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A LEGAL STUDY ON AIR POLLUTION AND ITS FALL IN COVID-19 LOCKDOWN

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Abstract :

Air pollution can vary from place to place depending on industrialization, development, and population density. There are laws that prevent and manage air pollution, but they are not very effective in controlling the pollution in india. The solution to both indoor and outdoor air pollution is more stringent laws that are to be implemented to lessen the pollution. Only then will people obey the rules and regulations and use public transportation more frequently rather than private vehicles, and only then will the air pollution be controlled. The main cause of air pollution is thought to be vehicles. Over the past 20 years, vehicle emissions have become a significant contributor to air pollution in a lot of cities in india. The Air Prevention and Control of Pollution Act of 1981, which was passed to reduce air pollution and create a pollution-free environment, is the biggest endeavour undertaken by the Indian government. Controlling the use of private vehicles and old vehicles that release more smoke and cause pollution can help to minimise air pollution in India. Indoor pollution is becoming a major contributor to premature deaths , lung conditions, and pneumonia. Due to the global pandemic, the air pollution has been reduced since all the major working industries and vehicles were on a break.

Keywords : air pollution , emission ,prevention , covid 19, strict laws.

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INTRODUCTION :

Air pollution has turned out to be a global threat, WHO has reported that 99% of the human race has been inhaling poor quality air which leads to affecting the health of an individual and it has been recorded that 11.6% of global deaths are by lethal diseases caused by air pollution. A study from 2019 states that, from the 30 most air polluted cities, 21 cities are from India but still India is one of the countries which focuses on protecting and safeguarding the environment which is stated in the constitution of india(Anjum, n.d.) The Indian air pollution management system has developed a lot in technology . The Indian Constitution directly states the citizens to protect the wildlife , forest and to keep the country a pollution free country. under the Constitution of India directly announced the nation to protect and improve the environment and to live in a pollution free environment. This paper is about the air pollution made by human beings to the environment And how it has drastically reduced due to quarantine of covid 19 pandemic . The aim of the paper is to reduce air pollution by taking necessary measures properly to reduce the pollution.

Objectives:

- To study about the fall in air pollution due to covid 19.
- To study about the laws in prevention of air pollution and its effectiveness.
- To analyse the changes to be made to the air pollution laws for control and prevention for a better future.

Air Pollution And Its Effects :

The primary source of air pollution, it could be stated, is motor vehicles. For the past 20 years, vehicle emissions have grown to be a significant contributor to air pollution. 21 out of the 30 most populous cities in the world, all of which are in India, face major health risks due to air pollution in 2019. The Air Prevention and Control of Pollution Act of 1981, which was passed to clean the air by reducing pollution, is the government's most significant action. The Indian government created a five-year strategy to cut air pollution by 20–30% in the 102 worst-affected cities by 2024. The considerable global decline in air pollution levels has been a rare positive during the terrible Covid-19 outbreak. One of the six major air pollutants, nitrogen dioxide (NO_2), has been primarily measured by professionals (in addition to particulate matter, carbon monoxide, sulphur dioxide, ground-level ozone, and lead). Like most other gases, NO_2 comes from both natural and anthropogenic sources. Oceans, volcanoes, and lightning are examples of natural sources. Natural sources of NO_2 only make

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up a minor portion of the total NO2 levels in metropolitan areas. Road transportation is the main contributor to NO2 emissions in metropolitan areas, which are nearly exclusively the result of human activity. Significant human sources of NO2 also include fossil fuel-burning ships, power stations, and aeroplanes. Given this, it is not surprising that NO2 levels have dramatically decreased in metropolitan areas, particularly in India's heavily populated cities, amid the strict global lockdowns.(Sharma and Hossain, n.d.) This paper discusses the impact of human-caused air pollution on the ecosystem and how it has significantly decreased as a result of the COVID 19 pandemic quarantine. Indoor air pollution Several international studies have documented, indoor air pollution leads to 400,000–550,000 premature deaths in India from acute lower respiratory infections and chronic obstructive pulmonary disease.[1]

Discussion :

Vehicular pollution has become a serious problem in Chennai , the capital city of Tamil Nadu. (Oecd and OECD 2014)The pollution is more in estimated traffic locations on the major highway at Chennai city. Air pollution is a national crisis . (Mukhopadhyay 2009)

Transport is the third largest contributor for the increasing rate of air pollution Chennai ambient air quality programme says that air quality in Chennai is worse because of vehicles (Ray and Lahiri 2010)

The city's coastline is a blessing, the seabreeze disperse the heat and it carries away the pollutant . (Srivastava et al. 2020)Chennai May overtake Delhi due to more vehicular pollution, says a study by the centre for science and environment (Greenstone and Hanna 2011).

Air pollution levels have dropped significantly in India owing to the nationwide lockdown imposed in the wake of the Novel Coronavirus outbreak. (Srivastava et al. 2020; Yennawar 1978)The country has seen a massive dip in vehicular movement and industrial activity, which have resulted in clean and fresh air perhaps in decades.(Yasri and Wiwanitkit 2014) (Dave 1971)

NASA satellite sensors have observed aerosol levels at a 20-year low for this time of the year in parts of northern India. (Spears 2019)Aerosols are tiny solid and liquid particles suspended in the air that reduce visibility and can cause damage to human lungs and heart, Around this time every year, aerosols from anthropogenic sources add to air pollution levels in several Indian cities. (Noor 2020)India's Central Pollution Control Board (CPCB) too has recently reported an improvement in air quality in the country.(Sharma and Hossain, n.d.; Sarfraz, Shehzad, and Shah 2020) CPCB data suggests a nearly 71% fall in nitrogen dioxide levels.Several major cities— New Delhi, Kolkata, Mumbai, Bengaluru and Chennai — have witnessed a fall in the Air Quality Index (AQI).The Air (Prevention and Control of Pollution) Act, 1981 (the "Air Act") is an act to provide for the prevention, control and abatement of air pollution and for the establishment of Boards at the Central and State levels with a view to carrying out the aforesaid purposes.) (Gautam 2020)(Venter et al., n.d.)To counter the problems associated with air pollution, ambient air quality standards were established under

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the Air Act.

(India 1994) The Air Act seeks to combat air pollution by prohibiting the use of polluting fuels and substances, as well as by regulating appliances that give rise to air pollution. (Reitze 2001) (Mahajan 2009) The Air Act empowers the State Government, after consultation with the SPCBs, to declare any area or areas within the Sate as air pollution control area or areas. (Saadat, Rawtani, and Hussain 2020) Under the Act, establishing or operating any industrial plant in the pollution control area requires consent from SPCBs. SPCBs are also expected to test the air in air pollution control areas, inspect pollution control equipment, and manufacturing processes.(Kumari and Toshniwal 2020)

Air Pollution Case Laws In India :

- **Murli Deora vs. Union of India and others, 2002**

In Murli Deora vs. Union of India and others, while prohibiting smoking in public places the Supreme Court stated that ‘‘fundamental right under Article 21 of the Constitution of India provides that no one shall be deprived of his life without due process of law. In any case there is no reason to compel non-smokers to be the helpless victims of air pollution. Realising the gravity of the situation the Honourable Supreme Court directed and prohibited the smoking in public places and issued directions to the Union of India, State governments as well as the union territory to take effective steps.[2]

- **Delhi air pollution case: Vehicular pollution in Delhi: writ petition** (M.C.Mehta vs UOI and ors.) This writ petition was filed under Article 21 of the Constitution of India regarding air pollution in Delhi. The Petitioner challenged the inaction on the part of the Union of India, Delhi Administration (Government of National Capital Territory of Delhi) and other Authorities whereby smoke, highly toxic and other corrosive gases were allowed to pass into the air due to which the people of Delhi were put to high risk. During the pendency of this Writ Petition, the Honorable Supreme Court passed several orders/directions to deal with the situations arising from time-to-time and impressed upon the concerned authorities to take urgent steps to tackle the acute problem of vehicular pollution in Delhi on 26.7.1998 which include elimination of leaded petrol, replacement of old autos, taxis and buses, construction of new Interstate Bus Terminus at entry points, along with strengthening the air quality monitoring.[3]

2.2001(8)SCC 765

3.1991 SCR (1) 866

[1]K. Balakrishnan et al., Indoor air pollution associated with household fuel use in India: an exposure assessment and modeling exercise in rural districts of Andhra Pradesh (World Bank,Energy Sector Management Assistance Program (ESMAP),Washington, DC, 2004)

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- **Taj Trapezium Case, Agra: Taj pollution matter:**M.C.Mehta Vs UOI and Ors. W.P.(C) No.13381/1984 This writ Petition was filed by Mr. M.C.Mehta,regarding pollution caused to the Taj Mahal in Agra.The sources of air pollution were particularly iron foundries, ferro-alloys industries, rubber processing,lime processing, engineering, chemical industries, refractory units and automobiles especially the Mathura Refinery and Ferozabad bangles and glass industries. Acid rain in this area has a corroding effect on the gleaming white marble. The Supreme Court observed that other than chemicals, socio-economic factors too influenced the degradation of Taj. The people living in the Trapezium Zone were at risk due to air pollution. The court ordered 292 industries to operate using safe fuels like propane instead of coke/coal, otherwise they would have to relocate. The Gas Authority of India Limited was in charge of applications of gas. The court also gave few fundamental rights to workers of these industries and demanded payment of their wages during the time taken for relocation.
- **M/s Navin Chemical Manufacturing & Trading Co.Ltd.** initially against two respondents namely Okhla Industrial Development Authority and M/s Detchem Mineral Corporation In Navin Chemical Manufacturing & Trading Co. Ltd. vs. New Okhla Industrial Development Authority the Supreme Court directed the Uttar Pradesh Pollution Control Board to inspect the site of alleged air pollution industries and take necessary action against the industries that were causing pollution by grinding stone.

Measures To Prevent Air Pollution In India:

- Unavailability of technologies, there should be Technological development in reducing automobile pollution.
- Creating awareness among the public to use public transport and to live aneco-friendly sustainable life to save natural resources for the future generations.
- Industries should rely on non-combustion energy resources in order to reduce the effects of air pollution.
- Laws related to Air pollution should be implemented properly, more stringent laws should be established to control air pollution.

- PUC certificates should be renewed now and then to measure the carbon footprint left by the vehicle, in order to reduce the air contamination.
- More awareness should be created with regard to indoor air pollution. Indoor air pollution and its effects can be reduced by keeping the place clean, proper ventilation,

Conclusion:

" Be an imperfect environmentalist"

Every small change by an individual will result in a big change in the environment, which will have a big impact in future. Public awareness and implementation of air pollution laws**,** from all the part from the research it is found that the air pollution should be reduced , India is a part of United Nations conference on human environment held in Stockholm in June 1972 , which also includes the preservation of the quality of the air and control of air pollution, which enacted the air (prevention and control of pollution) Act , 1981 to reduce the air pollution. Article 21 of the Indian constitution says that a citizen has the right to live In a peaceful and pollution free environment. The pollution should be reduced to save future generations from a major life threat . It should not take a global pandemic to reduce the air pollution. More stringent laws should be implemented effectively to reduce the air pollution and protect natural resources for the future generations.

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