

Environmental Ethics, Environmental Impact Assessment and Role of NGOs

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ABSTRACT:

Important facets of environmental governance include environmental ethics, environmental impact assessment, and the function of non-governmental organisations (NGOs). The importance of these ideas in encouraging sustainable development and guaranteeing ethical decision-making about environmental challenges is highlighted in this chapter. The fundamentals of environmental ethics are covered, along with the value of NGOs in promoting environmental conservation and the significance of environmental impact assessments in decision-making processes. We may work towards a more ecologically aware and sustainable future by incorporating environmental ethics, undertaking thorough impact assessments, and encouraging engagement with NGOs.

KEYWORDS:

Boards, Control, Environmental, Government, Pollution, Water.

I. INTRODUCTION

The ecology in India has significantly deteriorated as a result of excessive population increase, widespread industrialization, and quick development in some industrial sectors. The management of the environment is increasingly seen as a key aspect in India's national development. With improved scientific, technical, administrative, and legislative support at the federal and state levels, government engagement in environmental management has grown and strengthened during the last several decades [1]. An Act to Address Environmental Matters and to Protect and Improve the Environment Whereas decisions were made to take necessary action to safeguard and develop the human environment at the United Nations Conference on the Human Environment held in Stockholm in June 1972, at which India participated The Environment (Protection) Act of 1986 has significant constitutional ramifications as well as a global context. The 1986 Environment (Protection) Act is another name for this law. It encompasses all of India.

Powers and Functions of the Boards

- a. Planning and carrying out a national programme for the prevention, control, and abatement of environmental pollution;
- b. Coordination of actions by the State Governments, officers, and other authorities.
- c. Under this Act or the rules made thereunder.
- d. Under any other law currently in force which is related to the objects of this Act.
- e. Setting criteria for the environment's quality in all of its manifestations.
- f. Establishing standards for the emission or discharge of environmental pollutants from any source.
- g. Provided that different standards may be established under this clause from various sources depending on the nature or composition of the emission or discharge of environmental pollutants from those sources.
- h. Restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards.
- i. Laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
- j. Laying down procedures and safeguards for the handling of hazardous substances;
- k. Examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;
- l. Carrying out and sponsoring investigations and research relating to problems of environmental pollution;

- m. Inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;
- n. Establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;
- o. collection and dissemination of information in respect of matters relating to environmental pollution;
- p. Preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;
- q. Such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.
- r. Officers appointed, together with their duties and powers

Without affecting the provisions, the Central Government may designate officials with the titles it deems appropriate for the purposes of this Act and may grant them the authority and responsibility it sees proper the ability to direct [2]–[5]. The Central Government may, in the exercise of its powers and performance of its functions under this Act, issue written directions to any person, officer, or authority, and such person, officer, or authority shall be bound to comply with such directions, notwithstanding anything contained in any other law but subject to the provisions of this Act. Justification for the avoidance of doubt, it is hereby stated that the authority to give directions under this section includes the authority to order (a) the closure, prohibition, or regulation of any business, operation, or process; or (b) the suspension, limitation, or regulation of the supply of electricity, water, or any other service.

II. DISCUSSION

Rules to Regulate Environmental Pollution

The Central Government may enact rules in regard to all or any of the aforementioned topics by announcement in the Official Gazette. In particular, and without limiting the scope of the aforementioned authority, such regulations may address all or any of the following issues:

- a. The minimum allowable limits of concentration of various environmental pollutants (including noise) for different areas.
- b. The standards of air, water, or soil quality for various areas and purposes.
- c. The handling of hazardous substances procedures and safeguards.
- d. The prohibition and restrictions on the handling of hazardous substances in various areas.
- e. The prohibition and restrictions on the location of industries and the carrying.

Environmental Pollution Prevention, Control, and Reduction

- a. People operating businesses, etc., not to let the emission or discharge of environmental contaminants over the standards.
- b. People handling dangerous chemicals must adhere to procedural safety measures.
- c. giving information to authorities and organisations in specific situations.

Environmental Laboratories

The Central Government may establish one or more environmental laboratories or recognise one or more laboratories or institutes as environmental laboratories to perform the duties entrusted to an environmental laboratory under this Act by publishing a notice in the Official Gazette. The Central Government may, by notification in the Official Gazette, make rules defining the environmental laboratory's functions, the process for submitting samples of air, water, soil, or other substance to the said laboratory for analysis or tests, the format of the laboratory report thereon, and the fees payable for such report, such other matters as may be necessary or expedient to enable that laboratory to carry out its functions [6]–[9].

Penalty for Violation of Act Provisions and Rules, Orders, and Instructions

Whoever disobeys or violates any provision of this Act, or the rules made, orders, or directions issued thereunder, shall, in respect of each such disobedience or violation, be punished with imprisonment for a term which may extend to five years, with a fine which may extend to one lakh rupees, or with both, and in the event the disobedience or violation continues, with additional fine which may extend to 5,000 rupees for each subsequent day. The criminal faces a sentence of imprisonment that may reach seven years in jail if the failure or violation persists for more than a year after the date of conviction.

The Air (Prevention & Control of Pollution) Act

The Air Act was enacted to prevent and control pollution. With more than fifty parts, it is a substantial piece of law. It includes provisions for Central and State Boards, the authority to designate pollution control regions, and limitations on certain industrial facilities, the ability of the Boards to regulate air pollution emissions, the right of entrance, the ability to examine and collect samples for analysis, the imposition of fines for violations by businesses and the government, and other issues. The Act expressly gives State Government the authority to designate places that contribute to air pollution and to specify the kind of fuel that must be used there. This Act prohibits the operation of some industries, such as those using asbestos, cement, fertiliser, and petroleum, without the State Board's approval. The Board may condition its approval on the accomplishment of certain requirements. The Air Act reportedly adopts a best available technology standard for the whole sector. Similar to the Water Act, courts may only entertain complaints under the Act on the State Board's initiative or with its approval [10].

This Act was enacted by the government in 1981 in an effort to reduce pollution and improve air quality. According to it, sources of air pollution including businesses, cars, power plants, etc. are not allowed to produce hazardous chemicals like lead, carbon monoxide, sulphur dioxide, nitrogen oxide, or volatile organic compounds (VOCs) over a certain limit. Pollution Control Boards (PCBs) have been established by the government to assess pollution levels in the air and at specific sources by testing the air in order to assure this. This is expressed as milligrams, micrograms, or parts per million per cubic metre. Air-sampling equipment is used to monitor the gases and particulate matter that are emitted by industry, as well as by automobiles, buses, and two-wheelers. The most crucial factor, however, is for individuals to understand the risks of air pollution and lessen their own ability to cause pollution by ensuring that their own cars or the business they work in minimises emissions. This Act was developed to guarantee that the proper measures are taken for the preservation of the Earth's natural resources, which includes safeguarding the preservation of high-quality air and ensuring that the amount of air pollution is controlled, among other things. The following are the Act's primary goals:

- a. To provide provisions for the control, prevention, and reduction of air pollution.
- b. To provide provisions for the creation of national and state boards with a view to putting the Act into practise.
- c. To provide the Boards authority to carry out the Act's provisions and task the Boards with pollution-related duties.

In highly industrialised, urbanised, and densely inhabited places, air pollution is more severe. The PCBs established up in every state keep an eye out for the presence of pollution over a specific threshold caused by different pollutants released by industrial emissions. The Air Act was enacted to prevent and control pollution. With more than fifty parts, it is a substantial piece of law. It includes provisions for Central and State Boards, the ability to declare pollution control areas, limitations on specific industrial facilities, the Boards' authority to control air pollution emissions, the right to enter and inspect, collect samples for analysis, impose penalties for violations committed by businesses and the government, and more. The Act expressly gives State Government the authority to designate places that contribute to air pollution and to specify the kind of fuel that must be used there. This Act prohibits the operation of some industries, such as those using asbestos, cement, fertiliser, and petroleum, without the State Board's approval. The Board may condition its approval on the accomplishment of certain requirements. The Air Act reportedly adopts a best available technology standard for the whole sector. Similar to the Water Act, courts may only entertain complaints under the Act on the State Board's initiative or with its approval.

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Powers and Functions of the Boards

Boards' Authority and Duties

Central Pollution Board: The Central Board's primary duty is to carry out laws enacted to enhance air quality and to prevent and regulate air pollution in the nation. The Board organises operations, offers technical help and direction to State Boards, advises the Central Government on subjects pertaining to the improvement of air quality, and establishes standards for air quality. It carries out tasks outlined in the Act and gathers and disseminates data about air pollution-related issues.

Boards for State Pollution Control: In regards to everything pertaining to the prevention and management of air pollution, the State Boards have the authority to provide advice to the State Government. They have the right to require the appropriate actions to be taken to limit pollution and may check any control devices, industrial facilities, or manufacturing processes at any time that is reasonable. They must periodically or as needed examine locations that regulate air pollution. They have the authority to establish emission regulations for various industrial units based on the amount and makeup of air pollutants released into the environment. A State Board may create or approve a lab to carry out this task. After consultation with the State Board, the State Governments have the authority to designate regions under control for air pollution. They may also issue directives to guarantee that criteria for vehicle emissions and use restrictions on certain industrial units are met.

Penalties: If an industry's managers emit air pollutants in excess of the State Board's established guidelines, they will face sanctions. The Board also asks the court to enjoin those who pollute the air from doing so. Anyone who violates any of the Act's provisions, orders, or directions is subject to a term of imprisonment up to three months, a fine up to Rs. 10,000, or both. In the event of a subsequent offence, an additional fine up to Rs. 5,000 may be assessed for each additional day the violation persists after the initial violation.

The Water (Prevention & Control of Pollution) Act

This law was created by the government in 1974 to stop effluent from industry, agriculture, and households from contaminating our water supplies. High-pollutant wastewater is a severe health risk when it enters wetlands, rivers, lakes, wells, and the ocean. One method of preventing pollution by penalising the polluter is to control the point sources by keeping an eye on the concentrations of various contaminants. The use of biodegradable chemicals for household purposes, a decrease in the use of pesticides in gardens, and the identification of polluting sources at workplaces and industrial facilities where heavy metals, oil, and other petroleum products are used are all things that individuals can do to lessen water pollution. Our water may be contaminated by excessive organic matter, silt, and infectious organisms from hospital waste. To alert authorities to the proper course of action against various forms of water pollution, citizens must establish a watchdog force. However, avoiding pollution is preferable than treating the issues it has caused or reprimanding violators.

The major goals of the Water Act are to prevent, regulate, and lessen water pollution as well as to maintain or restore the water's wholesomeness. Its purpose is to determine the extent of pollution and penalise offenders. PCBs have been established up by the federal and state governments to track water contamination. A comprehensive piece of law with more than sixty parts for the prevention and management of water contamination is the Water Act of 1974, with some revisions made in 1978. The Act, among other things, outlines the creation of national and state boards for preventing water pollution, the authority to collect water samples and analyse them, the ability to discharge sewage or commercial effluents, appeals, revision, minimum and maximum penalties, the publication of offenders' names, offences committed by businesses and government agencies, the recognition of offences, water laboratories, analysis, etc. A permission or consent administration method is used to prevent and regulate water contamination. The State Water Board must be consulted in order to discharge effluents, and any conditions they impose must be met. However, unless the lawsuit is launched by, or

with the approval of, the State Board, no one who disobeys a state mandate may be considered liable under this Act.

III. CONCLUSION

In order to achieve ecologically sustainable practises and encourage responsible decision-making, environmental ethics, environmental impact assessments (EIA), and the participation of non-governmental organisations (NGOs) are crucial. The significance of include these components in environmental governance systems is emphasised by this conclusion. A guiding concept for establishing moral responsibility to the environment is environmental ethics. It emphasises the need of good stewardship while recognizing the fundamental beauty of nature. We can priorities environmental conservation and guarantee the long-term health of ecosystems and species by including ethical concerns into decision-making processes. An important method for assessing the possible environmental effects of proposed projects, regulations, or activities is the environmental impact assessment. We can detect and reduce possible negative impacts on the environment, ecosystems, and human well-being via thorough analyses. Decision-makers and stakeholders may make more informed decisions that reduce damage and advance sustainability by using the methodical approach offered by EIA.

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