

# INTERNATIONAL JOURNAL OF RESEARCH IN COMMERCE & MANAGEMENT

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- Sharma T., Kwatra, G. (2008) Effectiveness of Social Advertising: A Study of Selected Campaigns, Corporate Social Responsibility, Edited by David Crowther & Nicholas Capaldi, Ashgate Research Companion to Corporate Social Responsibility, Chapter 15, pp 287-303.

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- Schemenner, R.W., Huber, J.C. and Cook, R.L. (1987), "Geographic Differences and the Location of New Manufacturing Facilities," Journal of Urban Economics, Vol. 21, No. 1, pp. 83-104.

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## IMPORTANCE OF VARIOUS ACTS RELATED TO ENVIRONMENTAL STANDARDS AND THEIR IMPLEMENTATION BY STATE POLLUTION CONTROL BOARDS

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**BHOPAL**

### ABSTRACT

*This article is based on the Environment standards being followed by us and the repercussions faced by all life forms living under the combined effect of these standards. The standards are made on the basis of standalone formula for each pollutant. The entire responsibility of monitoring these standards are based on various laws made by our Parliament under the Indian Constitution and the Government agencies who are involved have also been divided as per the pollutant like the Air Act is dealt by the Air section of the State Pollution Control Boards at State Government level (popularly known as SPCB) and the Central Pollution Control Board at Central Government level (popularly known as CPCB) similar is the case with Water Act, The Environment Act as well as the Bio-diversity Act etc. Recently with the formation of The National green Tribunal with Zonal benches all over India at least an umbrella organization will now look after all the rules and regulation under various Acts simultaneously. But this agency is a judicial body and until anyone complains or it takes a suo-moto recognition of any problem, we have to bear the polluted environment as detailed below in the article.*

### KEYWORDS

Environment, visibility, extreme weather conditions, limits, water quality, biochemical oxygen demand, particulate matter, vehicles.

### INTRODUCTION

The Environment around us has degraded and deteriorated to the level which is not only affecting our health but also of other living beings existing with us. Even the non living surroundings which is essential for life support, has degraded to alarming level. This statement is by and large appearing daily in news paper and magazines. Its importance has become so much that The Times of India; news paper has started giving a special space on daily basis to environment related news.

Just like the Human Body, Environment also has the capacity to correct itself, but the level of deterioration has gone to the extent that we have negated this ability of the environment. As a remedial measure the government has enacted rules and regulations and formed various regulatory authorities to monitor conservation of environment or rectification of the wrong done earlier. The spoiling of Environment has been done equally by developed countries as well as developing nations. Both of them are equally accountable for destroying the ability of environment to correct itself so much so that now a day's every event are happening at its extreme level be it weather or climate or any natural disaster. For example Shanghai authorities ordered children indoors and halted all construction on 06<sup>th</sup> Dec 2013, as the Chinese financial hub suffered one of its worst bouts of air pollution, bringing visibility down to a few dozen meters, delaying flights and obscuring the city's skyline. Sahara Sand irks London Eye, title of headline regarding sand blowing in from the desert. It created pollution, attacked people with respiratory disease and coated cars with layers of sand in the last week of March 2014 in London, UK. Similarly in US millions of residents faced severe icy conditions. Face stinging sleet, thick snow and blustery winds led to slick road conditions, school closures, power outages and event cancellation as the wintry blast dropped temperatures to freezing and below from Texas to Ohio to Tennessee. In California, four people died of hypothermia in the San Francisco bay area while region was gripped in freezing temperatures in first week of December. India faced torrential waters gushing down with tons of debris, slush along with boulders hurtling towards Kedarnath Shrine causing huge damage to life and property. In spite of all the countries taking steps to clean and green the surroundings? Nothing much seems to change. Ever wondered why?

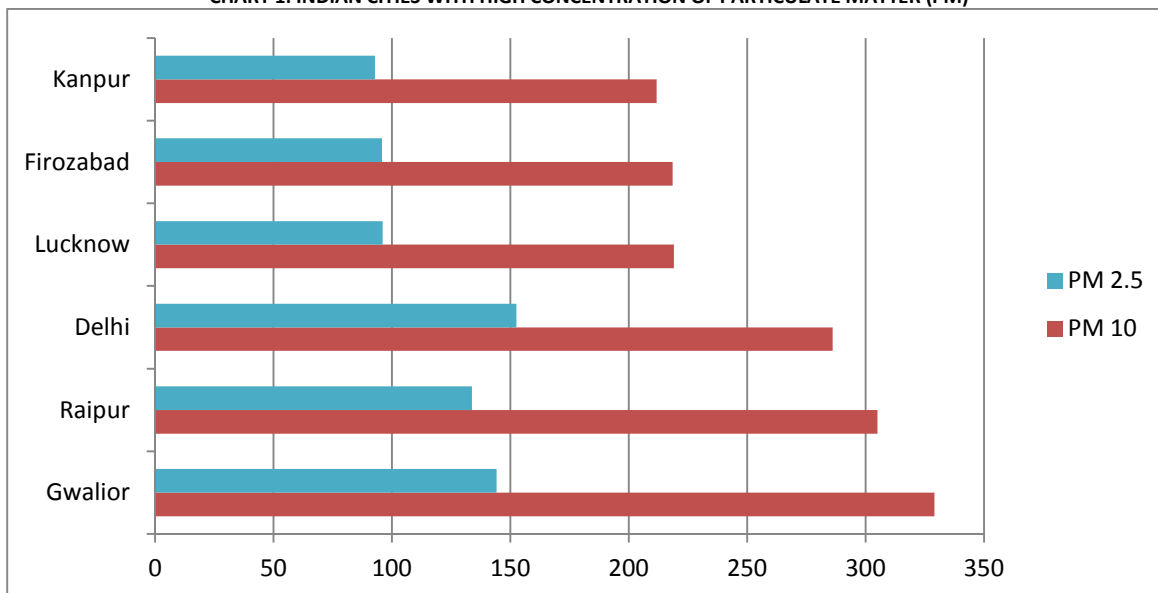
### EXPLANATION

French National Institute of Health and Medical Research published a paper in Sept 2013 saying safe levels of pollution are not really safe in the long term. There was nothing wrong with the limits set by regulators, but the combined effect of many types of pollutants at safe levels available around us can be harmful in the long run. Surprised to know that we are regularly inhaling many pollutants under safety limits, eating various pollutants in low (allowed) levels through our food and water? So it doesn't matter if you eat healthy, exercise well, sleep soundly and avoid stress, our environment can still give us type II diabetes or heart and lung function disease or stone in urinary tract. If seemingly harmless drugs in isolation can give side effects, what to say about a combined low dosage of pollutants? No study has yet been done on this aspect.

In Sept 2013 IPCC meeting in Stockholm announced a Carbon Budget for the planet, a maximum amount of Carbon dioxide world can emit without inviting dangerous climate change. It was the first time IPCC has given a number that human beings can emit only another 350 giga tones of carbon dioxide if the warming of earth has to be within safe level of 2 degree centigrade. This announcement was made in stronger terms which will form the basis of all future climate change talks.

Another assertion of the UN's IPCC report is regarding sea level rise. It says that level is projected to rise by 28 – 97cm by 2100. This is over 50% more than the previous projections over the same period. This revision is mainly due to better estimation methods and more minute observations. Result of such projections will affect India's long coastline on which are located megapolises like Mumbai, Chennai and Kolkatta spelling a dire picture by the turn of this century. When toxic substances enter lakes, streams, rivers, ocean and other water bodies, they get dissolved or lie suspended in water or get deposited on the bed (surface). This result in deterioration in water quality affecting humans consuming it along with aquatic ecosystem and underground water streams called aquifers. The Central Water Pollution Control Board has published a report on "Status of Water Quality in India" in 2010. According to it the Narmada River system has Total Coliform count from 4000 to 11000MPN per 100ml, pH range from 7.2 to 8.5, Dissolved Oxygen varies from 4.8 to 11mg per litre, The Biochemical Oxygen demand is between 0.2 to 5.4mg per litre and it not meeting the criteria at Hoshangabad. The Bhopal Municipal Corporation has spent crores of public money for laying pipe line from Hoshangabad to Bhopal for supply of drinking water to the residents. The safe levels for Class 'A' Drinking Water after conventional treatment and disinfection should be Total Coliform count of 50MPN per 100ml or less, pH between 6.5 and 8.5, Dissolved Oxygen 6mg per Litre or more and Biochemical Oxygen Demand 2mg per Litre or less. Whether use of Narmada at safe levels is fit for use in household can be easily seen from this data. The Economic times magazine carried an article on Water purifiers vs bottled water which conducted study in cities like Mimbai, Kolkatta and Bangalore etc. revealed that water contamination was the biggest issue for more than 70% households in India. However most shocking and baffling part of the study was that 53% of the people surveyed were using water purifiers as their primary mode of drinking water but still somebody or the other in their family was infected by waterborne disease. This raises serious concern about the quality of Water Purifiers. Are they effective? Do they really protect us from the bacteria, viruses and all waterborne organisms that the advertisements by manufacturers claim? The Bureau of Indian Standards (BIS) which takes care of standardization, certification and quality of products has appointed a committee to look into National Institute of Virology, Pune report of 2010 that found that most purifiers don't completely remove waterborne viruses. It has been three years since this committee was set up, but still there are no standards for water purification devices in India. Hence we are at the mercy of the celebrities who are promoting these purifiers. The global community needs to carry out effective mitigation and policy action by way of research, laws, rules and regulations to arrest combined effects of the above & below stated observations.

CHART 1: INDIAN CITIES WITH HIGH CONCENTRATION OF PARTICULATE MATTER (PM)



PM less than 10 microns can go in our windpipe, causing respiratory problems.

The smaller particles like PM 2.5 microns are more perilous which can even cross over into our bloodstream.

Only laws, rules and regulations will not suffice, active public participation for cleaner environment is urgently required. A two day Green energy fair was held at Van Vihar National Park, Bhopal on 1<sup>st</sup> Oct 2013 in association of WWF-India and M. P. Urja Vikas Nigam to promote simple and practical renewable energy solutions for individuals and institutions. Mexican entrepreneurs have developed a new low cost system that can generate electricity using traffic flow and the technology could soon be used to light up cities. The development has potential to produce sufficient electricity to power up a household through a device that catches the forces of moving cars. "This is a technology that provides sustainable energy and could be implemented at low prices, since it complements existing infrastructure the concrete of streets and avenues," Hector Hernandez, developer of the system, said.

Simply put, we need laws as well as commitment from public, government, corporate and all others for reversing the damage done till date. Simultaneously promote conservation and avoid wastage of energy to control extreme situations like Sahara Sand covering England, Icy blasts hits USA and flash floods playing havoc in Uttarakhand in 2013 – 2014.

There are several legislations for restricting wasteful usage of energy, conservation of pollution in Air and Water, rectification measures for degraded land, restoration of small ecosystems like various lakes in and around Bhopal, action plans for cleaning of river waters, blending of fuel like use of 5% ethanol with petrol and tightening the norms for cleaner emissions and planned penalty on polluters like the additional 30% Environmental compensation charge on Diesel vehicles. But honest implementation is lacking from all sides, be it individual, NGO's, Industry or Government. It is widely accepted that fine particulate emissions, particularly light absorbing black carbon, or BC, fraction from diesel engines are harmful for human health. To this end countries witnessing strong growth in diesel vehicle population need to adopt black carbon emission control strategies (including technologies and policy changes) at the earliest. India and China are projected to account for two-thirds of black carbon emissions from global on road transportation by 2030.

Air (Control & Prevention of Pollution) Act 1981 was enacted for laws relating to removing pollution in Air, similarly amendment in Factories Act 1948 was done in 1987, for introducing section for preventing air pollutions in Factories, another related act for Industries Development & Regulation Act 1951 was also amended for control of pollution by making it mandatory to hazardous and polluting Industries to get prior permission or License to operate or opening up. Mines and Mineral (Regulation & Development) Act 1957, was amended to include preservation of quality of air & control of air pollution by usage of natural resources of the earth. The Central Motor Vehicles Act 1989 regulates the vehicular emission norms. The implementation & enforcement of these regulations is the responsibility of Union Ministry of Surface Transport (MOST) at Central level or the Transport Commissioner at the state level. Upon intervention of the Supreme Court, the Police Act of 1861 was amended to include authorization to permit usage of loud speakers up to a specific decibel level and till the time period as is allowed by the police authorities. Water (Prevention & Control of Pollution) Act 1974 prohibits alteration of physical, chemical or biological characteristics of water due to discharge of any sewage or effluent or any solid, liquid or gaseous substance directly or indirectly into water without permission of authority. Water (Prevention & Control of pollution) Cess Act 1977 authorises government through local bodies for levy and collection of Cess on water drawn or consumed by persons engaged in certain industrial activity. River Board Act 1956 was enacted for regulation and development of inter-state rivers and river valleys, its major responsibility are:-

- Conservation, control and optimum utilisation of water resources of inter-state rivers
- Promotion and operation of schemes for irrigation, water supply and proper drainage
- Promotion and operation of development of hydro power
- Promotion and operation of schemes for flood control
- Promotion and operation of schemes for navigation
- Promotion and operation of schemes for afforestation and control of soil erosion
- Promotion and operation of schemes for prevention of pollution in inter-state rivers

The Bhopal Gas Tragedy or accident and the difficulties faced in claiming legal compensation from the company and disbursing it to the victims necessitated the need for a comprehensive legislation to include all aspects of pollution in air, water, land and affect on living beings including the complete ecosystem damage. Thus the Environment (Protection) Act 1986 (EPA) was enacted as an umbrella legislation designed to provide a framework for Central and State Government coordination for various activities by authorities under previous laws relating to air, water and land and interrelationship which exists among these and also with human beings and other living creatures like, plants, micro organism and abiotic elements i.e., ecosystem.

The Air Act, The water Act and the Vehicular emission norms under CMV Act were amended to conform to the EPA notifications. The 73<sup>rd</sup> and 74<sup>th</sup> amendments to the constitutions in 1992 for rural and Urban local bodies entrusted them with functions relating to potable water supply from fresh water sources with purifications standards as specified in EPA.

The EPA gives following major powers to the central government:

- Coordination of actions of the state government, officers and any other authorities under the act or any other law which is related to the objects of this law
- Laying standards for the quality of environment
- Restrictions of areas in which any industry, operations or processes or class of these shall not be carried out subject to certain safeguards and permission
- Laying down procedures and safeguards for prevention of accidents which may cause environmental harm, and examination of any manufacturing processes, materials and substance that is likely to cause environmental harm including inspection of any premises
- Constitute an authority or authorities for the purpose of exercising such powers and functions under this act.



Hazardous Wastes (Management and Handling) Rules 1989, Manufacture, storage and Import of Hazardous Chemicals Rules 1989, Chemical accident (Emergency Planning, Preparedness and Response) Rules, 1996 and Bio-medical Waste (Management and Handling) Rules, 1998 were framed using the powers given in this Act.

The National Environment Tribunal Act 1995, The National Environment Appellate Authority Act 1997 and The National Environment Appellate Authority (Appeals Rules) 1997 were made under this act for effective and expeditious disposal of cases arising out of any accidents while handling hazardous wastes, hazardous chemicals or bio-medical wastes etc. Similarly on the directions of the Supreme Court, An act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to person and property and for matters connected therewith or incidental thereto. It has four zonal and one central Bench with judicial powers to take up issues related to Environment.

The nodal agency for implementing various legislations relating to environmental protection at the central level is the MOEF. Besides giving directions to the CPCB on matters relation to prevention and control of pollution, the MOEF is responsible for designing and implementing a wide range of programmes relating to environmental protection. At the state level, most of the states have setup Departments of Environments and State Pollution Control Boards (SPCB).

The Central Pollution Control Board (CPCB) and the SPCBs are responsible for implementing legislations relating to preventions and control of pollution. Until recently the CPCB and SPCBs concentrated efforts on enforcing compliance with standards by large and medium sizes, classifying them under three categories – Red, Orange and Green in terms of pollution intensities. However now, under the Directions of Supreme Court, these organisations are carrying out other social objectives like imparting lessons on Environment in educational institutions, organise through mass media, a comprehensive mass awareness programme on prevention, control and abatement of water and air pollution, life cycle assessment focused on energy efficiency at premises or location of any industry, sustainable use of materials and promoting smart packaging. For example, The Karnataka SPCB took more than 200 random samples of drinking water in Basaveshwarnagar to test their quality in Oct 2013 based on the results, water samples shall be judged good, moderate or poor. Similarly the Madhya Pradesh SPCB has issued show cause notice for closure of more than 100 units in Mandideep Industrial area, near Bhopal for not following laws related to their operations. In Bhopal the official records of MP PCB show that around 25000 vehicles were monitored in the last fiscal and of this nearly 1618 petrol vehicles and 199 diesel vehicles were found emitting pollutants above permissible limits. Gwalior topped the list with 16.9% vehicles flouting the standards. At least the MP Pollution Control Board has started collecting yearly vehicular emission statistics, which will ultimately help in formulation of the policy to control and penalize the offender.

## CONCLUSION

All the above discussions have thrown up one common issue, i.e., Energy be it for individual, community, country or world, the contributing factors for pollution can be narrowed down to its consumption. As the economy liberalized, thrust was We can conclude that all these actions by government authorities, NGOs, individuals and corporate who are complying with the norms of Environment, the fundamental right to life and personal liberty as held by the Madras High court to include right to enjoy pollution free air, water and friendly environment for all will be achieved one day.

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