



ROLE OF LAW AND MANAGEMENT IN ENVIRONMENTAL SUSTAINABILITY

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Abstract-- A system of rules and customary laws dealing with the impact of human activities on the environment is called environmental law. These laws, which focus on the concept of pollution, are also known as environmental and natural resource laws. The management of certain natural resources and environmental impact assessments are the objectives of environmental legislation. Environmental law aims to regulate the following areas to reduce their negative impact on the environment: air purity, water purity, waste management, purification of pollutants, chemical protection. The problems with energy, resources and the preservation of the environment are serious. In recent years, people have realized that environmental degradation is a global problem. Therefore, the protection of ecological resources is crucial in today's society. This article explores the function of environmental legislation in the conservation of ecological resources using wireless communication and artificial intelligence. This article first defines and introduces the idea of environmental legislation. It then discusses the importance of protecting ecological resources, looks at wireless communication and artificial intelligence technologies, designs wireless communication systems, and creates the framework and structure of these systems.

Keywords: Environment, sustain, law, protection

INTRODUCTION

Ecological resources are an important part of the environmental problem that people are becoming increasingly aware of as human society develops, and they are crucial to the preservation of the ecological environment. However, due to the progress of science and technology, the ever-increasing public awareness of environmental protection, the weaknesses of China's legal system, the lack of relevant environmental knowledge and insufficient publicity, many people are unable to understand the latest and most accurate information. Against this background, research into wireless communication, artificial intelligence and the protection of ecological resources has attracted international attention. Environmental pollution can be classified as air pollution, land pollution, radiation pollution, thermal pollution, noise and water pollution¹

In social practice, various social norms are formed and established for the requirements of people's social life. These norms can be of a moral, legal, customary, religious or other nature. The main goals of all social norms are to ensure the orderly growth of human society, solve current problems and maintain the stability of the existing order. The traditional social order is greatly affected by every major problem confronting human civilization, and in order to keep pace with the evolving social structure, a new social order must be established immediately.

Environmental protection laws and regulations must be improved and reformed in the face of the emergence and escalation of environmental problems. On the surface, inadequate management of the interaction between humans and the environment leads to environmental problems. Air, water and soil are not only rendered contaminated by the increasing needs and comforts of human beings but have been reduced so drastically that survival of other living being is jeopardized². Solid waste refers to a discarded material that is not a liquid or a gas. Such unwanted materials have been a part of human environment since the advent of civilization. As the society progressed and as affluence increased, the

¹ M.G. Chitkara, Encyclopaedia of Ecology, Environment and Pollution, Vol.14, 44, (1997)

² Mithilesh Vishwakarma, Recognition of Environmental Rights as Human Rights: A Sine Qua Non for Peaceful Existence of Human Society, Vol. II CPJ Law Journal, 19 (July 2012)



proportion of solid waste also increased. In the years to come, the quantum of solid waste is expected to rise steeply, not only because of increasing population, but also because each person will discard more garbage³. Any material that is thrown away is called waste. Waste is waste or materials that are not needed and are economically useless without further processing. Waste is any material that is not needed by the owner, producer or processor. Humans, animals, other organisms and all production and consumption processes produce waste. It has always been part of the Earth's ecosystem, but its nature and scale were such that the ecosystem could utilise this waste in its many cycles. In fact, there is no real waste in nature. The apparent waste of one process becomes an input for another. Indoor Air Pollution arising out of domestic activity has been also proved as one of the major contributory part of Air Pollution in India. It has been reported that in India, 4,10,000 - 5,70,000 premature deaths per year seem to be caused due to indoor air pollution⁴.

HISTORICAL ASPECTS OF WASTE MANAGEMENT

India has a colorful history. With each phase of colonization, either by the Aryans in one of the earliest civilizations of the world, to the occupation of the country by the Mughals from Central Asia and finally the three hundred years old domination by England, environmental laws have kept pace with each phase according to the administrative desires of the occupants of this country. From the ancient times, humans and animals have used the resources of the earth to support life and to dispose wastes. In the primitive society, disposal of human and other wastes did not pose significant problems, for the population was very small and the amount of land available for the assimilation of wastes was very small and the amount of land available for the assimilation of wastes was large.⁵ Environmental problems are widespread, complex and long-term. Today's environmental challenge is the most difficult and critical ever faced by the people of the world, yet it is new. Our ancestors were also well aware of the dangers of pollution. Therefore, they revered the natural objects to maintain a healthy environment. In the ancient Indian scriptures, there are numerous references to the protection and preservation of ecological balance. All religions that resonate in India have ecological overtones for adhering to an ecological code of conduct, thus showing reverence for nature and its creations.⁶ Waste is something that is undesirable for the person who throws it away. It is anything, be it a product or a by-product or a material, that no longer has any value for the person and is therefore thrown away. It is the exponential growth of human activity that has made waste a problem that needs to be tackled. We simply produce far more waste than nature can cope with.⁷ Waste can be classified in different ways, but for the present purposes the types of wastes will be considered to be domestic, trade, and industrial, relating broadly to their origins. There is no precise definition of these categories, but domestic or household wastes usually mean refuse from houses and other residential premises. Trade waste is refuse arising from all mineral manufacturing, and processing sites and premises. Industrial waste can be conveniently sub-divided into waste from coal mining and the mineral extraction sector, the manufacturing and processing sector, and the nuclear power industrial sector. According to the Environmental Protection Agency (EPA), solid waste includes

³ Satpal Singh, *Solid Waste Management in Resettlement Colonies of Delhi*, 4 (2006)

⁴ *The Statesman*. Published by the Statesman Ltd., dtd. 21st August, 1998

⁵ Conference of European Statisticians, joint ECE/Eurostat Work Session on Methodological Issues of Environment Statistics, Ottawa, Canada, 1-4 October, 2001

⁶ Dr. S.R. Mynei, *Environmental Studies*, 380 (2008)

⁷ M. Selvem and V. Rajsheker, *Urban Solid Waste Management- Problem Dimensions and Alternative Solutions*, 12(1), EEC81 (2006)



garbage, refuse, sludge from waste treatment plants, wastes from air pollution control facilities, and any other discarded material not excluded by regulation. Although termed “solid” these wastes may actually be solid, liquid or semisolid or may contain gaseous material. Agricultural, mining, industrial, and commercial operations and community activities all produce solid waste that need disposal.⁸

SIGNIFICANCE OF RESEARCH

The importance of water for living being is not subject to compromise. Because without water life is not possible. The availability of quality water, both surface and ground is decreasing over the years in most of the river basins and industrial areas of India. Groundwater is generally less susceptible to contamination and pollution when compared to surface water bodies.

OBJECTIVES OF RESEARCH

The aim of this study rests on the visible destruction of nature, environment, and groundwater coloring due to hazardous chemicals by the industries like tanneries. The havoc known to the world was dismal but the danger caused has been colossal. Thus the researcher makes an attempt to examine, how the laws failed? How the enforcement machinery became the silent spectator for this situation. The objectives of the research are listed hereunder:

- To analyze the constitutional aspects of right to water, responsibility for providing water, and the environment protection.
- To analyze the groundwater protection laws of Tamil Nadu and to find out the legal support for protecting the rights of the general public who are largely affected by groundwater pollution.
- To make a thorough analysis of central laws relating to groundwater protection and control of pollution.

HYPOTHESES

- What is the Constitutional scheme relating to the Environment Protection?
- What is the role of judiciary in combating and preventing air & water pollution?

RESEARCH METHODOLOGY

The research is a doctrinal work. As part of the doctrinal research the researcher has collected data from various sources i.e., primary and secondary. Accordingly, the researcher has adopted Historical and Analytical method. Historical method is employed to trace out the origin, development and evolution of groundwater laws. Analytical method is used to analyze the groundwater laws in the present scenario.

INTERNATIONAL DECLARATIONS

There are certain basic International Declarations dealing with environmental issues in a holistic manner. The major international declarations relating to environment are:

1. United Nations General Assembly Declaration on the permanent sovereignty over natural resources, 1962.
2. Stockholm Declaration of the United Nations Conference on the Human Environment, 1972.
3. The Nairobi Declaration, 1982.

⁸ James F. Mckenzie and Robert P. Pinger, An Introduction to Community Health, 449 (2008)



4. The Hague Declaration on the Environment, 1989.
5. Rio Declaration of the United Nations Conference on Environment and Development, 1992.
6. Johannesburg Declaration of the World Summit on Sustainable Development, 2002.
7. The Rio Declaration, 2012.

A brief view of some of the important International Conventions / Declarations is presented below: International concern for environment protection and sustainable development is comparatively of recent origin. The U.N. Conference on Human Environment and Development at Stockholm in 1972 is considered to be the Magna Carta of the environment protection and sustainable development⁹. It proclaimed that man is both creator and molder of his environment which gives him physical sustenance and affords him the opportunity of intellectual, moral, social and spiritual growth¹⁰. The protection and improvement of the human environment is a major issue which affects the well-being of people and economic development throughout the world. To defend and improve the human environment for the present and future generations has become an imperative goal for mankind. To achieve this environmental There will be a demand to accept the responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts¹¹. The evolution of environmental issues in International Institutions can be understood by two major land mark meetings¹². Although United Nations Charter does not explicitly mention the environmental or conservation resources, the U.N. convened its 1st environmental conference in 1949 and hosted many negotiations prior to the Stockholm in 1972. The Stockholm declaration was not the first step in the international efforts in the protection of the Environment. There were several other steps taken by the U.N. from time to time, i.e., prior to 1968. It encompasses the 1972, Stockholm conference, including the extensive array of precautionary meetings in the years preceding it, as well as the implementation of its recommendations over the following decade. The Stockholm conference sometimes referred to as, Global town meetings¹³, which focused worldwide attention on International issues. In 1989, the United Nations adopted a convention¹³, which is aimed at controlling improper treatment of hazardous wastes and mitigate the damages arising out of Transboundary movements and disposal of such wastes.

NATIONAL CONCERN FOR AIR & WATER PROTECTION

The Indian Constitution, the supreme law of the land, shows keen interest in preserving the environment. Though the word 'environment' is not specifically mentioned, the comprehensive document deals with every aspect¹⁴ of the environment. The constitution prescribes equitable development in line with

⁹ This conference resulted in the "Stockholm Declaration on the Human Environment." The Declaration, besides preamble, consists of seven universal truths and twenty six principles.

¹⁰ Dr. S.R. Myneni, Environmental Law, Asia Law House, New Edition, (2008), p.745

¹¹ Principle 1 of the Stockholm Declaration rightly stated that "man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations"

¹² One was United Nations Conference on human environment, which was convened in Stockholm in June, 1972 and another was United Nations Conference on Environment and Development (UNCED), otherwise known as 'Earth Summit', which was held in Rio de Janeiro in June, 1992.

¹³ The 'Basel Convention on the Controls of Transboundary Movements of Hazardous Wastes and their Disposal's, 1989

¹⁴ See Rahamatullah Khan, 'Environment v. Development Revisited: Contribution of Indian Judiciary To The Conflict Resolution', Asian Year Book of International Law, vol.2, p.11



sustainable development. At the time of its enactment, the Indian Constitution did not have any specific provision directly related to the environment. The only provision that had some relevance was Article 47 of the State Policy¹⁵ Guidelines. Article 21¹⁶ of the Constitution was initially interpreted very restrictively and narrowly. However, over time, the problem of pollution and the environment began to attract the attention of environmentalists. In the year 1972, the then Prime Minister, late Mrs. Indira Gandhi, attended the United Nations Conference on Human Environment and Development at Stockholm. In that conference two resolutions were passed²⁶⁰ which are known as the Magna Carta of our environmental law¹⁷. In recent decades, a human rights dimension has been added to the laws on water. The core message is that all people have a right to an equal and non-discriminatory supply of sufficient water. This has led to the demand for legal recognition of the right to water and corresponding changes in water-related laws and policies.

The Indian Constitution does not explicitly recognize a fundamental right to water. Instead, this right is asserted on the basis of the fundamental right to life enshrined in Article 21 of the Constitution. The Supreme Court of India and various High Courts have upheld this right and the government's obligation to provide water. The 42nd Constitution Amendment Act, 1976, inserted specific provisions for environmental protection. Under the new provisions enshrined in the Directive Principles, which guide the state in moulding its laws, the state shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country.¹⁸

Legislative powers on water under the Indian Constitution:

According to the state list, under the Seventh Schedule of the Constitution, states have jurisdiction over water resources within their borders. The powers of the states are subject to: The Union list under the Seventh Schedule of the Constitution that allows the centre.

Government to regulate and develop inter-state rivers and river valleys when declared by Parliament as a matter of public interest.

- The central government's regulatory role in inter-state water projects, under Article 252.
- The Environment (Protection) Act, 1986, and notifications issued under it by the Union Ministry of Environment and Forests (MoEF), which require states to get Central Clearance for major water projects. The Central Government's role in resolving interstate water disputes as per the provisions under Article 262. Under this Article, Parliament enacted the Inter-State Water Disputes Act of 1956, under which a number of tribunals have been set up to resolve water disputes among the states.

CONCLUSION

Man is Nature's best promise and worst enemy. If industry is the necessity, pollution is inevitable. Since progress and pollution go together, there can be no end to progress, and consequently, no escape from pollution. If industry is a necessary evil, pollution is the surest sufferance. The problem of water pollution assumes special significance in developing country like India because environment protection is the major issue, which affects the well being of people and economic development. The Indian Parliament drew immense inspiration from the proclamation adopted by the United Nations Conference

¹⁵ Article 47 of the Indian Constitution which reads as, "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."

¹⁶ Article 21 of the Constitution which deals with right to life and personal liberty runs as follows: "No person shall be deprived of his life or personal liberty except according to procedure established by law."

¹⁷ Stockholm Declaration, 1972 Principle

¹⁸ Constitution of India 1950, Art 48A



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on the Human Environment.¹⁹ India, has increased due to the increase in population, industrialization and new agricultural practices. However, domestic and industrial wastes, disposed of both in liquid and solid forms in land and water bodies, percolate into the groundwater. Different pollutants in the air & water system threaten water quality, which ultimately affects the socio-economic life of the people who directly depend on groundwater for various purposes. This is an alarming as well as continuous issue and should be addressed from time to time by persons belonging to various disciplines.

¹⁹ It includes, abolition of groundwater rights based on ownership of land, declare groundwater as a public trust and prevent groundwater from becoming a natural resource in private control, legal protection of groundwater sources, regulation and management of groundwater at the local level, enhanced role for Panchayat Raj Institutions, community participation in groundwater management