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**STOCKHOLM DECLARATION OF 1972 AND ITS EFFECTIVENESS  
ON THE INDIAN ENVIRONMENT LAWS AND REGULATIONS****ABSTRACT**

*In the present times, going green and thinking sustainable is not a choice, but the need of the hour. Ever since the start of industrialization and all the scientific and technological advancements, humans have started to etch their dominance over nature and all the natural resources it provides the humans with. This article focuses on how a declaration was started back in 1972, to start a conversation and dialogue between the industrialized and developing countries, on a global platform. The main aim of the declaration was to inculcate and grow a sense of responsibility and change of perception, among the citizens of all the countries and the governments of different nations, to preserve and protect the environment. It also contained 26 Principles, which contained international policy for preservation and protection of environment. The main points which will be covered are, with respect to the effectiveness of this dialogue on the development of environmental laws in India.*

**INTRODUCTION**

The Stockholm declaration was one of the first initiatives concerning the environment preservation and conservation. It led to various changes in the laws existing in India. It can be seen, that within a few years of this declaration, many acts were passed in India, which were concerning the preservation of our environment. Like- Water (Prevention and Control of Pollution) Act, 1974; Air (Prevention and Control of Pollution) Act, 1981; Environment Protection Act, 1986; Noise Pollution (Regulation and Control) Rules, 2000 and Solid Waste Management Act, 2016.

We are constantly encountered by the words like- pollution, carbon emissions, global warming ozone depletion, greenhouse gas emission and many other terms to control and reduce them, like- sustainable development, recycle, reuse, reduce, waste management, waste treatment and the other endless list of terms. But what truly matters, is the existence of some strong laws to mark and back the true meaning of these terms, so that it can be understood by everyone. Therefore, I will discuss some provisions, which were enacted after the year 1972, in India.

## **ANALYSIS**

### **Water (Prevention and Control of Pollution) Act, 1974**

Owing to the rapid rise in development and growth of industries the industrial waste became a major problem for the water bodies existing in our country. Added to this was the rapidly rising population, which resulted in the massive, domestic waste generation. All of it gave a nudge to the government to enact some laws for the protection and preservation of the water bodies. This act covers some of the essential goals like- prevention and control of water pollution; maintaining the “*wholesomeness*,” of water which means that the water stays fit for the consumption purposes by both humans and animals; to establish state boards, for overseeing the implementation of these measures; for inflicting penalties, for any kind of violation of these rules; and establish laboratories for development of protocols on water testing.

Some of the important provisions of this act are as follows-

- Section 3 and 4- contains the constitution of Central Pollution Control Board and the State Pollution Control Board.
- Section 16<sup>1</sup>- contains the functions of the Central Board. Some of them are- advising the Central Government on matters related to pollution of water and its control; coordinating the activities of State Board and providing them with the needed technical assistance and guidance; collecting, compiling and publishing the data related to the pollution of water; establishment of testing laboratories and for analysis of water samples and the effluent samples.<sup>2</sup>
- Section 17- contains the functions of State Board. Evolving comprehensive plans to reduce, prevent and control the pollution of streams and other water bodies<sup>3</sup>; advising

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<sup>1</sup> M.C. Mehta v. Union of India decided on 12<sup>th</sup> January, 1988- Despite the above-mentioned requirements of the Water (Prevention and Control of Pollution) Act, 1974 Act, the Court found that the State Board took no meaningful actions to prevent the discharge of effluents into the river Ganga.

<sup>2</sup> Section 21 of Water (Prevention and Control of Pollution) Act, 1974

<sup>3</sup> Section 17 (1) (a)

state government on matters reacted to water pollution<sup>4</sup>; inspecting and laying down standards for the sewage and trade effluents<sup>5</sup>; evolving methods, which are economical and reliable for treatment of sewage and industrial effluents<sup>6</sup>.

- Section 19- State boards may decide to exempt certain areas from the implementation of these laws.
- Section 33- This section empowers the board to appeal in the courts, for restricting certain activities, which it feels will harm the water bodies.
- Section 24 and Section 43- describes the punishment of not less than 1 year and six months, extending upto six years and with a fine, for polluting the stream and water body with poisonous or noxious substance, causing harm to the person or any living organism consuming it. Or for doing any activity, which obstructs the flow of water, leading to pollution thereby.
- Section 47- lays down that if a company commits an offence under this Act, any person who was in control of and responsible to the company for the conduct of the company's business at the time the offence was committed, as well as the company, shall be prosecuted and punished accordingly. Provided, however, that such obligation shall not apply to a person who establishes that he took all the due care, for preventing the commission of such offence or if he proves that it was committed without his knowledge.
- Section 48- lays out that if any Department of Government commits an offence under this Act, the Head of the Department is presumed responsible of the offence unless he establishes that the offence was committed without his knowledge or that he used all reasonable efforts to avoid the commission of the infraction.

The Act's execution measures involving the closure of a defaulting industrial plant were enhanced by the 1988 amendment. The water act is broad and covers streams, inland rivers, and the sea.

### **Air (Prevention and Control of Pollution) Act, 1981**

The main aim, with which this act was enacted, was to abate the air pollution levels in the country. The boards were setup, to oversee the implementation of these laws and maintaining the air quality standards.

Some of the essential features of the act are as follows-

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<sup>4</sup> Section 17 (1) (b)

<sup>5</sup> Section 17 (1) (f)

<sup>6</sup> Section 17 (1) (h)

- Section 16- includes the functions of the Central Pollution Control Board, some of which are- advising the Central Government on matters related to the air pollution and its control; coordinating the activities of State Board and providing them with the needed technical assistance and guidance; carrying out research related to air pollution; spreading awareness about the air pollution and its conservation through mass media; planning and organizing training for personnel and setting the Air Quality Standards in the country.
- Section 17- talks about the functions of state government. Some of them being- advising state government on matters pertaining to air pollution and its control; working in collaboration with the Central Board, planning and organizing training sessions for the personnel; carrying out necessary inspections, in areas with air pollution; analysis of the feasibility of industrial work in a certain area and advising the State Government, for the same.
- Section 19- SPCBs have the authority to declare any an area pollution control area, in consultation with CPCB.
- Section 21- states that no person is allowed to operate industries in the area pollution control area, without the prior permission of the Board.
- Section 22- this section puts restriction over people and industries, to not emit air pollutants which are beyond the reasonable limits set by the Pollution Control Boards. The Board has the authority to approach the court, in case the industry fails to meet the set guidelines and standards with respect to the air pollution norms.
- Section 26- allows the officers of the Pollution Control Boards to collect samples from industries' duct or chimney, for the purpose of testing, to check whether they fall within the prescribed limit of emissions or is exceeding beyond that.
- Section 28- failure in compliance with the rules of section 21 and 22 will invite a punishment of minimum one year and six months, which can extend to 6 years with a fine. Added to this, if the failure continues, additional fine amounting to Rs. 25,000 per day is till the time offence continues.

### **Environment Protection Act, 1986**

In our country, environment has not been a concern till the mid-1980s. even after the enactment of the above-mentioned Water and Air Pollution Control Acts, it took the push from the international as well as domestic community.

The major nudge was received after the unpopular Bhopal Gas Tragedy in the year 1984, leading to thousands of deaths, overnight, after the methyl isocyanate gas leaked from the plant. It was the lack of stringent legislations, which lead to such deadly event. This act is special, because of three main reasons- *First*, its sole aim is the protection of environment form all sorts of pollution and to punish the perpetrators for violating the laws in force. *Second*, this act has an edge over the other acts, let us say for example- in case multiple acts can be invoked in a certain situation, this act will be given the highest priority. *Third*, This Act compelled the country to take significant notice of environmental pollution.

This act focuses on all forms of pollution, like- Air, Water, Soil and Noise; It establishes safe environmental criteria for the presence of certain pollutants; prohibits the usage of hazardous substances, unless prior permission has been obtained and allows the Central Government to assign and It enables the Central Government to delegate authority to authorities in various areas to carry out the Act's provisions.

Some of the important sections are below-

- Section 3- lays down the general powers of the Central Government.

Some of which are as follows-

1. Laying down standards for different pollutants and prescribing the safe emission limit for the same.
  2. Restriction on the operation of industries in certain areas.
  3. It has the power to lay down certain measures, for the prevention of accidents and specifying the procedure to avoid the same, and laying down actions and procedures to be followed, if such an accident occurs.
  4. Responsibility of the Central Government to carry necessary research on environmental pollution.
  5. Need for establishing the environmental laboratories.
  6. It has another responsibility, that is dissemination of information related to the environmental pollution.
- Section 10- gives the power of entry and inspection to any person authorized by the Central Government.
  - Section 11- provides the power of obtaining samples, by the authorized authority, which can be submitted as evidence during an investigation.
  - Section 12- allows the Central government to establish environmental, or it can also declare the existing labs as environmental labs, for the purpose of testing the samples.

- Section 15- which describes the penalties and punishments for any sort of non-compliance. They are given as follows-
  1. A violation of this Act carries a punishment of five years in prison or a fine of Rs. one lakh, or both.
  2. Failure to comply with this punishment will result in a daily penalty of 5000/-, as well as a seven-year prison sentence.
  3. If a firm commits the offence, the company, as well as the director, officer in charge, and any other relevant individuals, may be held accountable under this Act.
  4. If the crime is committed by a government department, the HOD and any other officers involved will be held accountable. The HOD may be excluded if he or she can show that the offence occurred without their knowledge or that they did everything possible to prevent it.
  5. A case/prosecution cannot be initiated if the government body or an officer of the government acted in good faith, according to the clause.
- Section 22- it is an important provision, which safeguards the officer doing his duty to uphold the laws which comes under this act.

Even our constitution provides the provision under articles 48A and 51A (g) with respect to safeguarding the environment and all its resources.

### **DRAWBACKS IN IMPLEMENTATION OF THE LAWS IN INDIA**

First and the foremost reason for the lack of proper implementation of these laws is- lack of public awareness and the lack of zeal and will among the people, to have a protective perspective towards the environment. There is a lack of independence granted to the central and state boards, which must still rely on the state and Central government for appointment. As a result, there is a scarcity of qualified individuals. The appointment was made at the government's request. It is also witnessed that the infrastructure is poor in the laboratories, and the lack of funds with the Pollution Control Boards is also posing a major problem.

Because PCBs lack legal status, their judgments are frequently rejected by the government. Added to the misery, the environment litigation is much more expensive and includes the technical involvement and evidence

It can be seen as if, all laws related to the environment are considering human superiority over the much needed to be preserved ecosystem and environment.

## **CONCLUSION**

In India, air pollution kills about 1.2 million people each year. The air quality in New Delhi is 20 times higher than the safe level. 70% of India's surface and groundwater is contaminated and unsafe for human consumption. Twenty-one cities are anticipated to run out of groundwater by 2020. According to a recent NITI Aayog report, this is the case. Around 47 species of animals and plants are critically endangered in India according to the International Union for Conservation of Nature's Red Data Book. Phalodi in Rajasthan recorded India's hottest day which was 51 C that is equivalent to 123.87 F back in May 2016. Urban India is the world 3rd largest garbage generator and by 2050 waste is expected to rise to a staggering 436 million tonnes. Therefore, it becomes extremely important for the environment laws in India to be strongly implemented. Because "the Earth and all its natural resources is what we have in common." And it has enough resources to fulfill the needs of everyone, if the resources are used in judicious manner, without any exploitation and pollution.