



# **Beyond Legislation: Investigating the Environmental Protection Act's Real Impact Across the Country**

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## **ABSTRACT**

The term "environment" is characterised by a lack of clear and definitive definitions. While the term "atmosphere" is commonly used in everyday language, its legal definition differs slightly. This term encompasses both living organisms and the natural factors that encompass an individual. One crucial factor to be taken into account is that the environment functions as a vital life support system by offering various necessities for sustenance. Environmental contamination is a longstanding issue with historical origins. It can be traced back to the earliest period in the history of this globe. In recent years, there has been a shift in the trajectory of environmental conservation efforts. Numerous global environmental challenges have adversely impacted the Earth's ecosystems, encompassing concerns such as excessive consumption and population growth, industrialization and urbanisation, resource overexploitation and depletion, as well as deforestation, among others. According to the research paper, there is significant variation in both the procedural aspects and execution of the Environmental Protection Act (EPA) throughout different regions of the country.

**Keywords:** Environment Protection Act, Environment Law, Pollution

## **INTRODUCTION**

The contemplation of the duration during which natural resources were inactive within the Earth's crust is a subject of intellectual intrigue. The accelerated exploitation of natural resources since the onset of the industrial revolution has resulted in significant degradation of environmental systems, including air, water, and land. These resources have been extracted at unprecedented rates, leading to considerable harm inflicted upon the natural processes of the environment. The phenomenon of pollution has experienced significant growth on a

global scale since the advent of the industrial revolution in the nineteenth century. It is worth noting that the awareness of pollution's existence predates this period, as it can be traced back to the use of fire by early human civilizations thousands of years ago.

A multitude of diverse social, economic, institutional, and technological elements have together played a role in the degradation of the environment in India. The quality and long-term sustainability of the environment have been considerably compromised due to the fast rise of population, urbanisation, and industrialization. Indian religious beliefs and philosophy have incorporated environmental ethics into their teachings as well. The significance of the court in safeguarding the lives and civil freedoms of individuals within a democratic society cannot be overemphasised. In order to secure the enforcement of the Supreme Court's directives in compliance with legal principles, the Constitution establishes a requirement for all governmental entities, encompassing both civil and judicial authorities, to provide assistance to the Supreme Court to the fullest extent feasible. The jurisdiction of the Supreme Court of Canada in matters of writ jurisdiction is more expansive than previously perceived. In order to guarantee the fair and unbiased dispensation of justice, it is imperative that the court be independent and apart from the administrative branch. The examination of the judiciary's role in environmental protection necessitates a careful analysis of two significant factors. The role of the judiciary in the interpretation and creation of laws, along with the jurists' capacity to effectively comprehend interconnected environmental issues, holds significant importance for the development of environmental law.

## **ENVIRONMENT PROTECTION ACT**

The Environment Protection Act of 1986 was enacted by the Parliament of India. The Government of India enacted the Environment Protection Act of 1986 in response to the Bhopal Tragedy, exercising its authority under Article 253 of the Constitution. The legislation was enacted on November 19, 1986 subsequent to its passage in March of the same year. The document comprises a total of 26 sections. The objective of the act is to operationalize the resolutions formulated at the United Nations Conference on Human Environments pertaining to the safeguarding and improvement of the environment, as well as the mitigation of hazards to humans, flora, fauna, and assets. The legislation functions as a unifying framework that facilitates collaboration among many federal and state organisations, including those established under the Water Act and the Air Act (Wikipedia, 2016). The present condition of the environment in India is a cause for concern. India is currently ranked as the sixth-largest emitter of greenhouse gases (GHGs) globally, and it is also recognised as the second-fastest-growing contributor to GHG emissions. Among the ten most polluted cities globally, three of them are situated in India. The acronym GREEN stands for Growth with Resource Enhancement of Environment and Nature. In the context of India, it has been over 12 years since the tragic incident of the Union Carbide Chemical leak in Bhopal. Following a period of economic recovery spanning 5 years, there has been a significant surge in environmental consciousness, reaching unprecedented levels (IEA, 2015).

A recent study conducted by the Tata Energy Research Institute (TERI) investigates the natural resources of India and the associated environmental damage. According to the study, the environmental degradation in India is resulting in a minimum loss of 10% of its natural revenue. Based on the findings of the investigation, there has been a reduction of around 66% in the quantity of freshwater resources that are currently accessible. Agro-based businesses, refineries, petrochemicals, and fertilisers require about 40 times the amount of water compared to other water consumers. However, these companies have not yet implemented effective measures to manage the substantial amount of wastewater they generate. Indoor and outdoor air pollution is responsible for causing the premature deaths of around 2.5 million individuals annually within the United States. According to a report by TERI in 2003, there has been a significant six-fold rise in urban sewage production over the past six decades.

There are apprehensions over the current state of planning in India. In the past 25 years, the United Nations conference on the "Human Environment" held in Stockholm, Sweden, has garnered global attention from governments and individuals alike. This conference has highlighted the mounting evidence that human activities are detrimentally impacting the natural environment and endangering human lives. Moreover, it has served as a catalyst for fostering international collaboration in order to effectively address this pressing challenge in the current era. The Indian population has undertaken several activities aimed at enhancing the environment, driven by the constitutional provisions that mandate the conservation and improvement of the natural surroundings. The notion that India's planning has undergone evolutionary changes since its establishment can be discerned by retracing historical developments. The inaugural written plan of the Planning Commission of India was formulated in 1952 under the leadership of the Prime Minister of India at that time. The primary objective of this plan was to achieve a 20% increase in national income and a 17% increase in per capita income. Additionally, a key aim was to ensure equitable access to financial resources for all individuals. Neither the first nor the second plan incorporated specific strategies to address environmental degradation. There existed only a limited number of discrete conservation policies pertaining to forests and soils. The Forest Policy Revolution Act, enacted on May 12, 1952, proposed the preservation of one-third of the nation's land area as forested regions. During the third quinquennial planning era, there would be an emphasis on enhancing the projects of both the initial and subsequent plans, with particular emphasis placed on bolstering initiatives related to forest and soil conservation. Efforts were undertaken to optimise the utilisation of forest resources while concurrently ensuring their sustainable conservation. The emphasis was placed on a range of river valley and afforestation initiatives. The fourth five-year plan did not introduce any novel insights or revelations on environmental issues. A limited number of forest policies and activities were incorporated into the Animal Husbandry and Fisheries department. Similarly, the fifth plan also adheres to the same trajectory. There were no uncharted territories available for exploration. A limited quantity of forestry efforts had been done. Nevertheless, the primary objective of this approach was to enhance the living circumstances within urban slums (Freedman et al., 2000).

Environmental concerns were first addressed with the implementation of the 6th five-year plan. The incorporation of environmental degradation was introduced for the inaugural time in India's long-term strategic planning. Water pollution, air pollution, noise pollution, and land pollution were each individually addressed. In 1972, the Government of India took a significant step towards acknowledging the necessity of integrated environmental planning by establishing the National Committee on Environmental Planning and Coordination (NCEPC). The objective of this review study was to analyse the Environmental Protection Act, its characteristics, and the nationwide implementation thereof.

## **HISTORICAL OVERVIEW**

The Environmental Protection Act of 1986 provides a definition of the term "environment" as the intricate interplay of water, air, and land, encompassing the entirety of living organisms within it. Additionally, it acknowledges the interconnectedness that occurs among these environmental components and their interactions with other entities present within the environment. The concept of "environment" comprises a wide range of influences, including physical and biological elements, as well as social, economic, cultural, religious, and other dimensions. The environment is comprised of numerous elements that engage in interactions with organisms and among themselves. Within this particular framework, the concept refers to the comprehensive amalgamation of all external factors and effects that exert an effect on the development of organs in humans, animals, and plants.

### **Policy and Laws in Ancient India:**

The ancient Indian Vedic civilisation held a significant regard for the preservation and restoration of the environment. The conservation of the environment was a strongly ingrained conviction that found expression in the everyday practises of individuals, as well as in myth, folklore, artistic expressions, cultural norms, and religious beliefs. Forests, trees, and animal preservation have assumed a significant significance within the context of Hinduism.

### **Policy and Laws in British India**

During the mid-19th century, Britain emerged as the global frontrunner in deforestation with the primary objective of meeting the demands of shipbuilding and iron-smelting industries. This extensive deforestation campaign not only resulted in the depletion of British woodlands, but also caused significant damage to the forests of Ireland, South Africa, and the northeastern region of the United States. During the early 19th century, the Raj initiated a highly aggressive campaign against the forests of the subcontinent. The demonization of forests can be attributed to the colonial land policy's emphasis on profitability. Professionals hailing from Germany, which was regarded as the leading nation in forest management in Europe at the time, played a pivotal role in the establishment of the imperial forest service in 1864. Dietrich Brandish, who has a background in botany, assumed the esteemed position of the inaugural inspector general of forests. He demonstrated a profound



understanding of the formidable task involved in overseeing deforestation and implementing legal frameworks to assert and safeguard a nation's control over its forest resources. According to his perspective, the introduction of the railway system in India marked a significant turning point in the country's water management history. This development led to the creation of a new governmental department and the enactment of legislation that imposed limitations on the previously unlimited water access enjoyed by rural inhabitants.

### **Policy and Laws post-independence of India:**

The Indian Constitution, which was ratified in 1950, does not explicitly have provisions pertaining to environmental preservation or pollution prevention and control, until the amendment made in 1976. Notwithstanding the annulment of legislation mentioned in article 397 as stipulated in this Constitution, and with due regard to the remaining provisions of the constitution, all existing laws that were in effect prior to the beginning of the constitution shall continue to be in effect until modified, revoked, or modified by a competent legislative body. As a consequence, it has maintained its independence for over fifty years. There have been few alterations made to the several existing legislation of this nature.

## **THE FUTURE OF THE INDIAN ENVIRONMENT AND CLIMATE POLICY**

India aims to position itself as one of the world's fastest-growing nations. In contrast, the government seems to be exhibiting an excessive level of seriousness. Based on a report from the Times of India, it is anticipated that India's economy will have a growth rate ranging from 8 to 10 percent in the year 2015. These rates can only be attained with the swift advancement of industrialization and the extensive use of resources. India's recognition of the necessity for resource substitution is evident through its active involvement in many international agreements and declarations. In conjunction with the imperative of international collaboration, it is imperative for India to undertake a paradigm shift in its environmental policy discourse, transitioning from an economic-centric approach to one that prioritises environmental consciousness.

Given its substantial population and the imperative to enhance economic expansion, India is compelled to employ a diverse array of energy sources. Energy will be utilised for both commercial and industrial purposes, as well as to meet the energy demands of the general population. In order for India to uphold the principle of "common-but-differentiated responsibility," it is imperative that it takes appropriate measures. By adopting this concept, India has the potential to make a valuable contribution towards mitigation endeavours, all the while ensuring the fulfilment of its own energy demands. Nevertheless, climate change is a profoundly delicate matter within the home context of India, given the great significance of the monsoon season. Consequently, there is a need for an environmentally progressive strategy that is proactive and resilient. Numerous experts have provided insights into the recommended attitude to adopt and the appropriate path of action to pursue. In my view, it is advisable for India to initiate a series of modest changes that possess the capacity to evolve into more substantial transformations in due course. The expansion of public transit can significantly reduce fuel emissions. Furthermore, the Climate Initiative unit of the Centre for Policy Research has put up a recommendation to

enhance public transit as a means to decrease energy consumption and mitigate carbon emissions (Centre For Policy Research).

Explicitly incorporating climate change into urban and industrial development is of utmost importance. Indian policy-makers in the field of environmental policy have adopted a prudent stance towards international conventions, prioritising their own domestic economic concerns. The increased prominence of the climate change discourse in public arenas is commendable as it fosters the acknowledgement of its inherent characteristics and the collective obligations it imposes on a global scale. The expression of environmental concerns should not be limited solely to environmental activism and non-governmental organisations. Consequently, if there is a deliberate promotion of extensive awareness, the forthcoming inhabitants of India will exhibit heightened consciousness regarding their obligations towards nature and the environment. It is imperative to allocate additional responsibilities to individuals, so facilitating a collective effort among a substantial populace to align with governmental policy. In 2015, the Indian government unveiled a forward-looking climate change strategy with lofty goals for the nation's future. The organisation has made a commitment to achieve a 40% share of renewable and low-carbon emission sources in its electricity generation by the year 2030. According to Vaughan (year not provided), Instead of simply appeasing environmentalists and the global community, these bold objectives may indicate a revitalised endeavour to address climate concerns from a more progressive standpoint.

## RESEARCH METHODOLOGY

The decision has been made to employ stratified random sampling as the method for selecting samples from various domains. The participants in this study are derived from a variety of organisations, including corporations, non-profit entities, and government organisations, all of whom are actively engaged in addressing environmental concerns. The data pertaining to the Environmental Protection Act was collected from a representative sample including 200 individuals. Following the collection of responses, the standard deviation was computed in order to assess the presence of any variability among the many data sets. The utilisation of the chi-square test and Pearson correlation coefficient has been employed to validate the hypotheses and examine the association between operational variables.

## DATA ANALYSIS

Table 1: Cross Tabulation of occupation and EPA Implementation

			Strongly Agree	Agree	Undecided	Disagree	Total
Occupation	Student	Count	8	8	0	0	16
		%	50.00%	50.00%	0.00%	0.00%	8.00%
	Housewife	Count	0	12	8	0	20
		%	0.00%	60.00%	40.00%	0.00%	10.00%
	Service	Count	60	44	28	4	136

%		44.10%	32.40%	20.60%	2.90%	68.00%
Business	Count	8	16	4	0	28
%		28.60%	57.10%	14.30%	0.00%	14.00%
Total	Count	76	80	40	4	200
	%	38.00%	40.00%	20.00%	2.00%	100.00%
Chi Square Value = 26.21			Pearson R = 0.005			

Among the 200 participants of the study, the distribution of individuals across different occupational categories was as follows: 8 percent were students, 10 percent were housewives, 68 percent belonged to the Service Class, and 14 percent were classified under the Business Class. Research has demonstrated that a significant proportion of students hold a firm belief that there exists an excessive number of rules and a lack of adequate implementation of Environmental Protection Agency (EPA) policies. Conversely, the remaining portion of students concur with this viewpoint. Furthermore, a majority of the women surveyed, specifically over two-thirds, expressed agreement with the aforementioned statement. However, it is noteworthy that a significantly smaller proportion, specifically one-third, demonstrated familiarity with environmental legislation and its implementation. In the service class, a notable proportion of individuals, specifically 44.1%, expressed strong agreement with the notion that the nation should prioritise the establishment of additional legislation while reducing the emphasis on implementing the procedural components of the Environmental Protection Act. Additionally, 32% of respondents in this class strongly agreed with this perspective, while a smaller percentage, 3%, strongly disagreed. Furthermore, it is worth noting that a significant portion, 21%, of individuals within the service class indicated a lack of familiarity with the Environmental Protection Act and its associated principles. The consensus among respondents in the business class regarding EPA laws and their implementation is notably supported by 29% of participants, although 57% expressed agreement and 14% indicated a lack of awareness on the matter. According to the findings of this study, the Karl Pearson coefficient of correlation between the EPA's occupational and procedural components is 0.005, suggesting a favourable association. The calculated and tabulated values at a 5% significance level with 12 degrees of freedom are 26.21 and 11.34, respectively. Given that the computed chi-square value above the critical value, it is appropriate to reject the null hypothesis. Consequently, it may be inferred that there exists a significant disparity in the implementation of the Environmental Protection Act (EPA) and its associated procedural aspects across various regions within the country. Out of the total respondents that participated in the study, 48 percent were classified as urban inhabitants, 18 percent as rural people, and 34 percent as semi-urban residents. Within metropolitan regions, a majority of 54 percent of participants expressed strong agreement about the presence of a higher number of regulations but a lower level of execution pertaining to the procedural aspects of the Environment Protection Act (EPA). Additionally, 29 percent of participants agreed with this sentiment, while 17 percent shown a lack of understanding regarding the issue.

Table 2: Cross Tabulation of Nature of Industry and EPA Implementation

		Strongly Agree	Agree	Undecided	Disagree	Total	
Nature of Industry	Factory	Count	24	44	12	4	84
		%	28.60%	52.40%	14.30%	4.80%	42.00%
	Judiciary/ Legal Department	Count	0	8	0	0	8
		%	0.00%	100.00%	0.00%	0.00%	4.00%
	NGO/ Social Worker	Count	24	0	4	0	28
		%	85.70%	0.00%	14.30%	0.00%	14.00%
	Academic	Count	0	8	0	0	8
		%	0.00%	100.00%	0.00%	0.00%	4.00%
	Department engaged in Policy Formation	Count	0	8	0	0	8
		%	0.00%	100.00%	0.00%	0.00%	4.00%
	Others	Count	28	12	24	0	64
		%	43.80%	18.80%	37.50%	0.00%	32.00%
	Total	Count	76	80	40	4	200
		%	38.00%	40.00%	20.00%	2.00%	100.00%
Chi Square Value = 93.61			Pearson R = 0.005				

In aggregate, 42 percent of the entire sample population is employed in the manufacturing sector, while 12 percent are engaged in academia. Additionally, 4 percent of respondents work in the field of Judicial/Law, and an equal proportion are employed in departments responsible for policy formulation. According to the findings of a poll, it has been observed that a significant proportion of manufacturing workers, specifically 29%, perceive the implementation of EPA procedural features in the country to be inadequate. The survey further reveals that a majority of those surveyed, accounting for 51%, agreed with this perception. On the other hand, a minority of 5% expressed disagreement, while 14% of respondents indicated a lack of knowledge or understanding of the subject matter. Consensus was reached among all participants of the survey, encompassing individuals from the judicial and legal professions, policymakers, and academia. The respondents from non-governmental organisations (NGOs) expressed a substantial agreement towards the introduction of supplementary legislation and a reduction in the execution of procedural elements within the Environment Protection Act. Only a small proportion, specifically 14 percent, remained undecided on this matter. Among the respondents surveyed who are not affiliated with the environmental sector, 44% express a strong agreement with the notion that there exists a greater number of laws pertaining to the Environmental Protection Agency (EPA), although their implementation of procedural features is lacking. In contrast, just 19% of individuals concur with this perspective, while 38% indicate a lack of knowledge regarding the EPA or its implementation. Based on the analysis conducted using Karl Pearson's coefficient of correlation (0.005), a statistically significant relationship has been observed between the type of industry and the procedural components of the Environmental Protection Agency (EPA). At a significance level of 5%, the computed value of 2 is 26.21, while the critical value of 2 is



31.41. The null hypothesis is rejected based on the observation that the calculated chi-square value exceeds the tabulated value. This suggests that there is a considerable variation in the procedural components of the Environment Protection Act (EPA) and its implementation across different regions of the country.

## CONCLUSION

India, a nation in its nascent stage for almost seven decades, initially relied heavily on the national policy framework inherited from the British colonial rule. However, in recent times, India has successfully cultivated its unique national identity amidst the backdrop of an ever-expanding globalised landscape. Throughout this time span, the entity has demonstrated its capacity to effectively address challenges of a social, economic, environmental, and political nature, all the while sustaining growth in a harmonious and equitable manner. Nevertheless, as it continues to undergo expansion and advancement, the responsibilities it must assume also increase in magnitude. It is imperative for the civil society to enhance its engagement in public affairs and have a more proactive stance in this regard. In light of constrained resources, it is imperative for both local and foreign stakeholders to set aside their divergences and collaborate towards the advancement of sustainable resource utilisation. India, as a nation, possesses the capacity to acquire knowledge from other nations, while concurrently serving as a global exemplar. India has the potential to significantly contribute to global efforts aimed at preserving the planet and establishing a society that prioritises cleanliness, environmental sustainability, and safety for all forms of life. This can be achieved by acknowledging and embracing its position within the broader narrative of climate change and environmental challenges. This paper aims to explore potential strategies for India to establish a lasting legacy while simultaneously fostering environmental sustainability and achieving economic prosperity.

A majority of the students expressed the opinion that the nation possesses an excessive number of laws and insufficient adherence to the procedural elements of the Environmental Protection Act (EPA). Conversely, all of the housewives indicated a lack of comprehension of the purpose and content of the EPA. There is a favourable correlation between the procedural characteristics of the Environmental Protection Agency (EPA) and factors such as occupation, residential neighbourhood, and industry type. The inclusion of non-governmental organisations and other governmental entities is vital in a public awareness campaign aimed at enhancing the general population's level of understanding.

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