



## IMPACT OF COVID 19 PANDEMIC IN BALANCING THE ENVIRONMENT AND RIGHT TO POLLUTION FREE AIR AND HEALTHY ATMOSPHERE

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### INTRODUCTION

The surrounding which regulates the life of all living organisms is called Environment. The two dynamic and complex components of nature are Organisms and Environment. The sum total of all the conditions prevailing around us at any given point of space and time is what can be concluded as Environment.<sup>1</sup> All biotic and abiotic components of environment live in the four spheres namely- Atmosphere, Lithosphere, Hydrosphere and Biosphere. Environmental laws in colonial era saw growth with the aspect of revenue generation. The first and foremost act on Environment was the Indian Forests Act of 1865<sup>2</sup>. This act was brought into action to accelerate the supply of wood for the development of Railways and Industries. As a response to the Stockholm

United Nations Conference on Environment in 1972<sup>3</sup>, a several acts were passed by India including the Water (Prevention and Control of Pollution) Act<sup>4</sup>, the Wildlife Protection Act, the Air (Prevention and Control of Pollution) Act, the 42<sup>nd</sup> Constitutional Amendment bringing in Article 48A and so on<sup>5</sup>. Again in 1984, the Bhopal Gas Leak case brought in more awareness amongst the Indian leaders therefore, giving rise to Environment Protection Act, 1986; Bhopal Gas Leak Disaster (Processing of Claims) Act 1984; and the Public Liability Insurance Act, 1991<sup>6</sup>.

A nice upgradation in Environment was seen after the outbreak of deadly Covid 19 virus in 2020. The relation of upgradation of environment is seen inversely proportional to the rising cases of covid as following covid protocols which are to avoid mass gathering and imposing lockdown thereby, to break the chain of rising infections led to improvement in the pollution levels of Environment. All the factories, vehicles emitting harmful gases in the atmosphere were used less as people were advised and mandated to stay home. All

<sup>1</sup> *Meaning, Definition and Components of Environment*. (2013, August 22). Your Article Library.

<https://www.yourarticlelibrary.com/environment/meaning-definition-and-components-of-environment/6157>

<sup>2</sup> *Meaning, Definition and Components of Environment*. (2013, August 22). Your Article Library.

<https://www.yourarticlelibrary.com/environment/meaning-definition-and-components-of-environment/6157>

<sup>3</sup> *United Nations Conference on the Human Environment (1972) | Encyclopedia.com*. (2009). Encyclopedia.com.

<https://www.encyclopedia.com/environment/energy-government-and-defense-magazines/united-nations-conference-human-environment-1972>

<sup>4</sup> *THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 \_\_\_\_\_ ARRANGEMENT OF SECTIONS \_\_\_\_\_ CHAPTER I PRELIMINARY SECTIONS 1. Short title, application and commencement. 2. Definitions. CHAPTER II THE CENTRAL AND STATE BOARDS FOR PREVENTION AND CONTROL OF WATER POLLUTION*. (n.d.). Retrieved June 11, 2021, from <http://mppcb.mp.gov.in/proc/WaterAct-1974.pdf>

<sup>5</sup> *Wildlife Protection Act, 1972 - Salient Features, Provisions & Issues for UPSC Exam*. (n.d.). BYJUS. Retrieved June 11, 2021, from <https://byjus.com/free-ias-prep/wildlife-protection-act-1972/>

<sup>6</sup> *Environmental History - an overview | ScienceDirect Topics*. (n.d.). [www.sciencedirect.com](http://www.sciencedirect.com). Retrieved June 11, 2021, from <https://www.sciencedirect.com/topics/social-sciences/environmental-history>



schools, offices got switched to the online mode thereby reducing the transmission of virus which in turn helped the environment to heal.

### THE CONSTITUTION OF INDIA AND THE ENVIRONMENT IN INDIA

The elementary causes of Environmental Degradation in India are: Land Degradation, Air Pollution, Water Pollution, Solid and hazardous wastes, Loss of Bio-diversity, Industrial Pollution and Faulty mining practices.<sup>7</sup> Increase in population is also leading to aggravated amount of fuel, wood and timber.<sup>8</sup> Forest fires, Indiscriminate laying of development projects, Overgrazing, encroachment and other unsustainable practices are increasing the rate of land pollution and deforestation.<sup>9</sup> The causes of Air Pollution include Traffic Congestions, stroke engines, old vehicles and emissions from factories. The organic pollutants, industrial effluents, chemical wastes are all polluting even our water bodies, therefore, causing diseases like diarrhoea, typhoid and cholera<sup>10</sup>.

As per Article 48-A and 51-A of Indian Constitution, it is the duty of the state and every citizen to protect and preserve the

natural environment. Article 21(Right to wholesome Environment), Article 253(Parliament has power to make any law for the whole or any part of the country for implementing any treaty, agreement or convention with any other country), Article 19(1)(g), Article 14(Right to Equality) are the constitutional provisions to protect our environment<sup>11</sup>. In the case of Subhash Kumar v. State of Bihar, the word 'life' was interpreted in a very wide aspect thereby including Environmental Protection with it<sup>12</sup>.

### WRITS AND PILs FOR SAFEGUARDING THE ENVIRONMENT OF STATE POLICY

“Disinfection in Ratlam: In a milestone judgment in 1980, the Supreme Court unequivocally perceived the effect of a crumbling metropolitan climate on poor people. It connected fundamental general wellbeing offices to common liberties and constrained the region to give legitimate sterilization and waste

Doon valley quarrying: In 1987, the Rural Litigation and Entitlement Kendra, for the sake of occupants of the Doon valley, recorded a body of evidence in the Supreme Court against limestone quarrying. This case

<sup>7</sup> *Environmental Degradation in India (11 Main Causes)*. (2015, October 20). Your Article Library. <https://www.yourarticlelibrary.com/environmental-degradation/environmental-degradation-in-india-11-main-causes/65095>

<sup>8</sup> *Environmental Degradation in India (11 Main Causes)*. (2015, October 20). Your Article Library. <https://www.yourarticlelibrary.com/environmental-degradation/environmental-degradation-in-india-11-main-causes/65095>

<sup>9</sup> *Environmental Degradation in India (11 Main Causes)*. (2015, October 20). Your Article Library. <https://www.yourarticlelibrary.com/environmental-degradation/environmental-degradation-in-india-11-main-causes/65095>

<sup>10</sup> *Environmental Degradation in India (11 Main Causes)*. (2015, October 20). Your Article Library. <https://www.yourarticlelibrary.com/environmental-degradation/environmental-degradation-in-india-11-main-causes/65095>

<sup>11</sup> *Constitutional Provisions Regarding Environmental Pollution*. (2015, February 17). Your Article Library. <https://www.yourarticlelibrary.com/constitution/constitutional-provisions-regarding-environmental-pollution/47560>

<sup>12</sup> *Subhash Kumar v. State of Bihar | InforMEA*. (n.d.). [www.informea.org](http://www.informea.org). Retrieved June 11, 2021, from <https://www.informea.org/en/court-decision/subhash-kumar-v-state-bihar>



was the first requiring the Supreme Court to adjust natural and biological honesty against mechanical requests on backwoods assets. The courts guided the specialists to quit quarrying in the Mussoorie slopes

Gas spill in Shriram production line: In the notable instance of the oleum gas spill from the Shriram Food and Fertilizer industrial facility in Delhi, in 1986, the Supreme Court requested the administration to pay to the casualties of the gas spill. The "total responsibility" of an unsafe compound producer to offer pay to every one of those influenced by a mishap was presented for this situation and it was the first run through pay was paid to casualties.

Development in Silent Valley: In 1980, the Kerala High Court tossed out a writ documented by the Society for the Protection of the Silent Valley looking for a restriction on development of a hydro-electric undertaking in the valley. Nonetheless, in spite of a negative judgment, dynamic campaigning and grassroots activity by hippies halted the task.

In 1985, dissident supporter M C Mehta documented a writ request in the Supreme Court to feature the contamination of the Ganga by businesses and districts situated on its banks. In a notable judgment in 1987, the court requested the conclusion of various dirtying tanneries close to Kanpur. Equity E S Venkataramiah, in his judgment, noticed: "Very much like an industry which can't pay least wages to its laborers can't be permitted to exist, a tannery which can't set up an essential treatment plant can't be allowed to keep on being in presence."

Mining in Sariska: A writ request was recorded in the Supreme Court in 1991 by the Tarun Bharat Sangh to quit mining in the Sariska untamed life safe-haven. The court prohibited mining in the asylum

Against vehicular contamination in India the Supreme Court conveyed a milestone judgment in 1992. A resigned Judge of the Supreme Court was delegated alongside three individuals to suggest measures for the cross-country control of vehicular contamination. Orders for giving Lead free petroleum in the country and for the utilization of flammable gas and other method of fills for use in the vehicles India have been passed and completed. Sans lead petroleum had been presented in the four metropolitan urban areas from April 1995; all new vehicles enrolled from April 1995 onwards have been fitted with synergist convertors; COG outlets have been separate up to give CNG as a perfect fuel in Delhi and different urban communities in India from Euro 2 standards. Because of this case, Delhi has become the main city on the planet to have total public transportation running on CNG.

In the State of Himachal Pradesh, Span inn, possessed by the relatives of Shri Kamal Nath, Minister for Environment and Forests, Govt. of India redirected the Course of waterway Beas to decorate the inn and furthermore infringed upon some backwoods land. The peak court requested the administration of the Span inn to give up timberland land to the Govt. of Himachal Pradesh and eliminate a wide range of infringements.

The Court conveyed a land mark judgment and set up standard of model harms without precedent for India. The Court said that



polluter should pay to turn around the harm brought about by his demonstration and forced a fine of Rs Ten Lakhs (Rs 10,00,000) on the Span inn as excellent harms. The Supreme Court of India perceived Polluter Pays Principle and Public Trust Doctrine.

In spite of Coastal Zone Regulation Notification of February 1991, none of the seaside states had detailed waterfront zone the executives plan, with the outcome that aimless development and mechanical action was being allowed anyplace in the coast prompting huge scope harm to beach front nature and loss of job to lakhs of anglers and other native networks subject to marine assets. A writ appeal was documented in the interest of Indian Council for Enviro-Legal Action (ICLEA) and the Supreme Court conveyed a milestone Judgment prohibiting mechanical/development movement inside 500 metres of the High Tide Line and put forth a course of events for the beach front states to figure seaside the executives plans.

A lot more such cases could be added from the historical backdrop of Indian judiciary who is generally vocal on the side of Environment and sound life than different mainstays of Indian Democracy. They have promoted the arrangements referenced in the actual constitution while exploiting cardinal standards of International settlements and shows.”<sup>13</sup>

<sup>13</sup> SeventhQueen. (2017, March 28). *Role of Judiciary in Environmental Protection*. Legal Desire. <https://legaldesire.com/role-of-judiciary-in-environmental-protection/>

<sup>14</sup> *How is COVID-19 impacting the environment around us?* (n.d.). [www.investindia.gov.in](http://www.investindia.gov.in). Retrieved June 11, 2021, from <https://www.investindia.gov.in/team-india->

## IMPACT OF COVID 19 ON ENVIRONMENT:

As ventures, transportation and organizations have shut down, it has brought an abrupt drop of ozone harming substances (GHGs) discharges. During the lockdown time frame, the major mechanical wellsprings of contamination have contracted or totally halted, which assisted with decreasing the contamination load<sup>14</sup>. For example, the stream Ganga and Yamuna have arrived at a critical degree of immaculateness because of the shortfall of mechanical contamination on the times of lockdown in India. It is discovered that, among the 36 ongoing observing stations of stream Ganga, water from 27 stations met as far as possible. As indicated by the Central Pollution Control Board (CPCB, 2020) of India, commotion level of local location of Delhi is decreased 55 dB (daytime) and 45 dB (night) to 40 dB (daytime) and 30 dB (night) separately. Accordingly, city occupants are presently getting a charge out of the twittering of birds, which typically goes from 40-50 dB.<sup>15</sup> But again, this improvement in environment during Covid is short-term therefore collective approach is required to be taken in order to convert these short term effects into long-term.

## STEPS TAKEN BY GOVERNMENT:

- “In June 2014, the Namami Gange Programme was launched by Government to rejuvenate the rivers by allocating a fund of Rs. 20,000 Crore.

[blogs/how-covid-19-impacting-environment-around-us](https://www.investindia.gov.in/team-india-blogs/how-covid-19-impacting-environment-around-us)

<sup>15</sup> *Coronavirus lockdown: The impact on environment and lessons to learn*. (2020, April 14). OpIndia. <https://www.opindia.com/2020/04/coronavirus-lockdown-lessons-environment-way-ahead-comprehensive-analysis/>



- The Ministry of Environment, Forest and Climate Change launched Green Skill Development Programme in June 2017.
- The famous campaign- Swachh Bharat Abhiyan was launched on October 2, 2014 as a cleanliness drive.
- Since, October 2, 2014, as a part of Swachh Bharat Mission, Toilets before Temple was promoted by Modi Government.
- The Compensatory Afforestation Fund Act was launched by the Government in 2016 to increase the forest cover from 2015-2017<sup>16</sup>.

#### CASE LAWS:

In *L.K Koolwal v State of Rajasthan*<sup>17</sup>, the court explained the true ambit of Article 51-A by stating that it obliges duty on the citizens as well to approach the court if proper steps are not taken by the concerned authorities towards the protection of environment.

In *M.C Mehta v Union Of India*<sup>18</sup>, the Court held the despite the above-stated provisions in the **Water (Prevention and Control of Pollution) Act, 1974** Act no effective steps were taken by the State Board to prevent the discharge of effluents into the river Ganga. Also, despite the provisions in the Environment Protection Act, no effective steps were taken by the Central Government to prevent the public nuisance caused by the tanneries at Kanpur. The Court ordered the tanneries to establish primary treatment

plants if not Secondary treatment plants. That is the minimum which the tanneries should do in the circumstances of the case.

In *Vellore Citizens Welfare Forum v Union of India*<sup>19</sup>,

As I would see it plainly the Environment Act contains supportive arrangements for controlling tainting. I acknowledge that the essential inspiration driving the Act is to make force or authority under Section 3(3) of the Act with a palatable power to control pollution and secure the climate. It is a pity that to date no authority has been included the Central Government. The work which is needed to be done by a specialist to the extent Section 3(3) read with various arrangements of the Act is being cultivated by the Apex Court and different Courts in the country. The chance has effectively gone back and forth that the Central Government comprehends its commitment and legal commitment to get the corrupting climate in the country. On the off chance that the conditions in the five locales of Tamil Nadu, where tanneries are working, are permitted to continue with then as soon as possible all streams/streams will be defiled, underground waters polluted, agricultural grounds turned forsaken and the inhabitants of the region introduced to authentic diseases. It is, hence, significant for this Court to manage the Central Government to take a brief action under the arrangements of the Environment

<sup>16</sup> YourStory.com. 2021. *These 5 initiatives by the Modi government are a step towards a green India*. [online] Available at: <<https://yourstory.com/2019/08/modi-government-initiatives-environment-schemes-green-india/>& [Accessed 11 June 2021].

<sup>17</sup> *L. K. Koolwal v. State of Rajasthan Archives*. (n.d.). The Fact Factor. Retrieved June 11, 2021, from <https://thefactfactor.com/tag/l-k-koolwal-v-state-of->

[rajasthan/#:~:text=In%20L.%20K.%20Koolwal%20v.%20State%20of%20Rajasthan%2C](https://www.supremoamicus.org/rajasthan/#:~:text=In%20L.%20K.%20Koolwal%20v.%20State%20of%20Rajasthan%2C)

<sup>18</sup> *Case Analysis: M.C. Mehta v. Union of India - Indian Law Portal*. (n.d.). Retrieved June 11, 2021, from <https://indianlawportal.co.in/case-analysis-m-c-mehta-v-union-of-india/>

<sup>19</sup> *Vellore Citizens Welfare Forum v Union of India*. (2020, May 9). Indian Legal Solution. <https://indianlegalsolution.com/vellore-citizens-welfare-forum-v-union-of-india/>



Act. The Constitutional and legal arrangements secure a person's qualification to normal air, clean water moreover, pollution free climate, be that as it may, the beginning of the advantage is the essential exceptionally based law right of a perfect climate. There are more than 900 tanneries working in the five spaces of Tamil Nadu. Some of them may, now, have presented the crucial defilement control measures, they have been sullyng the climate for more than 10 years and from time to time regardless, for a more drawn out period. This Court has in various solicitations shown that these tanneries are committed to pay tainting fine. The polluters should reimburse the affected individuals and moreover pay the cost of restoring the crumbled nature.

**CONCLUSION:**

All in all, the takeaway from this is that once countries deal with the Covid, better execution of the natural, transport and industry guidelines ought to be viewed as a need to facilitate the negative effects of human movement on the climate.

The global local area, as it battles to recapture an acknowledged ordinary, should mull over, the edifying consequences of this pandemic. The climate, for one, ricocheted back quicker than we suspected it could. Furthermore, it would be absolutely carelessness to allow that information to take a back-seat once cross-country lockdowns are no longer required.

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