

## Law on Industrial Pollution: An Overview

Nusrat Husain, Research Scholar, Dept. of Law, Janardan Rai Nagar Vidyapeeth University, Udaipur  
Dr. Lalit Yadav, Professor, Dept. of Law, Janardan Rai Nagar Vidyapeeth University, Udaipur

### ABSTRACT

*Since the beginning of the industrial revolution, the performance of economic indicators has been regarded as the primary criterion for determining whether or not progress has been made. This perspective continues to hold true today. This viewpoint has remained prevalent even after the advent of the industrial revolution. As a direct consequence of this, India won its independence, and immediately afterward, the nation's leaders prioritized the rapid industrialization of the country as a means to achieve economic success. This was done in order to make the most of the opportunities presented by the country. The advancement of science and technology has, without a shadow of a doubt, bestowed many benefits upon society in the form of better and improved quality of commodities at relatively inexpensive rates and in comparatively vast quantities. These benefits have been given upon society as a result of the many gifts that science and technology have bestowed upon society. These benefits are a direct outcome of the developments that have taken place as a result of these factors. This newly discovered availability of technology has, unfortunately, also brought with it the problem of higher levels of pollution. When applied in a general sense, the word "pollution" can be understood to refer to the presence of chemicals that are unpleasant in quantities that are undesirable and in areas that are undesirable.*

### INTRODUCTION

Ever since the commencement of the industrial revolution, the solitary performance of economic indicators has been considered the major criteria for judging whether or not progress has been accomplished. This has been the case ever since the beginning of the revolution. As a direct result of this, shortly after India attained its independence, the major emphasis was put on the establishment of rapid industrialization in order to achieve economic prosperity. As a result of the liberalisation measures that were implemented in 1991, it became much less difficult for private investors and multinational businesses to join the industrial sector and spend their money and technology. As a consequence of this, India was able to establish a solid and diverse industrial structure, which propelled our country to the ranks of economies that are expanding. The quick industrialization that took place, on the other hand, was responsible for carrying over the seeds of environmental environmental destruction. Industrial pollution is one of the most evident environmental concerns that nations that are now deemed to be industrialised confront, and the majority of economies that are in the process of newly industrialising are now grappling with problems related to industrial pollution. The words "industrial pollution" and "industrial waste" refer to the complete range of materials that are created by industrial processes but are rejected by the maker. These products include anything from chemicals to biodegradable materials. There are times when they provide an opportunity that is not being taken advantage of, which might result in an improvement in production efficiency and a reduction in the costs associated with disposal. Some of the components that are found in waste and pollution from industrial processes have the potential to be hazardous to both human health and the environment. Pollution of the natural environment not only has a detrimental effect on individuals, but it also has a negative affect on the development of the economy over the long run. There is a negative correlation between pollution and the growth of the economy. Only a few of businesses were responsible for more than ninety percent of the pollution that was created in the nation between the years 1990 and 2010, as shown by the results of an investigation of the pollution load. Since a result, there is an urgent need for policymakers to give the control of pollution in these sectors the highest priority, since this will contribute to a significant reduction in the amount of pollution by industrial sources. In order to accomplish this objective, it would be beneficial to give this control the greatest priority. There have been a lot of changes that have occurred in the organisation of our industrial sector, the most notable of which is the administration of economic reforms. The Indian government, on the other hand, has not yet put into practise any meaningful environmental changes that take into consideration the impact that shifting industrial patterns would have on the environment.

Because of this, there is a need for study to be carried out on the impact that India's industrial sector has on the environment that is around it. The purpose of this research is to explore the composition of India's industrial structure in order to provide an answer to the issue of how much pollution is created by the different kinds of industries that are present in the nation. Then, we were able to establish the changes in the quantity of pollution that Indian firms create by using the Industrial Pollution Projection (IPPS) model that was developed by the World Bank. This model is used for assessing pollution load in developing countries when continuous industrial pollution data is not easily accessible. The conclusion that we have arrived at is that policy changes are necessary to be adopted in order to drive a more efficient use of resources, the replacement of scarce resources with renewable ones, and the use of technologies and practises that minimise the effect that they have on the environment.

In the context of environmental law, the term "industrial pollution" refers to a wide variety of rules and statutes that have been enacted with the goal of minimizing and controlling the negative effects that industrial activities have on the surrounding environment. The purpose of these regulations is typically to limit various forms of pollution that are caused by industrial operations. These forms of pollution include contamination of the air, water, and soil.

Regulations on air pollution frequently include the establishment of emission limits for a variety of pollutants, including sulphur dioxide, nitrogen oxides, particulate matter, and volatile organic compounds. These limits apply to pollutants that are emitted from industrial facilities such as factories, power plants, and other production facilities. In order to comply with these rules, it may be necessary to install pollution control equipment such as scrubbers or catalytic converters in order to lower hazardous emissions.

Water pollution laws regulate the discharge of pollutants into water bodies and effluents from industrial activities to prevent contamination of rivers, lakes, and oceans. These laws manage the release of pollutants into water bodies. The treatment of wastewater prior to its release by industries may be necessary, as may the adherence to certain effluent standards or the acquisition of permits detailing the permitted limits for pollutants.

In addition, environmental regulations may address soil pollution brought on by industrial operations by establishing rules for the correct disposal of hazardous waste, limiting soil erosion, and managing contaminated areas through the application of remediation and cleanup initiatives.

## **EFFECT ON ENVIRONMENT**

It has been determined that pollution can be found in a significant amount of the environment. This has a number of repercussions, including the following:

- a) The term "biomagnification" refers to instances in which toxic substances (such heavy metals, for example) may move through trophic levels, becoming an order of magnitude more concentrated in the process.
- b) Ocean acidification, also known as the continuing reduction in pH of the Earth's oceans as a result of dissolved carbon dioxide, is caused by emissions of carbon dioxide.
- c) The generation of greenhouse gases causes global warming, which in turn has a variety of effects on the world's ecosystems.
- d) Invasive species can have a negative impact on biodiversity by outcompeting native species. Oftentimes, the ability of native species to compete successfully in their natural environment is hindered by the presence of invasive plant species, which might contribute detritus and bimolecular compounds (also known as allopathy).
- e) Rainfall is responsible for the removal of nitrogen oxides from the air and the fertilisation of land, both of which can alter the species composition of ecosystems.
- f) Smog and haze can restrict the amount of sunlight that plants receive, making it more difficult for them to carry out the process of photosynthesis. This in turn leads to the development of tropospheric ozone, which is harmful to plants.
- g) Over time, soil may lose its fertility and lose its ability to support plant life. This will have an impact on other organisms that are part of the food web.

Acid rain can be brought on by Sulphur dioxide and nitrogen oxides, both of which can lower the pH value of soil.

## REVIEW OF LITERATURE

Azi Fachri Mandala (2021) Everything that is in close proximity to humans and interacts with them in some way is considered to be their environment. The opposite of a living environment is something called the man-made environment, which consists of components and regions that have been substantially modified by humans. Law Number 32 of 2009 Concerning Environmental Protection and Management, along with other references, is one of the laws and regulations that is being researched here, along with a few others. According to Law Number 32 of 2009, which was enacted in order to protect and manage the environment, it is stipulated that the quality of the environment, which is declining day by day, poses a threat to the continued existence of humans and can also cause global warming, which promotes climate change. Therefore, in order to avoid and also before the environment gets increasingly damaged, it is essential for people to safeguard and maintain the environment so that it does not become extinct and destroyed as a result of the acts of the humans themselves. This is so that it is possible to avoid and also before the environment becomes increasingly harmed.

Maria Khan (2015) The majority of economies that are in the process of industrialization are currently dealing with the issue of industrial pollution, which is one of the environmental issues that has become one of the most obvious concerns in industrialised nations. Numerous shifts have taken place in India's industrial structure, most notably with the implementation of economic reforms. On the other hand, India has not yet implemented any significant environmental reforms that take into account the effect that changing industrial patterns will have on the environment. Consequently, there is a requirement for conducting research into the effects that India's industrial sector has on the surrounding environment. This study began by analysing the various components that make up the industrial structure. This was done because the level of pollution caused by various businesses varies greatly. We determined the changes in the pollution load of Indian companies by employing the World Bank's Industrial Pollution Projection model, which is designed for calculating pollution load in developing nations in the absence of continuous industrial pollution data. Our findings may be found in the following sentence. In conclusion, we offer policy reforms that are required in order to encourage more efficient use of resources and substituting away from scarce resources as well as adoption of technology and practises that minimise environmental impact. Lastly, we state that our findings show that policy reforms are required.

**Prashant P Bhave** (2015) Multiple factors, such as geography and the type of development taking place, can influence the amount of pollution found in the air in metropolitan areas. Major contributors to air pollution are human activities such as unchecked industrialization, the overexploitation and use of natural resources, and an ever-increasing population number. This review is an attempt to explore several aspects of air pollution and control legislation in India, with an emphasis on the country's history, the current situation, international treaties, the gaps, and the downsides. Additionally, legislative controls together with judicial responses to significant historic judgements relating to air pollution are presented in this overview. It has been brought to everyone's attention the drawbacks associated with the enforcement mechanism for the efficient application of environmental legislation for the control of air pollution.

"The book titled "Environmental Pollution and Control in Industries" (2011) written by SC Bhatia has focused its attention on the impact that industrial activities have had on society as its primary topic of discussion. This book includes a wealth of information regarding the effects that a range of industrial effluents can have on human health in addition to the preventative and corrective measures that can be implemented.

In his book titled "Environmental Studies," which was written by Shashi Chawla and published in 2013, he discussed the effects that a wide variety of toxins have on the surrounding environment. This book includes case studies that span a wide range of topics that are related to the contamination of the environment.

In his book "Environmental Geology: Principles and Practise" (2010), author Fred G. Bell studied the connection that exists between the natural environment and the well-being of living things, including humans, animals, and plants. Specifically, he focused on the principles and

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practises of environmental geology. He has discussed the negative effects that are brought about on the environment as a result of the use of chemicals such as pesticides, fertilisers, and other items of a similar kind to the ecosystem.

## **RESEARCH METHODOLOGY AND SOURCES OF DATA**

The researcher decided to use the Doctrinal approach in order to ensure the success of the current investigation. In the doctrinal approach to research, a comprehensive study of national and international statutes, reports, bylaws, text books, research journals, articles, case laws, and other regulatory agencies' reports must be performed. The stuff that is pertinent comes from secondary sources of information. The secondary data are compiled using information obtained from previously published papers, articles, journals, and periodicals as well as reports produced by pollution control boards.

The study began with the idea of the environment, with the goals of comprehending what is meant by the term "environment" and gaining a grasp of the impacts and the root causes of environmental deterioration. In order to gain an understanding of the legal framework and to observe the role that India's court plays in deciding cases relating to industrial pollution, the law dealing to the environment in the Indian Constitution as well as other laws were researched and evaluated.

## **ADMINISTRATIVE ACTIONS**

India, in accordance with the Vienna Convention of 1985 and the Montreal Protocol of 1987, to which it became a party in 1992, advocated for the establishment of a global fund during the London negotiations in 1990. The purpose of this fund was to provide assistance to poor nations in meeting their commitments under the aforementioned Convention and Protocol. The numerical value provided by the user is 40. A provisional multilateral fund has been formed within the framework of the Montreal Protocol with the purpose of providing financial support to poor nations in order to cover the supplementary expenses associated with the eradication of ozone-depleting compounds. In a similar vein, the establishment of the Global Environment Facility took place in 1991 with the purpose of expediting the financial support for initiatives in domains that were not yet subject to international accords. The management of the entity in question is conducted via a collaborative effort by the World Bank, the United Nations Environmental Programme (UNEP), and the United Nations Development Programme (UNDP).

## **AFTER-INDEPENDENCE ENVIRONMENT LAWS**

After India attained its independence, phrases such as "Industrialise or perish" and others of a similar kind became familiar statements. Growth, increasing production, and profits were the watchwords that were used in the process of economic planning. It became abundantly evident, after a great deal of discussion, that growth may have far-reaching negative implications if it was not made equitable and ecologically conscientious.

After the country gained its independence, a number of statutes were passed, each of which addressed a different aspect of environmental concerns. They are as follows:

In order to prevent the adulteration of food, the Act of 1954: in order to prevent the adulteration of food, to put precautions in place. When an item or meal is regarded to be contaminated, there are a number of different scenarios that are discussed. The establishment of a centralised food laboratory is required by law. Moreover, it incorporates an analysis of food as well as fundamental rules that are associated with food.

River Boards Act of 1956: Act of 1956 Concerning, In accordance with the provisions of this act, River Boards are to be established in order to supervise the management and development of rivers that run across several states. The prevention of water pollution, the regulation of soil erosion, the promotion of afforestation, and the conservation of water resources are some of the tasks that need to be completed.

There are certain states that have passed their own specific laws in order to address the problem of water resource pollution. In an effort to reduce the amount of pollution that was found in the river, the state of Orissa passed a law in the year 1953. As a consequence of this, the Maharashtra Prevention of Water Pollution Act, 1969 was enacted in the state of Maharashtra, which is located in India and is characterised by its high population density and

industrialization. In contrast to the Orissa Act, which solely applies to rivers, this Act encompasses not only rivers but also waterways, inland water, ocean streams, and tidal waterways to the degree that the State Government specifies.

### **POLLUTION FROM INDUSTRY**

Of all environmental case law, 43% was authored by businesses. Of the 26 distinct business categories, 38% were hauled before the Supreme Court and 62% made their way to the top court. The Bombay, Gujarat, and Kerala high courts were the most often used, hearing six cases each. Allahabad, Andhra Pradesh, Delhi, Karnataka, and Orissa high courts added four or five cases apiece. In terms of degree of organisation, we may classify businesses as either global, national, regional, or local. Some businesses dealt with certain products, while others dealt with a wide variety of things. On four separate occasions, the global corporation sought review by the highest court in the land. Only instances involving chemicals or other potentially dangerous substances accounted for 28% of all industry case law. The next most significant industries, accounting for 20% of the total, were those dealing with ecotourism, 10% with construction materials and coke, and 6.6% with thermal power. Businesses involved in distilleries, grocery stores, ivory, sugar, silk, shoes, textiles, tanneries, and rolling mills were among those that engaged in the legal struggle. What follows is an investigation of the actions of various businesses towards meeting their constitutional duty to preserve and enhance the environment, as well as the stance adopted by the court towards striking a balance between development and environmental protection.

The Supreme Court's rulings on industrial pollution matters fall into many categories, and the judgements discussed here are grouped according to those categories.

### **CONCLUSION**

We need clean water to drink, pure air to breathe, wholesome food to eat, and sanitary surroundings to survive from the moment we are born. These components are "sine quanon" for the healthy development of the human psyche. Today, we are able to live, breathe, drink, eat, play, and appreciate nature's gift. But we also have a responsibility to keep the air, water, and soil clean. Only if we take care of nature will it take care of us.

Harmony between man and environment is essential for his existence on this planet. Only until the biosphere is secure can our existence continue. We are increasingly worried about pollution since it affects our lives. The environment is a global issue that affects the whole universe, not just one State or one Country.

These days, pollution issues are a global concern. People are considering utilising an oxygen mask and an air-conditioning chamber permanently, and because pollution is becoming a part of life, dying from it may be seen as a natural death. This demonstrates how unable humanity is to address the issue of pollution. Compared to other Indian cities, Bombay, Calcutta, Delhi, and Madras have higher environmental issues. Delhi is the third most filthy, dirty, and unhealthy city in the world, according to a survey by the World Health Organisation.

India faces several environmental issues, including: Insufficient fuel, timber, and feed for rural areas' requirements puts stress on our trees. threats to biological variety and species of flowers and animals as a result of habitat disruption. adverse effects of industrialization, mining, irrigation, and electricity production as development activities. degradation of delicate ecosystems due to over-exploitation, a lack of tree cover, poor farming practises, tourism, and careless construction activities in places like mangroves, marshes, beaches, and hill regions.

To protect the environment, several national and international conventions were conducted. In order to safeguard and preserve the environment for human survival and development, several laws were created both before and after independence. These laws are now being implemented. Many philosophers, economists, sociologists, scientists, and jurists have expressed their dissatisfaction with the needless depletion of Earth's resources due to the current state of human affairs and the environment. They have predicted that if the current rate of environmental degradation continues, the environment will no longer be able to support human society.

The analysis shows that environmental protection was not given much emphasis in the early post-independence years, whereas national projects in the areas of sanitation, public health, nutrition, water supply, and housing were given more priority during the planning stage. The

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landmark Stockholm Conference on Human Environment, which was conducted in this decade and brought attention to the need of striking a balance between development and environment in national policy, made the 1970s a turning point in India's history of environmental preservation. The Forty-Second Amendment Act, which added Articles 48-A and 51-A(g) to the Constitution, gave environmental protection constitutional standing throughout this decade. With the passage of specific environmental laws like the Comprehensive Environmental (Protection) Act of 1986, Water Cess, and Air, the legislative activity increased.

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