

# **ILE MULTIDISCIPLINARY JOURNAL**

**VOLUME 1 AND ISSUE 1 OF 2023**

**INSTITUTE OF LEGAL EDUCATION**



ILE MULTIDISCIPLINARY  
JOURNAL

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**(Free Publication and Open Access Journal)**

**Journal's Home Page – <https://mj.iledu.in/>**

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**Volume 1 and Issue 1 (Access Full Issue on – <https://mj.iledu.in/category/printed-version-volume-1-and-issue-1-of-2023/>)**

### **Publisher**

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Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

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## LEGAL ISSUE AROUND ENVIRONMENT AND ENVIRONMENTAL MANAGEMENT

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**Best Citation** - Shreyansh Dwivedi, LEGAL ISSUE AROUND ENVIRONMENT AND ENVIRONMENTAL MANAGEMENT, *ILE MULTIDISCIPLINARY JOURNAL*, 1 (1) of 2023, Pg.18-23, ISBN - 978-81-961097-5-2.

### ABSTRACT

The legal issues surrounding the environment and environmental management have become increasingly important in recent years, as concerns over climate change and the impact of human activity on the natural world have grown. This article explores some of the key legal issues in this area, including the regulation of pollution, the protection of endangered species and habitats, and the management of natural resources. It examines the role of international treaties and agreements in shaping environmental law, as well as the challenges of enforcing these laws and holding individuals and corporations accountable for environmental harm. Ultimately, the article argues that effective environmental management requires a strong legal framework that balances the interests of different stakeholders and promotes sustainable practices for the benefit of present and future generations

### **Introduction:**

The relationship between the environment and the law has become an increasingly important issue in recent times. The impacts <sup>19</sup>Human activities in the natural environment have led to a range of legal issues, from pollution to resource depletion, biodiversity loss to climate change. As such, environmental law and management have become important areas of concern for policymakers, businesses, and individuals alike.

The legal issues surrounding the environment are complex and often involve multiple stakeholders with different perspectives and interests. Environmental law and management aim to balance the interests of these stakeholders while protecting the environment. It involves a wide range of legal <sup>20</sup>instruments, from international treaties and conventions to national legislation and local regulations.

This topic explores the legal issues around the environment and environmental management. It delves into the legal frameworks governing environmental protection, the role of different stakeholders, the challenges of enforcing environmental laws, and the implications of failing to address environmental issues. Through a comprehensive analysis of these issues, we can better understand the legal implications of environmental management and work towards sustainable and equitable environmental policies

There are a number of legal issues surrounding the environment and environmental management. Here are some of the key areas of concern:

A. Environmental Regulation: Environmental regulation is the process of setting standards, issuing permits, and enforcing laws to control pollution and protect the environment. This can include laws and regulations related to air pollution, water pollution, hazardous waste, and other environmental issues. Compliance with environmental regulations is often mandatory,

<sup>19</sup>*Environmental Law in India: Policy, Law, and Implementation*" by Venkateswarlu, B. and Ramanathan, U. "*Environmental Law and Policy in India: Cases, Materials, and Statutes*" by Shyam Divan and Armin Rosencranz. "*Environmental Management: Text and Cases*" by H.S. Sharma

<sup>20</sup>*Environmental Law and Policy in India: Overview and Challenges*" by Ritu Kumar. "*Environmental Law, Policy and Management in India*" by R.K. Gupta and D.K. Asthana



and failure to comply can result in fines, penalties, and legal action.

B. Environmental Liability: Environmental liability refers to the legal responsibility for environmental damage caused by a person or organization. This can include liability for cleanup costs, property damage, and other losses resulting from pollution or other environmental harm. Liability can be imposed by both civil and criminal law, and can be significant in terms of financial costs and reputational damage.

C. Environmental Litigation: Environmental litigation is the process of resolving disputes related to environmental issues through the legal system. This can include disputes between individuals, businesses, and government agencies over environmental harm, compliance with environmental regulations, and other issues.

D. Environmental Justice: Environmental justice is the concept that all individuals and communities, regardless of race, income, or other factors, have the right to live in a clean and healthy environment. This can involve legal challenges to environmental discrimination and disparities in the distribution of environmental risks and benefits.

E. Climate Change: Climate change is a major environmental issue that has significant legal implications. This can include legal challenges to government policies related to climate change, as well as lawsuits against businesses and other organizations that contribute to greenhouse gas emissions and other environmental harm.

The legal issues surrounding the environment and environmental management are complex and multifaceted, and require a careful consideration of the interplay between legal requirements, scientific knowledge, and societal values.

## II. History of legal issue around Environment and Environmental Management :

Legal issues related to the environment and environmental management have a long history that spans many decades. In the early 20th century, concerns about pollution and the impact of industrialization on public health led to the passage of the first federal environmental law in the United States, the Rivers and Harbors Act of 1899. This law was followed by the Federal Water Pollution Control Act of 1948, which was later amended and expanded in 1972 to become the Clean Water Act (CWA).

The CWA has been instrumental in regulating discharges of pollutants into the nation's waterways, as well as establishing water quality standards and implementing programs to control non-point source pollution. The Act also created the Environmental Protection Agency (EPA), which is responsible for enforcing many of the nation's environmental laws.

Another important environmental law passed during the 1970s was the Clean Air Act (CAA), which regulates air emissions from industry, transportation, and other sources. The CAA has been amended several times over the years to address new pollutants and emerging issues such as climate change.

In addition to federal laws, many states and localities have enacted their own environmental<sup>21</sup> regulations, often in response to local concerns such as air and water pollution. For example, California has some of the strictest air quality regulations in the country, while some states have banned certain types of plastics or implemented bottle deposit programs to encourage recycling.

<sup>21</sup>*Environmental Law in India: Policy, Law, and Implementation* by Venkateswarlu, B. and Ramanathan, U.

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International efforts to address environmental issues also date back several decades. The United Nations Conference on the Human Environment, held in Stockholm in 1972, was the first major international gathering focused on environmental issues. This conference led to the creation of the United Nations Environment Programme (UNEP), which coordinates global efforts to address environmental problems such as climate change, deforestation, and biodiversity loss. Since then, there have been many international agreements and treaties related to the environment, including the Kyoto Protocol, which aimed to reduce greenhouse gas emissions to combat climate change, and the Paris Agreement, which sets targets for countries to limit global warming. The history of legal issues around the environment and environmental management is a complex and ongoing story of attempts to balance economic development with environmental protection, as well as international cooperation to address global environmental challenges.

There are various laws related to the environment and environmental management. Here are a few examples:

A. Clean Air Act (1963) - The Clean Air Act was enacted to reduce air pollution in the United States. It sets standards for air quality, regulates emissions from sources like power plants and factories, and establishes regulations for vehicles.

B. Clean Water Act (1972) - The Clean Water Act was enacted to regulate the discharge of pollutants into the nation's waterways. It establishes water quality standards, regulates point source discharges, and provides funding for water infrastructure projects.

C. Resource Conservation and Recovery Act (1976) - The Resource Conservation and Recovery Act regulates the management of hazardous waste in the United States. It establishes requirements for the generation,

transportation, treatment, storage, and disposal of hazardous waste.

D. Endangered Species Act (1973) - The Endangered Species Act was enacted to protect species that are at risk of extinction. It prohibits the taking of listed species and provides for their conservation through habitat protection and recovery plans.

E. National Environmental Policy Act (1970) - The National Environmental Policy Act requires federal agencies to assess the environmental impact of proposed actions before making decisions. It establishes procedures for the preparation of environmental impact statements and requires public involvement in the decision-making process.

F. Paris Agreement (2015) - The Paris Agreement is an international agreement that aims to limit global warming to well below 2 degrees Celsius above pre-industrial levels. It sets targets for reducing greenhouse gas emissions and encourages countries to transition to a low-carbon economy.

These laws are just a few examples of the many laws and agreements related to the environment and environmental management. They demonstrate the importance of protecting the environment and preserving natural resources for future generations.

### III. Ongoing Legal issue around Environment and Environmental management :

As of my knowledge cut off date of 2021, there were several ongoing legal issues around the environment and environmental management globally. Here are some of the most notable ones:

A. Climate change lawsuits: Various lawsuits have been filed against governments, companies, and individuals for contributing to climate change and failing to take adequate action to prevent its harmful effects. For example, in the US, several cities, including New York and San Francisco, have sued major oil



companies for damages related to climate change.

B. Wildlife conservation: Wildlife conservation laws are being strengthened and enforced globally to protect endangered species and their habitats. For example, in 2020, China upgraded the protection status of pangolins, the most trafficked mammal in the world, to the <sup>22</sup>highest level.

C. Plastic pollution: Several countries have introduced laws to reduce the use of single-use plastics, including bans on plastic bags and straws. The European Union has also introduced a ban on single-use plastic items starting in 2021.

D. Air pollution: Lawsuits and regulations related to air pollution have been on the rise, particularly in countries with high levels of pollution. In India, the Supreme Court has issued several orders to combat air pollution in Delhi, including banning the use of firecrackers during festivals.

E. Waste management: Laws and regulations around waste management are being strengthened globally to reduce waste and promote recycling. For example, the European Union introduced new regulations in 2018 requiring member states to recycle at least 55% of their municipal waste by 2030.

S Environmental issues continue to be a significant focus of legal action and regulatory efforts around the world, as governments and organizations seek to address the impacts of human activities on the planet

#### IV. Factors that influence the creation and enforcement of Environmental legal laws in India:

There are several factors that influence the creation and enforcement of legal issues

around environment and environmental management in India. Some of these factors include:

A. Political will: The government's commitment to environmental protection plays a crucial role in the creation and enforcement of environmental laws. A strong political will is necessary for the formulation and implementation of effective policies and laws.

B. Economic development: India's rapid economic growth has led to a surge in industrialization, which has had a significant impact on the environment. As a result, there is a need for robust environmental regulations to mitigate the negative impact of economic development on the environment.

C. Public pressure: Public awareness and concern about environmental issues can be a significant driver of environmental policy. Public pressure can help push the government to take action on environmental issues and ensure the enforcement of existing laws.

D. International agreements: India is a signatory to several international environmental agreements and conventions, such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD). These agreements require India to implement certain environmental policies and regulations.

E. Judicial activism: The Indian judiciary has been active in enforcing environmental laws and holding the government accountable for environmental degradation. Judicial activism has played a significant role in shaping India's environmental policy and legal framework.

F. Institutional capacity: Effective implementation of environmental laws requires strong institutional capacity, including regulatory bodies, law enforcement agencies, and judicial systems. A lack of institutional capacity can impede the creation and enforcement of environmental laws.

<sup>22</sup> "India's environmental courts: lessons learned and the way forward" by Ritwick Dutta and Rahul Choudhary

"Environmental Justice in India: The National Green Tribunal" by Geetanjoy Sahu

"The politics of environmental justice in contemporary India" by M.V. Rajeev Gowda

"Environmental governance in India: challenges and opportunities" by Aseem Prakash

"Climate change and environmental justice in India" by Navroz K Dubash



G. Technological advancements: The development of new technologies can have a significant impact on environmental protection. The Indian government has been promoting the adoption of cleaner and more sustainable technologies through policies such as the National Action Plan on Climate Change (NAPCC).

The creation and enforcement of environmental laws in India is influenced by a complex set of factors that range from political will to technological advancements. Effective environmental policy requires a multi-pronged approach that considers these factors and balances economic development <sup>23</sup>with environmental protection.

#### V. Environment and Environmental Management: Future Challenges

A. As the world moves towards more sustainable practices, India faces a number of challenges in the area of environmental management and sustainability. Here are some of the legal issues that India may face in the future regarding the environment:

B. Climate Change: India is one of the country's most vulnerable to the impacts of climate change. India is already experiencing the effects of climate change, including rising sea levels, droughts, and extreme weather events. The government has introduced several measures to mitigate the effects of climate change, but there are still many legal and policy issues that need to be addressed.

C. Air Pollution: India has some of the worst air pollution in the world, and this has led to serious health issues for millions of people. The government has introduced several measures to control air pollution, but there are still many legal and policy issues that need to be

addressed, including the regulation of industrial emissions and the implementation of stricter emission standards.

D. Water Management: Water scarcity is a major issue in India, and this has been exacerbated by climate change and population growth. The government has introduced several measures to manage water resources, but there are still many legal and policy issues that need to be addressed, including the regulation of groundwater extraction and the management of water pollution.

E. Waste Management: India generates a massive amount of waste, and the lack of proper waste management infrastructure has led to serious environmental and health issues. The government has introduced several measures to improve waste management, but there are still many legal and policy issues that need to be addressed, including the regulation of hazardous waste disposal and the implementation of waste reduction and recycling programs.

F. Biodiversity Conservation: India is home to a diverse range of flora and fauna, but this biodiversity is under threat from a range of factors, including habitat destruction and climate change. The government has introduced several measures to conserve biodiversity, but there are still many legal and policy issues that need to be addressed, including the protection of <sup>24</sup>wildlife habitats and the regulation of commercial activities that impact biodiversity.

G. India faces a number of complex legal issues around environmental management and sustainability. Addressing these issues will require a comprehensive and integrated approach that involves the government, businesses, civil society, and individuals working

<sup>23</sup>*Environmental sustainability and the law in India*" by M.K. Ramesh  
"Challenges and opportunities in environmental management in India" by V. Ratna Reddy and M. Lakshmi Narasu  
"The Impact of COVID-19 on Environmental Law and Policy in India" by Shruti Singh and Sairam Bhat  
"Eco-sensitive zones and the politics of environmental governance in India" by Kanchi Koblil  
"Environmental regulation and its enforcement in India: an overview" by Neeraj Gupta"

<sup>24</sup>*Environmental Challenges and Green Business Opportunities in India*" by Utkarsh Majumdar and Sanjay K. Gupta.  
"Sustainable Development in India: New Challenges for Environmental Management" by Manoj Kumar Tiwari.  
"Environmental Challenges and Governance in India" edited by B.K. Pattanaik and Arubinda Mishra.  
"Environmental Management in India: Critical Perspectives" edited by Sanjay K. Gupta and Utkarsh Majumdar



together to promote sustainable development and protect the environment for future generations.

### **Conclusion:**

India has been experiencing various environmental issues for decades. Some of these issues include air and water pollution, deforestation, soil erosion, climate change, and loss of biodiversity. In response to these issues, the Indian government has implemented various laws and regulations aimed at managing the environment. The Constitution of India, through Articles 48A and 51A(g), imposes a duty on the State and its citizens to protect and improve the environment. The National Green Tribunal Act, 2010, established the National Green Tribunal (NGT), which deals with environmental disputes and has the power to penalize those who violate environmental laws.

In addition to the NGT, various laws have been implemented to manage environmental issues. The Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, aim to control and prevent water and air pollution, respectively. The Wildlife Protection Act, 1972, aims to protect wildlife and their habitats, while the Forest (Conservation) Act, 1980, aims to conserve forests and their ecosystems. Despite the implementation of these laws and regulations, India still faces many environmental challenges. Some of the reasons for this include a lack of awareness, inadequate implementation of laws, weak enforcement mechanisms, and inadequate financial and technical resources. In conclusion, while India has made progress in managing environmental issues, there is still a need for continued efforts to raise awareness, improve implementation and enforcement of laws, and provide the necessary resources to address environmental challenges.

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