to participate in decision making and develop their capabilities to evaluate the development the programs.

### **Penalty or imprisonment (severe punishment against wrong doers)**

Prior to the enactment of environment protection act of 1986, the power to prosecute the polluter rested with the government. Citizens had no direct statutory remedy against a polluter. Section 19 of the above act says that a citizen had no direct statutory remedy against a polluter. Section 19 may prosecute an offender, by a complaint to a magistrate. He/she is supposed to give the government sixty days notice of his/her intention to complain pollution control boards are supposed to disclose relevant information to a citizen seeking to prosecute a polluter.

Though there are several provisions in law to bring to book the offender, the long arm of

law is yet to reach/catch the polluters. I would like to quote the Bhopal gas tragedy 1984. Even after a protracted legal battle, the government could not arrest Warren Anderson the chairmen of union carbide or other directors on the board. Not even a single person has been arrested or charge sheeted till date. The government favors industrial growth/employment opportunities. Environmental issues take a back seat.

### **Creation of separate/strong department to tackle environmental issues:-**

The need of the hour to create a separate department of environment and ecology. A cabinet level minister should be in charge of the ministry assisted by able officials. Our courts are already crippled with 1,25,00,000 cases. It is laborious and time consuming for on the lines of consumer grievances redressed forum should be established to deal with environmental pollution cases. This will expedite in bringing the offender/polluter to book and ensure speedy justice. The flora should see to it that the court order is implemented to the benefit of all.

### **Research Institutions/ testing labs:-**

There are several research institutions established by the government of India under council of scientific and industrial research. The services of these institutions could be utilized to detect and determine the magnitude of environmental pollution. Point to be noted is that of Kerala cashew development board's cashew nut groves in Kasargod District.

Aerial spraying of Endosulphan was undertaken to control pest damage to cashew plants. This act proved to be disastrous; it had a cascading effect on the still born children. Even now the children have physical and mental retardation.

### **Effects of pesticides / fertilizers on agricultural crops:-**

Excessive use of chemical fertilizers and pesticides in agriculture results in bumper yields and paved the way for 'green revolution' under the able stewardship of Dr. M. S. Swaminathan. It was limited to the irrigated pockets of Punjab, Haryana and Western Uttar Pradesh. Later on, it was discovered that the fertility of the land was coming down and crops grown had pesticide residue over and above the permissible limits. The public in general and the farmer in particular has realized the need to back to organic/natural farming. "Go green, grow green" seems to be

the order of the day.

Avoid political interference/official interference/corruption/bribery. The polluters who are normally well connected industrialists prefer to fight an appeal in the court of law and prolong the case. At times, they influence the political parties to be lenient towards them. This delays the process of implementation of the provisions of the act. Red-tapism on the other hand has also contributed to inordinate delay. To add insult to the injury, the polluters grease the palms of concerned officials and go scot free.

### **Disposal of waste should be the responsibility of the source (factory/corporation)**

The urban areas in the country and by cities in particular generate both organic and inorganic waste. They find it difficult to dispose of such enormous quantities of waste. Disposal of waste in an unscientific manner has resulted in contamination of waste bodies. Discharge of effluents into rivers, sea, lakes etc has destroyed several species of flora and fauna. The local self governments/industrial units should have sewerage/effluent treatment, it has to be released. Underground drainage system should be constructed in towns and cities across the country.

### **Hotels/apartments/hospitals rainwater harvesting/recycling of water:-**

Due to increase in population, there is pressure on both land and water old world and colonial bungalows in prime residential areas have made way for star hotels, apartment blocks and hospital complexes. They are bulk consumers of water. This has resulted in acute water scarcity in the urban areas. Some extensions get water for two or three hours a day. The problem gets more acute during summer. The government has made it mandatory to harvest rainwater/recycle water. The groundwater level is fast depleting. Unless otherwise, it is recharged the urban areas may become grey zone areas in geological parlance. Steps should also be taken to recycle water using 'reverse osmosis' technique such water can be used for toilets, washing and irrigating.

### **Plastic manufacturers should take responsibility of recycling plastic waste:-**

Plastic is non-biodegradable. It will remain as it is even after years. It prevents the

percolation of water. Many urban bodies have banned the use of plastic to keep their cities little free. Burning of plastic releases toxic substances into atmosphere. The only way out is to recycle plastic waste. Efforts are being made to use it in road building to turn into oil/fuel etc.

### **Generation of electricity**

Some European countries like Norway, Sweden have started making use of urban wastage to generate electricity. Urban waste is turned into 'town compost'. Our country can take a leaf out of their books and generate electricity and process town compost. Electricity thus generated can be used to light up street lamps in their limits and town compost can be sold to the citizens to raise kitchen gardens. This will go a long way in solving power and food problem of the country.

### **Protect heritage buildings/tourist spots**

Many polluting industries are in the vicinity of Taj Mahal one among the the most visited monuments of the country. The color of the structure has changed. Uttar Pradesh government has taken steps to reduce pollution level likewise the most sacred river Ganga is polluted. Tanneries in and around Kanpur should treat the effluents in the units and see to it that effluent level is below permissible limit.

### **Inspecting of units/monuments at regular interval by concerned officials.**

If this exercise is undertaken, an element of seriousness will be kept under check. Almost all monuments in the country have become sightseeing spots. The tourists litter the place with plastic covers, pet bottles and other non-biodegradable waste. This is an eyesore. Instead of protecting the monuments posterity, we will be destroying them. Some people have a tendency to remove the stones to build houses. This result in gradual destruction adding insult to the injury, some tourist defecate/urinate/deface the walls. It is the primary duty and responsibility of the citizens to conserve these monuments. People are of the view that is the duty of archeological serve of India to look after such monuments.

Most of the industrial units in the country are polluters/offenders. To the best of my knowledge not even a single unit has been charged/shut down. They go scot free. In most of the

cases they try to bribe the officials or bring pressure on them.<sup>4</sup>

It is beyond the control of the pollution control board to bring down water, air and noise pollution levels. Most of the rivers across the country have pollution levels well above the permissible limits.

The units discharge carbon monoxide. This goes on unchecked. The authorities turn deaf ear to such protests. Steps should be taken to plant more trees.

Some machines produce jarring sound which may eventually lead to hearing impairment. The noise level should be kept under check. The government of the national capital territory of Delhi has made it mandatory for all DTC buses to use compressed natural gas instead of diesel. This has gone a long way in curtailing noise pollution. The two wheelers/three wheeler have been fitted with filters so that they emit carbon monoxide to a minimum. Failure of public transport system has resulted in mushroom sales of two wheelers across the country. If train and bus frequency is increased, commuters will make use of them and dependence on two wheelers/fossil fuels will come down. It will also result in conservation of precious foreign exchange reserve.

**Conclusion:** What is provided in environmental legislations and what is actually practiced are poles apart. This is because economic issues outweigh environmental issues. The result is rapid deforestation, poaching, less stringent penal provisions and luke warm response of the society to crimes of pollution. Strong political will is needed to enforce environmental legislations.

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