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RETHINKING ENVIRONMENTAL LAW AND POLICY: A CALL FOR ACTION AND ACCOUNTABILITY IN CHALLENGING TIMES

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ABSTRACT

Environmental Laws are made to protect natural environment which includes air, water, land, all living organisms like plant and animals etc., and human health which includes a holistic well-being of a human being like physical, mental, social and environmental health.

The need for rethinking environmental laws and policy arises because of increasing pollution in air or water which can lead to various diseases like cardiovascular disease, respiratory issues, cholera etc. The rise in temperature due to human activities will also increase the greenhouse gas concentrations in the atmosphere and this will lead to global warming. The global warming exacerbates extreme weather events like droughts, heatwaves, floods, melting glaciers and ice contribute to rising sea levels, disrupt ecosystems, leading to habitat loss and biodiversity decline etc. These events can damage infrastructure, leads to food shortage, disrupts the natural balance of ecosystems, spread the diseases and negatively impact the human health.

1. THE OBJECTIVES OF VARIOUS ENVIRONMENTAL LAWS AND THEIR IMPACTS IN MODERN ERA:

1.1 THE AIR [PREVENTION AND CONTROL OF POLLUTION] ACT, 1981 –

This Act was implemented to prevent, control and abate air pollution. Air Quality Index is a tool developed by the government agencies to measure how polluted the air is or is expected to be. The current Air Quality Index of India is 106. The current Air Quality Index indicates that this type of air quality is not suitable for living beings and could even lead to several health diseases. It shows that THE AIR [PREVENTION AND CONTROL OF POLLUTION] ACT, 1981 is ineffective and no particular entity is accountable for it.

1.2 THE WATER [PREVENTION AND CONTROL OF POLLUTION] ACT, 1974

This Act aims of minimising the introduction of pollutants into water sources and helps in restoring the wholesomeness of water. Several tools and techniques are used to measure water pollution. These tools and techniques also includes various chemical tests, biological indicators and physical measurements like turbidity meters, conductivity meters etc. In current scenario 80% of water is severely polluted by the major pollutants like nitrates, fluoride, arsenic and heavy metals. It shows the ineffectiveness of THE WATER [PREVENTION AND CONTROL OF POLLUTION] ACT, 1974 and also an analysis needs to be done to identify the weakness of the Act.

1.3 THE ENVIRONMENT POLLUTION ACT, 1986 – This Act aims to protect the environment from degradation, pollution, deforestation, climate change, overexploitation of resources and also to create a balanced ecosystem. Due to many factors this Act has mixed level of success and failure. These factors could be the regulatory authority, public involvement, coordination and cooperation, penalties and sanctions etc. It shows that no particular entity is accountable for the ineffectiveness of this Act.

2. SOME SPECIFIC AREAS THAT CAN BE FOCUSED IN ENVIRONMENTAL LAWS ARE AS FOLLOWS;

2.1 ACHIEVING SUSTAINABILITY THROUGH TECHNOLOGY - Technology is a very dynamic function and plays a very crucial role in India. It is used in every field or profession. After the British Colonial Rule Indian Economy was left backward and stagnant and also many problems are faced in agriculture sector because at that time the agriculture sector is the backbone of the economy and around 85% of the Indian population is relied on agriculture for their livelihood and almost half of India's National GDP came from this sector. The technology is from one of the factors which helped the economy to grow and overcome the effect of British Colonial rule by improving transportation, communication and also it gave rise to industrialization and globalisation. In modern era, the government has also taken many initiatives to promote digital literacy and infrastructure development. India's digital economy contributed 11.74% of country's GDP and also ranks 36th globally in readiness for frontier technologies. It also leads in AI developer talent. One of the prominent example of technology's role in India could be the "OPERATION SINDOOR". The "OPERATION SINDOOR" showcased the successful deployment of air defence

systems, anti-drone technologies and a network-centric approach to warfare. It shows that the initiatives taken by the government is successful and by focusing more on technology and new policies about it we can achieve sustainability.

2.2 CLIMATE CHANGE AND ITS EFFECT ON HUMAN HEALTH - The primary reason for climate change is human activities. These human activities could be the pollution, deforestation, burning fossil fuels etc., and also the climate change influences natural disasters like earthquakes, floods, hurricanes etc. This climate change can lead to heat related illness, respiratory problems, the spread of infectious diseases and mental health issues. The implementation process of “SETHUSAMUDRAM PROJECT” will indirectly affect the environment and may lead to climate change. This project involves dredging and digging the 83km navigational channel from the GULF OF MANNAR to PALK STRAIT. Environmentalists also raised concern about potential ecological damage to the fragile marine ecosystem which are rich in biodiversity. This could be from the one of those projects which could lead to water pollution. Other classic reason for climate change could be evaporation, as temperature rises more water evaporates leading to higher humidity and more water vapours in the atmosphere. The increased amount of water vapours in the atmosphere due to evaporation amplifies the warming effect caused by the other greenhouse gases like carbon dioxide, nitrogen etc. These ongoing things shows the need for change in government policies and corrective measures should be taken to maintain a balanced environment.

2.3 BALANCING HUMAN RIGHTS WITH ENVIRONMENT - The Indian Constitution explicitly recognize and protect human rights and also outlines the fundamental duties of citizens. The human rights and duties are interconnected. THE PROTECTION OF HUMAN RIGHTS ACT, 1993 define human rights as those relating to life, liberty, dignity and these are guaranteed by the constitution and enforceable by courts in India. For example: Right to Freedom gives a person the freedom of speech and expression, freedom of assembly, freedom of assembly, freedom of association or union, freedom of movement and freedom to practice any profession. The Firecrackers Case could be the example of balancing human rights with environment. The honourable court permitted only green crackers (firecrackers with reduced emissions and noise levels) to be manufactured and sold through the licensed traders. It shows that the court is not only concerned with the environmental pollution but also it gives importance to the livelihood of people whose business is dependent on firecrackers and also the court has tried to balance the fundamental right to celebrate

festivals with the fundamental right to breathe clean air and live in a pollution free environment. The honourable Supreme Court has consistently prioritizing public health and environmental protection in its ruling.

2.4 CORPORATE RESPONSIBILITY IN MITIGATING CLIMATE CHANGE –

Corporate Responsibility refers to a company's commitment to operating in a way that is ethical, sustainable and beneficial to the society, the environment and also responsible for climate change. The classic example for explaining this could be the case MC MEHTA VS UNION OF INDIA (TAJ TRAPEZIUM CASE). This case shows the corporate responsibility and environmental protection intersects, particularly in mitigating climate change. This case brought the attention of the people to the environmental damage caused by industrial emissions around the Taj Mahal. The honourable Supreme Court has acknowledged that industries in the region were major contributors to acid rain and it was damaging the marble structure, so these industries were held liable because of which they must have to bear the cost of restoring environmental damage including the Taj Mahal. By taking preventive measures the court aims to reduce air pollution and mitigating the climate change and also the Taj Mahal was designated a UNESCO World Heritage Site in 1983. It shows that the government and courts are always emphasized on ethical practices, sustainability and about the impact on society as a whole. They take initiative but these initiatives are not successfully complied which results to a call for action and accountability in challenging times.

CONCLUSION

In conclusion we can say that the environmental law and policy needs more initiatives and the strict compliance of these initiatives needs to be adhere which will help in increasing sustainability, reducing pollution, country's growth and improves the health of living beings. We have many states in which are the cleanest states of the country. For example: Maharashtra consistently ranks high in cleanliness rankings because of the awareness among people which helps the state's local bodies to set new standards like wastage segregation, recycling etc., to achieve sustainability and also creates a good environment for people to live. Also, we have other states which shows improvement in their standard of living like Madhya Pradesh improved a lot in sanitation facilities and drinking water facilities and also it is the tenth richest state in India, Chhattisgarh also faced a lot of environmental issues due to increased urbanization but by taking effective measures like reusing resources, recycling materials etc.,

they control the pollution and secured the third position in cleanliness rankings in SWACHH SURVEKSHAN 2023. It shows that our government is working on the issues related to environmental pollution and doing the best for the citizens of their country.

