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## Environmentalism in India: Issues and Legal Measures

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### ABSTRACT:

„Environmentalism“ is a term that denotes the concern for the preservation, restoration, or improvement of the natural environment, such as the conservation of natural resources, prevention of pollution, certain land use actions and shaping a better human life by keeping the purity of the nature. It supports efforts and struggles of people, organizations and institutions against the spread of the objects and means of environmental degradation, such as exploitative and destructive misuses of natural resources that end up the ecological balance and creates multi-dimensional pollution to their way of life, which are seen as less harmful to the environment. For the last four decades, the world has continuously struggled to reach a new beginning to initiate a united journey with the growing need to protect the environment and natural systems that support all life. The present study aims to discuss issues of environmental degradation and significant administrative trends in India. It reveals a comprehensive range of legal provisions adopted by the government to balance the environment with the development of the nation. The people should recognize the environmental problems and change their attitudes and behaviour suitably to devote themselves to helping the mother earth to renew. Hence, implementing strict constitutional and legal environmental laws, educating the young generation, and organizing awareness programmes are the crucial and motivating steps that will help in increasing the people's concern for nature and boost the public to participate in programs organized to protect the environment. Awareness and participation can efficaciously help society to develop sustainability.

Keywords: environment, ecological, environmentalism, legal measures, natural resources, pollution.

### Introduction:

A healthy environment is considered to be a prerequisite need of society. The preservation of ecology is imperative due to its close relationship between the environment and life. The life of human beings is entirely contingent upon environmental balance and protection. If the people protect the environment and promote environmental development automatically, it may help to make the environment free from all varieties of pollution and that further may develop the living conditions of human beings and living organisms. The destruction of the environment and ecological factors certainly devastates all living creatures, including humans. The overproduction and exploitation of resources, nuclear radiation, brutal exploitation of forests, industrial accidents, indiscriminate quarrying, industrial wastes, pollution of rivers and water resources, and rapid air and noise pollution are the major contributing factors to environmental degradation. Global warming, depletion of ozone and contamination are some of the main adverse effects of existing development strategic parts that badly affect human life. The development should protect soils, animals, forests, human health and the atmosphere but not mere insistence on development progress. Hence, there is a need to identify an advancement in the present system that promotes both ecological development and international viability. Hence, it is vital to protect the environment and maintain ecological balance for every human being. (World Development Report, 1992, 34.)

The environmental degradation has become a global issue in the present scenario. The main problem with this rising pollution is that the future generation is dependent on the current age. If the present generation does not utilize the given resources efficiently, then the upcoming generation will not survive. Therefore, environmental conservation should be the main focus of attention to protect humankind and safeguard the basic right to life. All the countries face the problems of ecological depletion due to economic fluctuations. To solve this rising issue, there should be a balance between development and environmental protection at the same time. The environmental plan is no more a moral or communal sentiment, but ecology preservation has become a matter of the community's survival. Henceforth, scientists and researchers have been induced to scrutinize the actual reason and try to protect the environment for the betterment of the nation. Though the government has taken concrete steps to curb pollution and maintain sustainability in the environment, the situation is still alarming. The country faces a recurrent drought, earthquakes, rising pollution, and climate change issue. At present, most of the population is facing a scarcity of clean drinking water and sanitation problems. This scarcity is the main reason for improper water usage in societies, the agricultural sector, and industrial units. Therefore, the government should encourage the recycling and reuse of water treatment plants so that water problems should be erased. The present study is confined to the administrative efforts to manage the ecology to implement effective policies, so the pollution does not rise above the manageable level.

## Meaning of Environment:

The term environment can be traced back to the French word “environner” which means “encircle” and encompasses within it the land, water, flora, fauna, living creatures, forests and everything on the earth. (Ruppel-Schlichting, 2018, 77) The more explicit meaning can be expounded as covering the common physical surroundings such as air, space, waters, land, plants and wildlife. It denotes the totality of all extrinsic, physical and biotic factors affecting the life and behaviour of all living things. Therefore, it is vital that the environment of which land, water, air, plants, animals and human beings are the components be preserved and protected from degradation to enable the maintenance of the ecological balance.

Section 2 (a) of the Environment (Protection) Act 1986 defines environment as: “Environment includes water, air and land and the inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property”. (Thakur, 1997, 229)

## Meaning of Environmentalism:

Man’s concern for the preservation and protection of his environment, i.e. “Environmentalism” today, is the result of the biophysical, economic and social impact of technological modernizations and the twentieth-century industrial revolution in the West. “Environmentalism may be defined as a Social movement. The protection of the environment has assumed even more importance in recent times, with increased industrialization resulting in the overdraw of natural resources and pollution of air, water, flora and fauna. While development is essential to every economy, it is also essential that no irreparable damage be caused to the ecosystem.” (El-Mallah, R.K.E.-D., Aref, A.A.e.H. and Sherif, S. 2019, intro)

The term environmentalism is also associated with other modern terms such as greening, environmental management, resource efficiency and waste minimization, and environmental responsibility, ethics and justice. The challenges of global warming, nuclear radiation and dangers have become non-avoidable matters for every country.

## Issues:

The acts of human beings themselves destroyed the natural resources. The expansion of industries and production units that provides essential commodities to the increased population adds to the depletion of resources. Unmanageable industrialization, deforestation and excessive use of chemicals have drastically changed the quality of the environment. The degeneration of the global environment that has initiated as a result of the changing gears of rapid industrialization was primarily neglected by humankind till the 60s. The concern for the environment has grown phenomenally in the last fifty years. (Thakur, 1997, 230) A wide range of scientific studies, activities, and information was started to warn us about the growing issues and fragility of the ecosystem due to rapid environmental degradation. Some vital issues are discussed below that cause the degradation of the environment.

The world’s pollution is increasing rapidly, and the accelerating rate of use of all natural resources is making the consequences of misuse more drastic, more-wide spread and more readily evident to large numbers of people, such as petroleum, trees and water technological production and consumption, these activities considerably affect nature. The increase in population would certainly exert additional pressure on the natural resources, including air, water and food systems. Therefore, to cope with the food pressure, we have to produce more agricultural and industrial products. But our cultivated land is limited and we cannot increase it more. We are already using nearly 50 percent of the land for agricultural purposes. To increase the production of food, we will require more fertilizers. In short, we have to expand the industrial and transport base to meet the increased demands for goods like cloth, iron, cement, steel, fertilizers, pesticides, and vehicles. This would involve using more power and natural resources, and we have to face the consequential effect of more carbon gases and photochemical oxidants.

Secondly, urbanization has become an irrevocable force in the environmental problem of the country. The growing urban population impact is being realized in housing, transport capacity, food storage and distribution, civic amenities, nutritious food etc. The increasing population has given rise to the problem of over-crowding noise, insects and rodents, air pollutants and street filth. These factors, in turn, are affecting our health. The effect of urbanization on privacy, on the privilege of space, on the experience of family and near neighbour interaction, facility of recreation and leisurely pursuits have been fully realized. Unequivocally, urbanization has two significant consequences. While on the one hand, modern cities are encroaching on agricultural land at an unprecedented rate, on the other hand, large scale „ruralization“ of many medium-sized cities in India is taking place. Urban development has been the most intensive in India’s best agricultural areas- the highest urban density can be found in the Indo-Gangetic plains.

It is further noted that good agriculture is being destroyed to produce bricks. The silt loam soil used by proliferating brick kilns is ideal for agriculture. A million tons of soil, primarily top soil, have to be excavated to house the existing urban population alone. One inch of top soil takes thousands of years to develop. The unplanned excavations also led to soil erosion and water stagnation, further impetus to soil salinity. Another aspect of India’s urban crisis is that its hill stations are dying- acute water shortage is familiar to most hill stations. Large forest areas have been cleared to provide housing and road facilities in hilly areas. Urbanization has proved to be a significant source of land pollution. The growth of slum areas, either in the middle or periphery of a city, pollutes the entire urban environment. Dirt, filth, and stink fill the whole environment. Noise and congestion in urban areas add to physical and mental distress.

Industrialization has been creating a high-risk environment. There is a growing problem of toxic wastes generated by industries, a problem that even advanced countries have not been able to solve. The bad effect of industrial activity was already seen in Bhopal (India) in 1984 during Bhopal Gas Tragedy due to leakage of methyl isocyanate gas from the Union Carbide Plant, leakage of radioactive substances from Chernobyl Atomic plant in Russia occurred in 1986 and the dropping of the atomic bomb at Hiroshima and Nagasaki in Japan in 1945. Another example was the oil spill from the supertankers of Atlantic Express and Aegean Captain when they collided off Tobago in July 1979, in which 2,36,000 tonnes of oil got spilt, which resulted in a huge loss of property. The industrial revolution, together with the materialistic approach, has brought misery to mankind. (Sapru, 1987, 1)

Imperatively, the forests are significant for the environment as they maintain oxygen supply, hold the water during the rainy season in hilly regions, reduce soil erosion, avoid flood and drought etc. Due to deforestation, the rapid flowing rainwater carried with it silt which is deposited in rivers and lakes. It causes a rise in the river bed. The silting makes the river unfit for navigation and prone to flooding. Reduction in forests also caused an imbalance in carbon dioxide and oxygen, responsible for the greenhouse effect. Many controversies have taken birth between the persons who support the conservation of forests against those who want development. The Silent Valley Project, the Narmada Power Project, the Tehri Dam, etc., are a long list of such battles. The long and considerable agitations led by Shri Sunder Lai Bahuguna, MedhaPatkar, etc., raised doubts about the developmental approaches.

During this period, the focus has been shifted gradually from rising environmental awareness about worldwide degradation to a strong need for a holistic approach to attaining the operation of different processes to fight against these problems on a purely global basis. As global environmental issues are purely transboundary, extensive cooperation is needed to combat these problems worldwide. International conferences are oft-used policy instruments for consolidating global ecological cooperation and therefore, they deserve special attention. There were several conferences on Environment Regulation held in the past few years, like the Stockholm Conference in 1972 and the Rio Declaration in 1992, to debate the matters of ecology.

### Legal Measures in India:

The preservation, conservation, and safety of the environment is a constitutional obligation. It is an allegiance for a nation to secure the welfare state. To attain sustainability, the Constitution of India provides specific constitutional measures for the betterment of the ecology. It provides the responsibilities and powers to the government to protect nature. It is undoubtedly stated in the Indian Constitution that it is the duty of the state to „protect and improve the environment and to safeguard the forests and wildlife of the country“. It also imposes a responsibility on every citizen „to protect and improve the natural environment, including forests, lakes, rivers, and wildlife. Directive Principles of State Policy (DPSP) and the Fundamental Rights also made reference to the environment. Through several laws and articles, the Constitution suggests that the environment is an essential element for a better life. Part III of the Constitution guarantees the Fundamental rights to improving the individual's standard of living in a healthy ecology. (Tiwari,2006, 17) Article 47 indicates that it is the primary duty of the citizen to increase the level of nutrition by focusing on the improvement of the ecology and betterment of human health. The government has undertaken major and special Acts to preserve and protect the environment. It suggests that no one has the authority to destroy or capture the areas confined to wildlife. In 1980, the Department of Environment was established in India to ensure healthy environment for the country. Later it converted into the Ministry of Environment and Forests in 1985. The constitutional measures are backed by several laws - acts, rules, and regulations. The EPA (Environment Protection Act), 1986 was enforced when the Bhopal Gas Tragedy happened in 1984 and is measured as an umbrella legislation as it fills many gaps in the existing laws. After that, several laws came into existence as the problems began arising. Some significant environmental laws are:

- Wildlife Conservation Act 1972
- Water (Prevention and Control of Pollution) Act 1974
- Air Prevention and Control Act 1981
- Bhopal Gas Leak Disaster Act 1985
- Environment Protection Act 1986
- Factories Act 1987
- Public Liability Insurance Act 1991
- Municipal Solid Wastes Act, 2000
- Noise Pollution Rules 2000
- Biological Diversity Act 2002
- National Green Tribunal Act 2010
- Hazardous Waste Management Act 2010
- High-Level T.S.R. Subramanian Committee 2014
- Compensatory Afforestation Fund Act 2016

The Constitution of India provides Wildlife Preservation Act, and it orders the people to safeguard the animals without any interest. The Constitution in the Wildlife Preservation Act 1972 clearly illustrates the conservation and shielding of the areas restricted for wildlife reserves and municipal parks. It suggests that no one has the authority to destroy or capture the areas confined to wildlife. Later, when the execution of the Wildlife (Protection) Amendment Act 2002 was introduced then, the official made changes to the natural protection Act 1972. Also, Wildlife Protection Act 2002 was a turning situation for the wildlife sanctuary. The animals were then treated carefully. The 1972 Act name was changed, and now its main motive was not only to preserve and protect the wildlife, either in the aspect of natural parks, sanctuaries, or any wild animals but also its target was to achieve the goals to secure and pure the environment pollution from the area. Imperatively, the government adopted the Water Act 1974, where the key motive of the government for implementing Act 1974 was to fulfill the requirements to have clean, pure water. The Act also provides that the industries, organization, or any commercial unit has to construct a sewage plant to recycle or diminish the pollutant generated at the time of production. This Act is concerned with looking after the matters of union and the surrounding territories. According to this Act, the government needs to fix the amount of pollution that emerges from the industrial unit. Through Section 2 (g), (k), and (j) of the water rules that if any person wants to construct an industry or any such organization then one must take written approval from the State Board.

The Air (Prevention and Control) Act, 1981 was adopted to manage, administer, eliminate, and combat pollution present in the air. This Act was organized to deal with the problems associated with and originated from the Activities of human beings polluting the air. Further, the Environment Act of 1986 was adopted to preserve and ameliorate the condition of the ecology. The Act covers all forms of pollution; air, water, soil and noise. It provides under Section 3, the safety standards for the presence of various pollutants in the environment and prohibits the use of hazardous material under Section 6 unless prior permission is taken from the Central Government. Further, it allows the central government to assign authorities in various jurisdictions to carry out the laws of this Act under Section 22. (Tiwari, 2006, 216)

To control the pollution that emerged from the factories, the government initiated to amend the Factories Act 1948. The prime law-making was to manage and secure the well-being and security of labourers in industries. It tries to deal with the health problems of human beings and their security and tries to protect them from the disastrous effect of pollution. Section 11-20 deals with providing environmental sanitation that protects workers from hazardous environments. Section 11 talks about the cleanliness of the workplace, privy, benches, stairs, walls, etc. Section 12 emphasizes the Disposal of wastes and effluents that should be without any risk. Section 13-17 specified the ventilation, temperature inside the factory, dust and fumes emission, lighting, artificial humidification, and overcrowding (minimum of 50 cubic meters per person). The Factories (Amendment) Act incorporates and applies to every industry. Under Section 93 of the Factories Act, it makes the occupier and the officials both accountable to be punishable and locked up in jail for two years or else have to pay a sum amount of 1 lakh. If a person continues to infringe the law, then the person is liable to pay 1000 each day until the measures have not been adopted. If a person or any industrialists breach the law under the newly added section in Chapter IV-A under Factories Act 1987, they will be sent to the bar for seven years and pay a fine of Rs. 2 lakhs. (Ahmad, 2009, 118-120)

Significantly in 2010, a new step was taken by adopting The National Green Tribunal Act under Article 21 of the Indian Constitution. The government executed this Act for the successful and speedy workings to protect the environment. This Act undertakes to dispose of the Activities of the environment and provides certain legitimate rights to the person. It grants aid and reimbursement for the destruction or loss that the person has undergone. Hence, this Act guarantees the individual's security of life and freedom. (Menon and Kohli, 2022, 114).

Further, Prime Minister Narendra Modi, under the chairmanship of T.S.R. Subramanian, inaugurated a High-level Committee to examine the Environmental Acts in 2014 in an attempt to make the environment clean. The committee headed by T.S.R. Subramanian, cabinet secretary of India, handed the responsibility to propose and revise the earlier ecological laws. The committee was assigned to attain the information on six executed laws Indian Forests Act, 1927, Wildlife Protection Act, 1972, Water Prevention and Control of Pollution Act, 1974, Forest Conservation Act, 1980, the Air Prevention and Control of Pollution Act, 1981 and the Environment Protection Act, 1986. The council works to rewrite the implemented laws and evaluate the policies made for environmental protection in the country. Due to improper execution of laws by the Government official, deferring the workings of development schemes led to the emergence of such committees. The TSR Committee has suggested certain modifications in the laws to reach the overall requirements of the environmental problems. The main target of organizing the committee was to reinstate the administrative units so that they could recognize their responsibilities toward the environmental policies. (Rao, 2015, 69-70) The council mainly focuses on global warming, extinction of species, wildlife conservation, and proper use of natural resources because these issues cause significant conflicts among individual.

Compensatory Afforestation is described as reimbursement to pay as a remuneration against the loss of the forest resources. Acknowledging the rapid decrease in the land under forest cover led the government to rethink forest conservation in the country. Therefore, it provided an Act to prevent the loss of the forest area by implementing the Compensatory Afforestation Fund Act (CAFA) in 2016. It sets certain principles that no land under forest should be considered to be reserved. Moreover, no forest cover should be used for any other purposes without the consent of the Government of India. This indicates that any growth or constructive work which deals with the recreation under the forest cover needs early permission from the Ministry of Environment, Forest and Climate Change. The Forest Act of 1980 did not deal with the Compensatory system earlier as a means of authorization. Hence, the government in the present Act makes authorization and approval by the government difficult to protect the forest land from being misused. If the person gets approval, then they have to obey the rules strictly to cause any damage to the forest. Hence, the constitutional and legislative measures were adopted by the government to transform and restore the condition of the environment.

## Conclusion:

The environmental degradation across political territories all over the world is the biggest danger to humanity and mother earth. Nevertheless, to say that the issues of environmental conservation and protection have emerged as the most contemporary, crucial and challenging issues to be looked at and be handled carefully, keeping in mind a safe, secured and progressive future for all the creatures on the earth, off course human life is the core of it. This has turned out as a global concern in the last few decades to keep the environment naturally original and pollution-free. Civil society has become active in catalyzing the process of conservation and protection of the environment through awareness building, activism-based initiatives, pushing states and administrative machinery, doing groundworks, etc. Chipko, Narmada Bachao, Jal Bhagirathi etc. have emerged as relevant examples. Meanwhile, with the help of the Indian Constitution and environment concerning laws, rules and regulations certain individuals, institutions and organizations have made the civil society an effective tool to achieve specific goals of environmental conservation and protection, which differ in the extent shape and degree level but have a common aspiration.

Although, no regulation could be successful unless the public approved and accepted the rules. The Ministry of Information 1995 focused on awareness programs to educate the people to safeguard nature. The department instructed the media to make a short informative movie on environmental protection to persuade the public to keep the environment clean. The Radio Stations like All India Radio were instructed to present the program on the importance and conservation of nature in 1996. Further, the Government of India sets specific ecological rules and policies to meet the targets established in the Constitutional framework of India. The Constitution of India visibly states that it is an individual's responsibility to protect the ecology. One must protect the wildlife and forests. It imposes an obligation on the citizen of India to preserve natural resources. It compels the individual to shield the trees, animals, lakes and rivers that fall in the category of nature. Hence, educating the people, awareness programs, and constitutional and legal environmental laws are the central rudiments in motivating and increasing the people's concern for nature. It boosts the public to participate in programs organized to protect the ecology. Awareness and participation help society develop sustainability.

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List all the material used from various sources for making this project proposal

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