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Environmental Protection, Laws and Ethics

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ABSTRACT: Environmental protection is a relatively new idea. Fifty years ago colleges did not offer degrees in environmental science. Newspapers did not have columns on the environment. Lawyers did not practice environmental law. The branch of philosophy called environmental ethics did not exist. Corporations did not have environmental policies. Today all of these are common because environmental protection, however one defines it, has taken root around the world.

There is no universally agreed upon view of what constitutes environmental protection, however. Many different economic interests, philosophical perspectives, and cultural values come into play when considering it. Notions of environmental protection are debated vigorously in the United Nations, the US Congress, and other national assemblies; in the boardrooms of corporations and environmental public interest groups; and among individuals. Environmental protection can mean very different things to different people.

To many environmental policymakers environmental protection has meant keeping pollution levels down, and much attention—governmental, academic, individual—has been devoted to this important goal. Indeed, much of this book explores pollution, because it is a basic cause of our environmental problems. Now, however, many thinkers recognize the limitations of pollution control as it is usually handled, which is by limiting pollutant discharges into water and emissions into air from large industrial and municipal sources, by “permitting” (issuing permits for) only a fixed quantity of them. Rather, environmental protection is increasingly about sustainability, a much broader concept. It embraces concerns about entire ecosystems and about cumulative impacts that require assessing all the contributors to the environmental harms occurring in a particular location (or the entire world in the case of climate change) and reducing pollution from all of them. Applying this approach, a polluted urban river would be cleaned up not just by prohibiting factories and sewage treatment plants from discharging wastewater into it from pipes, but also by reducing runoff from nearby streets and agricultural runoff upstream, by prohibiting dumping used motor oil down storm drains that release their contents into the river, by disallowing dog feces in parks along the shore, and so forth. Cumulative health impacts might also be considered in setting environmental priorities and taking action. A population already burdened by pollution and low socioeconomic status might be a more appropriate candidate for better air pollution controls than a more advantaged population, and the more advantaged population might be a more appropriate candidate for a new waste incinerator than the already burdened one.

So environmental protection means—or should mean—reducing pollution, making sustainable choices, seeking holistic solutions, and distributing the burdens and benefits of industrialization fairly among all populations, considering their current situations, their contribution to the harms being addressed, and the resources available to them.

I. INTRODUCTION

The need for protection and conservation of environment and sustainable use of natural resources is reflected in the constitutional framework of India and also in the international commitments of India. The Constitution under Part IVA (Art 51A-Fundamental Duties) casts a duty on every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. Further, the Constitution of India under Part IV (Art 48A-Directive Principles of State Policies) stipulates that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.[1,2]

Several environment protection legislations existed even before Independence of India. However, the true thrust for putting in force a well-developed framework came only after the UN Conference on the Human Environment (Stockholm, 1972). After the Stockholm Conference, the National Council for Environmental Policy and Planning was set up in 1972 within the Department of Science and Technology to establish a regulatory body to look after the environment-related issues. This Council later evolved into a full-fledged Ministry of Environment and Forests (MoEF).

MoEF was established in 1985, which today is the apex administrative body in the country for regulating and ensuring environmental protection and lays down the legal and regulatory framework for the same. Since the 1970s, a number of environment legislations have been put in place. The MoEF and the pollution control boards ("CPCB", ie, Central Pollution Control Board and "SPCBs", ie, State Pollution Control Boards) together form the regulatory and administrative core of the sector.[3,4,5]

Some of the important legislations for environment protection are as follows:

- The National Green Tribunal Act, 2010
- The Air (Prevention and Control of Pollution) Act, 1981
- The Water (Prevention and Control of Pollution) Act, 1974
- The Environment Protection Act, 1986
- The Hazardous Waste Management Regulations, etc.

II. DISCUSSION

Environmental ethics is the study of ethical questions raised by human relationships with the nonhuman environment. Ethical questions are those about what we ought to do, and ethical claims are prescriptive, rather than descriptive or predictive. An example of a prescriptive claim is as follows: People should reduce the ecological impacts of their lifestyles. This claim could be true, even if lifestyles are currently unsustainable and future change is unlikely. Thus, prescriptive claims are not reducible to either descriptive claims about people's acts and beliefs or predictive claims about possible future events. They are instead normative and aspirational, describing the behaviors, practices, and character traits for which we ought to strive, even if these are difficult to achieve.

Environmental justice is a key concern of environmental ethics. It is defined by the US Environmental Protection Agency as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies" As this definition indicates, there are both distributive and participative (or procedural) justice issues involving the environment.[6,7,8]

Conservationism and Conservation Ethics

An important aspect of environmental awareness and environmental ethics is conservation, which can be defined as the act of preserving and protecting what already exists in the environment. Conservation specialists study how the environment, ecology, culture, architecture, use of resources, and human health exist in relation to one another and have an impact on one another.

Conservation ethics, like environmental ethics, largely rely on the respect that humans either have or don't have for the environment and ecosystems. Conservation ethics also revolve around making human communities and ecosystems better, protecting important resources for the present and future. This philosophical approach values the human/nonhuman dynamic in nature, recognizing how humans and the environment have an ongoing causal relationship with one another.

Anthropocentrism

In contrast to conservation and nature-focused philosophies, anthropocentrism is the principle that humans represent the central and most important beings in the world. Individuals who hold to this philosophy emphasize a hierarchy in which human beings are superior to animals, plants, and natural resources. Since anthropocentrism doesn't place value on animals, plants, or the environment, the human/nonhuman dynamic allows humans to exploit elements of nature for their personal benefit or gain.

Libertarian Extension Philosophies

Libertarian extension philosophies acknowledge the rights of humans and — unlike anthropocentrism — extend these rights to animals and the environment. Libertarian extension seeks a more biocentric model, looking to provide an equal distribution of rights in the human/nonhuman dynamic. For example, the philosophers Arne Naess and Peter

Singer advocate for libertarian extension philosophies in their professional studies. In their works, these moral philosophers debate the importance of understanding the worth and rights of animals.[9,10]

III. RESULTS

Environmental Regulations

Since ecological conditions and economic and social systems differ from country to country, there is no single blueprint for how sustainability practices are to be carried out. Each country has to work on its own concrete policy to ensure that sustainable development is carried out as a global objective.[11,12]

In the U.S., the Environmental Protection Agency (EPA) is responsible for setting and enforcing regulations that involve environmental sustainability and protection. These regulations cover:

- Air quality
- Water quality
- Soil quality
- Plant life
- Animals and wildlife habitats
- Hazardous waste
- Greenhouse gas emissions

Environmental law violations are considered white-collar crimes, with violators facing the possibility of fines, jail time, probation, or a combination. Most corporations, however, generally only incur fines for violations.

IV. RECENT CONSIDERATIONS

In just a few months, COVID-19 transformed from a dangerous regional health threat into a widespread global pandemic and economic disaster. Thus the world is expecting a great recession once again. The rapid spread of COVID-19 has had far-reaching consequences for people's daily lives in almost all parts of the world. Climate change and biodiversity depletion have now reached global boundaries; thus, human activity has surpassed Earth's capacities. Earth capacities can be explained in terms of extreme climate change. This chapter is intended to investigate the link between the outbreak of Covid-19 and its effect on environmental and society. The discussion reveals that environmental pollution is minimized as a result of global lockdown. Furthermore, our review also shows that in terms of environment, Covid-19 provide an opportunity to transform our polluted economy toward the green economy through adoption of renewable energy sources and green practices in our businesses.[13,14]

As a result of the global shutdown, we have induced economic downturn across the world, but on the other hand, in a better climate, we are gaining a transformed world. There is no doubt that once the world engine start-up after Covid-19, pollution and waste will started to piling-up in our surrounding, which will not damaging to the health but also environmental sustainability. The implementation of different step-by-step strategies demonstrates that the environment will gradually shift from polluted world to a green one. In order to maintain environmental sustainability, policymakers and governmental bodies should develop a road-map to protect environmental sustainability.

Following are some suggestions, which may help in the initial phase of planning.

- Corporate sector should adopt green and eco-friendly practices in their businesses to improve environmental sustainability.
- Governmental bodies should formulate strict eco-friendly policies and provide awareness to the corporate leaders through different workshops.
- Regulatory bodies may encourage renewable energy and green projects through providing subsidies and tax-exemptions to the enterprises.

- Governmental bodies imposed heavy penalties on the polluted firms, which will not only create pressure on firms to adopt sustainable practices but also motivate to the eco-friendly firms.
- Regulatory authorities may increase the fossil fuel and non-green energy prices, which will ultimately create pressure on firms to adopt renewable energy in their operations.

V. RELIGIOUS INTERPRETATIONS AND ETHICS

Religion plays a great role in shaping our attitude towards the natural world. Long before Environment became the refrain of the global song at Stockholm and Rio, the ancient Indic heritage had already provided a spacious spiritual home for the environmental ethos. The Hindu, Islam, Jain, Vedic and Buddhist traditions established the principles of ecological harmony centuries ago - not because the world was perceived as heading for an imminent environmental disaster or destruction, nor because of any immediate utilitarian exigency, but through its quest for spiritual and physical symbiosis, synthesized in a system of ethical awareness and moral responsibility. Until very recently, the role of our cultural and spiritual heritages in environmental protection and sustainable development was ignored by international bodies, national governments, policy planners, and even environmentalists. Spiritual dimension, if introduced in the process of environmental policy planning, administration, education, and law, could help create a self consciously moral society which would put conservation and respect for God's creation first, and relegate individualism, materialism, and our modern desire to dominate nature in a subordinate place. Religion can evoke a kind of awareness in persons that is different from scientific or technological reasoning. Religion helps make human beings aware that there are limits to their control over the animate and inanimate world and that their arrogance and manipulative power over nature can backfire. Religion instills the recognition that human life cannot be measured by material possessions and that the ends of life go beyond conspicuous consumption. World religions, each in their own way, offer a unique set of moral values and rules to guide human beings in their relationship with the environment. Religion plays a great role in shaping our attitude towards the natural world. Long before Environment became the refrain of the global song at Stockholm and Rio, the ancient Indic heritage had already provided a spacious spiritual home for the environmental ethos. The Hindu, Islam, Jain, Vedic and Buddhist traditions established the principles of ecological harmony centuries ago - not because the world was perceived as heading for an imminent environmental disaster or destruction, nor because of any immediate utilitarian exigency, but through its quest for spiritual and physical symbiosis, synthesized in a system of ethical awareness and moral responsibility.[15,14]

Beliefs supportive of environmental protection can be found in religious traditions such as Baha'ism, Buddhism, Christianity, Daoism, Hinduism, Islam, Jainism, Judaism, Shintoism, Sikhism, Bishnoism and Zoroastrianism from around the world. India had an ancient tradition of paying constant attention to protection of environment. There are writings galore, to show that in ancient Bharat every individual had to practice the dharma to protect and worship nature (Jariwala, 1992). Sacred groves were kept unmolested and undisturbed since times immemorial (Vartak et al., 1986). Doing harms to these groves was believed to offend the forest spirits and deities. Trees were worshipped in the past (Battacharya, 1968), rivers were considered goddesses (Agarwal, 1985). Rishis warned against deforestation and cutting of trees; they believed that this would result in poor rainfall (Agarwal, 1985). Laying emphasis on the purity of the environment, yagnas were performed in vedic societies to purify the surrounding air. The right to life, passage and healthy surroundings were recognized in the past. However, it is stated that during the period of Aryan civilization, nature was exploited, trees were cut and forest cleared for satisfying the fast-expanding social needs such as building carts and chariots and housing people in cottages built of wood. Kautiliya envisaged a systematic management of forests. The quantum of punishment for felling of trees was proportionate to the utility of tree. Management of forests was conditioned by the need for promotion of forest based industries on crafts, exploitation of forest wealth in making household articles and for defense purposes. Religion protects and nurtures nature. If we take a look at Hinduism, we worship the sun, wind, land, trees, plants, and water which is the very base of human survival. Likewise, respect and conservation of wildlife—garuda, lion, peacock, and snake—are part of our cultural ethos from time immemorial. Almost the entire living of God Ram and Goddess Sita was very close to nature. Further, ancient texts written in Sanskrit, Pali or other languages can provide significant details. For instance, the scripture Vishnu Samhitâ in Sanskrit language contains some direct instructions dealing with biodiversity conservation. Hinduism holds to a strong version of the equal sanctity of all life and

for thousands of years practiced sustainable agriculture and nonviolence (ahimsa) toward animals and nature [17]

VI. CONCLUSION

Thus we can say that though we have rich tradition and culture of living in peace and harmony with nature but with industrialization we have become indifferent towards nature. Previously there were no laws for conservation of environment in our country other than some indirect laws, as the people of our country loved and respected their fellow organisms. But in the changed scenario as development and pollution went hand in hand, man started using the natural resources so lavishly, therefore it became very necessary to preserve these resources otherwise there would be no resources left for the future generations to come. Keeping this in mind laws were made for the conservation of environment, which were not so active till mid 80s but later as our government became more vigilant towards this issue, so it started incorporating new laws, rules and regulations and to save the environment. At present there are more than 200 legislations which are directly or indirectly related to environment. But with the increase in legislations the environment kept on degrading.

There were large number of legislation but they were not implemented properly as they had some inherent defect in it which were hindering in proper implementation of these laws and dismal performance of enforcement agencies further extended this problem. Still there were some issues which were untouched in previous legislations. In order to preserve our environment, judiciary and legislature should find these defects in order to implement these laws properly and rather than so many legislations, they should sit and make one common code which should encompass in it all the issues dealing with environment. [18]

And also there should be one single forum which should deal with all the problems dealing with the environment and these courts should be easily accessible, well equipped with scientific knowledge, well aware of environmental Jurisprudence and efficient enough to punish polluters in a way that in future not even an attempt, contaminate or degrade the environment be made. It therefore very humbly suggested that there should be one common code developed and environmental courts should be established in every constituency consisting of judicial members assisted by statutory panel of environmental experts attached to these courts. This forum should also welcome new ideas suggestions which could help government in saving our natural resources.

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