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# **LEGAL FRAMEWORK ON AIR POLLUTION (LAW & POLICY) AND ITS MITIGATING FACTORS**

AUTHORED BY - V. NIVETHA

## **ABSTRACT:**

Air pollution is a major threat and a matter of greatest concern in the world today. Depletion of ozone layer is another big problem that the world is facing. Air is one of the most important constituents of man's environment. The problems created by air pollution need to be studied to enable one to understand the problem of air pollution. To protect the environment from air pollution which is causing serious damage to the public health and property. One of the main objects of the study is to look into the problem posed by the gap between policy framework and present state of achievement in our country. The policy frame of this problem is to find out all sources and elements which are responsible for causing pollution of air. Then to find out the method to eliminate the pollutants from its source and also from the atmosphere by applying various means. This means should certainly be scientific but the legal means cannot be ignored. The work being a piece on legal study would concentrate more on the legal problem and policy for controlling air pollution. It also attempts to study how far these laws are effective in controlling air pollution.

## **CONSTITUTIONAL PERSPECTIVE**

The concern for preservation and betterment of environment has gained attention for the last forty years, when it became clear that natural wealth of a nation is not unlimited. The first serious attempt for the protection of environment at the global level was made through **Stockholm declaration in 1972**. The declaration carried the environmental issues from local to world sphere. It is a Magna Carta on human environment. After the conference, nations through out the world started giving priorities to laws by way of their legislative agenda. India being a signatory was energized to frame laws relating to control and prevention of pollution. Provisions were incorporated in constitution in the **44<sup>th</sup> constitutional amendment** act to capture the wave of Stockholm declaration. This brought into existence the newly added articles, **Article 48 - A** and **Article 51 - A**

## LEGISLATIVE ENACTMENTS UNDER ARTICLE 253

The air act a central legislation was passed by the parliament under **Article 253** of the constitution of India in pursuance of the decision taken at the Stockholm conference on human environment in June 1972. The parliament through **Articles 51, 253 and entry 13 of list I** of Indian constitution has passed the law. **Article 253** of the constitution empowers parliament to make laws implementing India 's international obligation or agreements. **Article 253** provides that notwithstanding anything in the foregoing provisions of the chapter, parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body. **Article 253** read with **entry 13 of the union list.** **Article 253** gives the legislative competence as article 253 shows the width of the treaty-making power, the union list to enact the **Air (prevention and control of pollution ) act of 1986.**

The preambles of both the act provide that these acts were passed to implement the decisions reached at the united nations conference on the human environment held at Stockholm in 1972. The scope of parliament to legislate on environmental issues has been derived from article 253. The constitution of India came into force on 26<sup>th</sup> January 1950. The idea of environment had not been in the minds of the founding fathers when the provisions of the Indian constitution were debated and approved. At its initial stage the provisions for safeguarding healthy environment could not be seen. The seed of such provision could be traced in **Article 47** of the Indian constitution. **Article 47** of the constitution, reads as follows:

*“The state shall regard the raising of the level of nutrition and standard of living of its people and improvement of public health as among its primary duties.”*

Indian government adopted and compliance with the principles of the Stockholm declarations adopted on the international conference, by the constitution (42<sup>nd</sup> Amendment) Act, 1976 made the expel provision for the protection and promotion of the environment, by the introduction of **Article 48 A and 51- A (g)** which is the part of directive principles of state policy and the fundamental duties respectively.

## RIGHT TO CLEAN AIR: AN EVALUATION AS A FUNDAMENTAL RIGHT

Air is the most important constituent of man's environment. It is calculated that a man breath about 22,000 times a day inhaling about 16 kg of air by weight. Clean and pure air is very essential for his health and survival. Life subsists as long a breath last. Unfortunately, with the spectacular

scientific discoveries and developments, we tend to forget that we live in a world where pure air is at premium and this is just the tip of an iceberg. These dangerous dimensions of air pollution and other pollutions led the Supreme court to derive that under under **Article 21** of the constitution Right to live is a fundamental right and at the same time includes the right to enjoyment of pollution free water and air for full enjoyment of life.’<sup>1</sup>

The supreme court of India, in 1980, indirectly conceived this right in a monumental judgment in the case of **Rattam municipality V. Vardhichand**.<sup>2</sup> Where **Justice V.R Krishna Iyer** and **Justice O. Chinappa Reddy** observed :

*“ Even as human rights under part III of the constitution have respected by the state regardless provision. Decency and dignity race non – negotiable facts of human rights and are a first charge on local self governing bodies.*

**Article 21** of the constitution to include the right to clean and healthy environment within its boundaries of jurisdiction. At this particular juncture, it would be unavoidable and imperative to mention the ramifications of the directive principles of state policy found in part IV of the constitution and the aid taken by the courts in interpreting the various fundamental rights In **Francis Mullin’s case**<sup>3</sup> , the court held that right to life includes right to live with human dignity, free from exploitation. This right to live with human dignity, free from exploitation. This right to live with human dignity enshrined in **Article 21** derives its life breath from the directive principles of state policy and particularly **Article 39(e)(f),41 and 42**. It must include protection of the health and strength of workers, men and women, and children of tender age against abuse opportunities and facilities for children to develop in a health manner and in conditions of freedom and dignity educational facilities just and humane conditions of work and maternity relief. These are the minimum requirements, which must exist in order to enable a person to live with human dignity. No state, neither the central government nor any state government, has the right to take any action which will deprive a person of the enjoyment of these basic essential senshrined in the constitution,

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<sup>1</sup> Subhash Kumar Vs state of Bihar, AIR 1991 SC 420

<sup>2</sup> AIR 1980 SC1622

<sup>3</sup> AIR 1980 SC 849

## **ROLE OF INDIAN JUDICIARY IN PROTECTION OF ENVIRONMENT POLLUTION**

**Before 1972 :** After independence the thrust was on the economic development of the country. Policies were framed to support the development of industries and the natural resources were exploited to supply the raw materials. There was no as such law to define the ambit and scope of pollution. Legal provisions and principles were there but were not adequate to deal with the environmental pollution. In **Madras Railway Co. V. Zamindar and K Nagireddi V. Govt. of AP** Court decided to recognize principle of ' **STRICT LIABILITY**' laid down in **Ryland V. Fletcher** which makes a person strictly liable for non-natural use of the land. The concept of environmental pollution and environmental protection had not found any place under the Indian jurisprudence. No remarkable contribution was made before 1972.

The Stockholm conference, 1972 worked as a catalyst in development of environmental jurisprudence in India. Legislative and executive efforts have been made in the field of environmental law. The **wildlife Protection Act, 1972**, the **water** (prevention and control of pollution) **Act, 1974**, the **forest** (conservation) **Act, 1980** the **Air** (prevention and control of pollution) **Act, 1981** and the **environmental** (protection) **Act, 1986**, protection of plant variety and **Farmers Right Act, 2001**, **Biological Diversity Act, 2002**, **Wild life** (protection) **Amendment Act, 2002** and **National Green Tribunal Act, 2010** (NGT) Were enacted. The aim and objective was to protect and improve the natural environment including forest, lakes, rivers and wildlife and to have compassion for living creatures. But in majority of Acts individual was assigned very little role and the complaints in respect to the environmental pollution, generally, only can root through governmental authorities. The boards created to take the cognizance have only power to give direction. Similarly an independent department of environment was established by the Government of India in 1980 to impart environmental awareness by encouraging research on environmental problems.

But this department is merely an administrative set up and lacks power to prosecute the defaulters. In these circumstances the role of Indian judiciary needs special reference in the development environmental jurisprudence in India. Close analysis of different pronouncement of the Supreme Court reveals that it had tried very hard to protect the land, water, air, coastal areas, seashores, towns and cities, public health & safety, forests and wildlife, environment degradation. Not only this, but it has attained the optimum by declaring pollution free environment as fundamental right under **Article 21** of the constitution. Indian courts did not hesitate to entertain PIL to secure

environmental justice in India. Through PIL the court has addressed each and every environmental problem ranging from the leakage of hazardous gases like chlorine from Shriram Fertilizer Industries, waste, material from alcohol plant resulting in spreading of obnoxious smells apart from mosquito breeding, highly toxic discharge from tanneries into river Ganga, safety and insurance for employees at the cost of employer, issue of harmful drugs ban, welfare of the children suffering with congenital defects as consequence of leakage of MIC gas from the union carbide plant at Bhopal, awareness about the environment protection, discharge of untreated effluents making the land unfit for cultivation, protecting the Taj Mahal noise pollution in residential areas, protection of environment & the construction of Narmada dam, etc., any by doing so the judiciary has made the environmental protection as its constitutional obligation. The herculean task of the Indian judiciary in respect of environmental protection may be studied under the following heads.

### **Evolution of legal principles & Doctrine in environmental jurisprudence:**

Under this head we will see how the supreme court of India has interpreted the law to meet out the challenges posed by the industrialization to our environment. Supreme court of India in, **M.C. Mehta V. Union Of India**, formulated the doctrine of ‘**Absolute Liability**’. This made the hazardous and inherently dangerous industries absolutely liable for any injury caused to the environment irrespective of their negligence, motive or intention. Once again the supreme court in, **Indian Council for Enviro – Legal Action V. Union Of India & Vellore Citizens Welfare Forum V. Union Of India** not only reiterated the same doctrine but moved a step ahead by laying down the ‘**polluter pays**’ principle. Under this principle the responsibility of repairing the environment is put on the shoulder of the offending industry. In, **M.C. Mehta V. Union Of India**, supreme court of India laid down another principle for the protection of the environment i.e.<sup>4</sup>, the ‘**precautionary principle**’. Supreme Court explaining precautionary principle held that the concerns engaged industries not only take the measures for environmental protection but also anticipate, prevent & attack the cause of environmental pollution & degradation. In, **M.C. Mehta V. Kamalnat.**, Supreme Court laid down the Public Trust Doctrine. The Supreme Court held that the state is the trustee of all natural resources. The natural resources are meant for public use & enjoyment and it cannot be given into private ownership.

There has always been a great challenge before judiciary to balance the conflicting interests. While dealing with environmental issues a court has to weigh the right to development and right to

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<sup>4</sup> Locus Standi means, ‘A Place of standing in court. A right of appearance in a court of justice. A right of appearance in a court of justice, or before a legislative body, on a given question’, Black’s Law Dictionary, 6<sup>th</sup> Edn, West Publishing Company.

pollution free environment. In developing countries it becomes more complex, so it need some and more care and caution. In **Rural Litigation and Entitlement Kendra V. State Of UP and Banwasiseva Ashram V. State Of UP** dealing with the right to development & right to environment sought the rehabilitation of people who had been displaced due to the implementation of development project.<sup>5</sup>

The development of a country affects its social environment too. It becomes incumbent upon the judiciary to take care of the socially disadvantageous people. **Supreme Court in CERC V. Union Of India** protected the social rights of labourers. Court held that the labourers engaged in the asbestos industry are entitled to get medical benefits and compensation for health hazard, detected even after their retirements. Establishment, closure and relocation of industries makes people to lose their place of habitat and jobs. Supreme Court dealing with similar situation in **M.C .Mehta V. Union Of India** held that dislocated be properly rehabilitated. For the sake of development, generally, rivers and forests are exploited. It makes habitant to suffer. Supreme Court came forward in **Pradeep Kishan V. Union Of India** and protected traditional -rights of tribal's and fishermen.

#### **THE LATCHES LAW & THE ADMINISTRATION:**

Supreme Court while dealing with the environmental issues experienced gaps in existing laws and lack of administrative efforts. So it went to the extent to ask the government to constitute national and state regulatory authorities or environment Courts. It gave directions to local bodies, especially municipal authorities, to remove garbage and waste and clean towns. In, **Vellore Citizens Welfare Forum V. Union Of India** the Supreme Court made request to the chief Justice of the Madras High Court to constitute special bench 'A Green bench' to deal with the environment related matters and similarly to the Calcutta, Madhya Pradesh and some other High Courts.<sup>6</sup>

### **GREEN TRIBUNAL FIGHT AGAINST TO AIR POLLUTIONS**

National green tribunal was set up under **National Green Tribunal Act, 2010** this act enacted with a aim environment protection, forest conservation and safeguard other natural resources along with implementation of legal rights for environment protection and giving relief and compensation for damages to persons and property.

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<sup>5</sup> Paramjit S. Jaswal, Directive Principles Jurisprudence And Socio- Economic Justice in India, 543(1996)

<sup>6</sup> Paramjit S. Jaswal and Nishtha Jaswal , Human Right And The Law, 172-180(1996).

NGT since its inception have taken various steps in order to reduce the menace of pollution and other activities adversely impacting the environment. Some of the recent steps by the tribunal include order of banning of solid waste. These steps have been taken owing to the rising pollution levels which is evident from the list of most polluted cities where the national capital stands on the top. Other examples includes cancellation of coal block clearance in Hasdee- Arand forests over riding central government 's decision, Sterlite case and Meghalaya rat hole mining.

However despite various proactive support being taken by the tribunal the pollution levels has been continuously rising over the years. This is due to lack of effective support form government both at the centre as well in states. Inefficiency of central and state pollution control boards is another reason for it. this often results in delays in implementing the tribunal's decision. Without adequate support from the government side NGT is unable to have a vigilance throughout the country due to its limited capacity and staff. Further despite solving a long number of cases still there is a long list of pending cases in the tribunal which adds to the problem.

Citing the increasing pollution levels in the country having an adverse impact on health the role of NGT gains more importance. The central and state government should work in collaboration with NGT to secure the environment with better, faster enforcement of NGT orders. Recently launched National Air Index can be used proactively for monitoring the pollution levels.

India provides an example of how such tribunals may be ineffective because they are subject to the control of the legislative branch rather than the judicial branch. India enacted the National Environmental Act in 1995 for the purpose of establishing strict liability for damages from any accident arising from the handling of hazardous wastes and for establishing a national environmental tribunal to hear cases resulting from such accidents. Establishment of the Environmental Tribunal was made dependent on the national government appointing members, which the government has failed to do. References and resources on Role Of Judiciary in **LAND MARK JUDGMENTS REGARDING AIR POLLUTION** Judgments relating to air pollution issues have provided a great deal of momentum to improve air quality

### **1.Delhi air pollution case :M.C. Mehta V. UIO and ors.<sup>7</sup>**

In 1985 this writpetition was filed under Article 21 of the constitution regarding the Delhi air

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<sup>7</sup>writ petition (civil) no. 130/1985

pollution . The petitioner alleged the high level explosion of smoke, toxic gases and other corrosive gases were caused air pollution and the peoples in the areas affected and the people were put to high risk. The petitioner also challenge the in action on the part of the Union of India, Delhi) and other Authorities. The SC directed and passed the several orders to the authorities to take urgent step to tackle the problem of vehicular pollution. After passing orders the authorities made a steps include elimination of leaded petrol, replacement of old autos, taxies and buses, construction of new Interstate Bus Terminus at entry points, along with strengthening the air quality monitoring.

## **2.VelloreCitizen Welfare Forum V. Union Of India and others 1996) 5 SSC 64**

In this case the Honorable Supreme Court has issued some directions and emphasized the the Indian government to compliance with the directions like union f India would have priority to to transport sector including private vehicles all over India with regard to the allocation of CNG. Also the Sc relied on the judgment in precautionary principle and “polluter pays principle” was discussed.

## **3. Pollution by industries in Delhi: M .C. Mehta V. Union of India and Ors. Writ petition (civil) No. 4677/1985**

This case regarding the pollution in Delhi by the Industries located in residential areas of Delhi. After considering the reports of CPCB and DPCC the Honorable SC passed a various orders and categorized the industry types. These orders include 168 industries falling in ‘Ha’ and ‘Hb’ categories which were hazardous and large industries, 513 industries falling under ‘H’ category 43 Hot Mix Plants, 246 brick kilns falling under category ‘H’, 21 induction furnaces falling under ‘H’ category industries under the Master Plan of Delhi (MPD-2001) were directed to close and stop functioning and operating in Territory of Delhi

## **4. Oleum Gas leak Case : M.C. Mehta V. Union Of India and Ors In M.C. Mehta V. Union Of India & Shri Fertilizer V. Union of India Writ Petition (Civil) No. 12739 of 1985,**

This case is famously known as Oleum gas leake case. This case is also for strict liability. The significant questions raised were related to the scope of **Article 21** and **Article 32** of the Constitution of India. In this case the company cause damages and the basis on which damages in case of such liability should be quantified, whether such large enterprises should be allowed to continue to function in thickly populated areas and if so permitted, what measures should be adopted to reduce the ricks to minimum to the workers and community. The Court emphasized

setting up neutral scientific expertise near the location of hazardous industries which could act as an information bank for the Courts and the government departments and recommended for establishing 'Environmental Courts ' to deal with cases of environmental pollution.

#### **5. Union Carbide Corporation V. Union Of India (Bhopal Case –III) AIR 1992 SC 248 :**

In this case a review petitions under Article 137 and writ petitions under **Article 137 and writ petitions under Article 32** of the Constitution of India, raised certain fundamental issues as to the constitutionality, legal validity, propriety, fairness and conceivability of the settlement of the claims of the victims in a mass- tort action relating to world's worst industrial disaster, unprecedented to its nature and magnitude.

### **PRINCIPLES INVOLVED BY JUDICIARY TO CONTROL AIR POLLUTION**

1. National Ambient Air Quality Standards following a gap of 15 years, the Ministry of Environment and Forests has notified the Revised National Ambient Air Quality Standards in the official Gazette under the **Environment (protection) Act, 1986 on 16.11.2009 (20)**.

Some of the salient features include :

- (i). Area classification based on land-use has been done away so that industrial areas have to conform to the same standards as residential areas.
- (ii). The standards shall be applicable uniformly with the exception of stringent standards for NO<sub>2</sub> and SO<sub>2</sub> in the Ecologically Sensitive Areas.
- (iii). The previous standards for residential area have been uniformly applied for fine particulate matter (PM<sub>10</sub>), Carbon Monoxide and Ammonia. More stringent limits for lead, SO<sub>2</sub> and NO<sub>2</sub> have been prescribed even for residential areas.
- (iv). Suspended Particulate Matter (SPM) as parameter has been replaced by fine particulate matter (PM<sub>2.5</sub>).
- (V). Other new parameters like, Ozone, Arsenic, Nickel, Benzene and Benzo(a)Pyrene have been included.
- (vi). Standards for short duration, just one to few hours, have been set to reduce peak exposure to some deadly gases like Ozone and Carbon Monoxide.
- (vii). Indian cities are reeling under heavy particulate pollution with 52% of cities (63 cities) hitting critical levels (exceeding 1.5 times the standard ), 36 cities with high levels, which is 50% below the standard. The revised standards are stricter than previous; hence it will increase the number of highly polluted or critically

polluted cities in India downgrading its international.

- Vehicular emission standards : Regulation of Emission Norms in India.
- Promoting low carbon transport in India : project by UNEP, Government of India (2011).<sup>8</sup>  
National Noise Monitoring Program, 2010 : In pursuance to National Environment Policy-2006 .
- Ambient noise inclusion as an environment quality parameter and its monitoring in specified urban areas is regularly needed. CPCB established the National Ambient Noise Monitoring Network (NANMA) covering 35 locations in seven metro cities. In the second phase, 35 more stations shall be added in 2011 in the same seven cities, while in the third phase, 90 more locations in 18 other cities are planned which become a largest Real Time Ambient Noise Monitoring Network in world.

## **LEGAL FRAMEWORK ON AIR POLLUTION (LAW & POLICY) AND ITS MITIGATING FACTORS**

### **AIR (PREVENTION AND CONTROL OF POLLUTION) ACT 1981**

The modern technology development is the main reason for environment degradation. Expeditious industrialization and urbanization has affected nature's symmetry. Poverty and population as well as contributed to make the problem acute day by day in India. The frightening situation may be referred to the expanding ration of Carbon dioxide in the environment the depletion of Ozone layer and the global warning of atmosphere.

**National Environment Tribunal Act, 1995**, passed facilitate information sharing in environmental dispute resolution inducts one environmentalist in the Tribunal.<sup>9</sup>

## **PROVISIONS FOR PREVENTION CONTROL AND ABATEMENT OF ENVIRONMENT POLLUTION**

**Section 7** of the **Environment(Protection)Act** lays down restrictions for emission of pollutants in excess of standards prescribed. It provides that no person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollution in excess of the standard prescribed.

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<sup>8</sup> Ayesh Dias,, 'Judicial Activism in the Development and Enforcement of Environmental Law : some Comparative Insights from the Indian Experience', Journal of environmental Law, no 6, (1994) .

<sup>9</sup> Section 4, The National Environment Tribunal Act, 1995

These standards can be prescribed under **Section 6 (2) (a)** and **25 (2)(a)**. They can also be laid down by the Central Government in the form of measures under **Section 3(2)** . Also the Central Government can issue written directions on the subject of pollution under **section5**.

With respect to air pollution the standards under the Environment Protection Rules are to be maintained by any industry. Although the standards have been prescribed, very little has been done for the monitoring systems of air pollution, lab facilities for estimating pollutant levels and training of manpower to fulfill its object. The provisions of the Act do not take into account relevant factors such as, difference in capacity of various industries to take pollution measures, the cumulative effect and environmental impact of emissions or discharge from different sources at a given time in a given area and costs involved in the process of control of pollution to industry and society. The power to fix standard of emission or discharge is required to be conferred on expert authority, which has been done by taking opinion of NEERI (National Environmental Engineering Research Institute) by the Court in certain cases before the Supreme Court.

#### **ACCIDENTS IN HAZARDOUS INDUSTRIES:**

The Act deals with the accidents causing environmental pollution in three ways (These accidents include the discharge of poisonous gases and noxious chemicals in the atmosphere).

1. The Central Government takes measures laying down procedures and safeguards to prevent accidents likely to cause environmental pollution. In addition, remedial measures for such accidents are also prescribed under **Section 3 (2) (vii)**.
2. The Central Government is empowered to make preventive rules, after notification in the Official Gazette, to avoid such accidents. **Section 6 (2) (f)**.
3. If the discharge of any pollutant exceeds the prescribed standards leading to an accident, the person responsible must prevent and mitigate the consequential pollution. He is under a legal obligation to intimate the prescribed Authority. Then the Authority may make measures to prevent and mitigate the pollution. **Section 9 (1)**.

Therefore, under **Chapter III Sections 7,8 and 9** provide preventive measures to be taken by the institutions (industry, operation or process). Prohibition of **Section 7** shows that certain standards have to be maintained and a person or an industry cannot be permitted to cause damage to the environment. In **Taj Trapezium Case**,<sup>10</sup>substantial level of sulphur dioxide and particulate matter generated by various industries and Mathura Refinery and vehicular traffic was found to be very high. Thus, it caused 'Acid Rain' resulting in the yellowing of the Taj Mahal. On this basis 292

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<sup>10</sup> AIR 1997 SC 734

industries were ordered either to switch over to gas, or close down, or shift out of the Taj Trapezium.

**Section 8** deals with specific types of pollutants- the hazardous substances, and directs to comply with prescribed procedure and to abide by the safeguards provided for by the Rules specially notified for them. There are two requirements for handling hazardous substances.

- a. The person has to follow the procedure prescribed by the Act or Rules made there under
- b. The person handling the hazardous substance has to take necessary safeguards as prescribed.

Various rules dealing with the procedure and safeguard have been notified and various rules have been enacted by the Central Government from time to time. The rules have been enacted by the Central Government from time to time. The rules relating to hazardous substances are as under :

1. Hazardous Waste (Management Handling) Rule, 1989.
2. Manufacture, Storage and Import of Hazardous Chemical Rules, 1989.
3. Hazardous Micro-organisms Rules, 1989.
4. Chemical Accidents (Emergency planning, preparedness and Response) Rules, 1996.
5. Bio – Medical Waste (Management and Handling) Rules, 1998.
6. Recycled Plastic Manufacture and Users Rules, 1999.
7. Municipal Solid Waste (Management and Handling) Rules, 1999.
8. Environment Impact Assessment Rules, 1996.

## CONCLUSION

The concern for preservation and betterment of environment has gained attention all over the world for the last few decades, when it became clear that natural wealth of a nation is not unlimited. After the **Stockholm Declaration** in **1972**, the nations throughout the world started giving priorities to laws by way of their legislative agenda. India being a signatory was energized to frame laws relating to control and prevention of pollution in the environment. Certain notable air pollution episodes like the poisonous smog of London, the killer smog of Donora, Meusue Valley disaster, Belgium, Bhopal gas tragedy in India, posed an international concern on the major thread on the world by air pollution. In India, although the legislative measures on air pollution was passed in the year 1981 under the **Air(PreventionandControlofPollution)Act**; it became a matter of great concern after the Bhopal gas leak disaster. To prevent and control air pollution, there have been legal principles and provisions which have evolved from common law principles

and other laws existing in Indian jurisprudence. Prior to the enactment of the Air (Prevention and Control of Pollution) Act 1981, scores of legislations have been passed, some of which are still enforced. An analysis of certain portions of these legislation are required to understand how far the Acts are effective and what more is required to be incorporated into these Acts to prevent Air pollution to include all aspects other than those dealt with under special legislation.

## **SUGGESTIONS**

1. For reducing the air pollution the people should conserve energy through turning off the electrical items like computers, air conditioners etc when not in use. The company encourage their employees to use public transport vehicles or you can arrange a transport facilities from a common point for your employees. When the company purchased a vehicles for themselves they should consider to buying most efficient, lowest polluting or if possible zero emission electric vehicle.
2. For daily commute the employees should use bicycle. It may reduces a half a pollution in metropolitan cities. Ensure drivers in your company obeying traffic laws, speed limits, maintaining vehicles properly and keeping optimum air pressure in tyres. Try to used energy efficient bulbs in factories. By saving trees the peoples in the cities may limiting the use of paper.
3. Choose materials which are made from recycled materials. The companies should encourage teleconference than physical meeting.
4. Encouraging the employees for doing such activities which reduced emissions and motivating them and give awards to employees who reduced emissions in their shifts.
5. Improving machineries or manufacturing processes to decrease the level of emissions from factories.
6. Earlier companies used 60 – 90 percentage efficiencies of electric motors but now electric motors with 95 % of efficiency are available. It is harmful
7. Proper maintenance of boiler e.g., blowing dust from surface, reducing excess air can reduce air pollution from industries. Reducing the need of steam the use of boiler, by identifying leaks can boost system by 10 – 50 % Switching from coal, oil to natural gas reduced operating costs and extend plant 's life by eliminating corrosion from fuels.
8. 17. The industries may keep pollutant level within limits. They oftenly Monitoring the Air quality in the industry to identify irregularities in pollutants level in air.