

CHEMICAL SECTOR IN INDIA: A STUDY WITH SPECIAL REFERENCE TO ENVIRONMENTAL LAW



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Abstract

India is a developing country and also experienced a big economic change. Earlier India was totally based on agricultural economy but with the passage of time, it becomes a country which is based on industrial economy. And in this present era of industrial based economy, the chemical sector plays a very vital role in the economic development. There is no doubt that the chemical sector is considered as the backbone of the Indian economy but at the same time, there are some harmful effects and dangers which are caused by the chemical substances. In this way, we cannot ignore the demerits of the chemical sector because of its hazardous substances and chemical waste. The research wants to give an overview of the Indian chemical sector by analyzing its role and importance in the Indian economy. The research also wants to give an overview of the various category of the chemical manufacturing industries, their functions, its framework for regulation of these industries as well as the process of the disposing of the chemical waste. This research will also talk about the various issues and challenges of the chemical industries.

Keywords:- Chemical Sector, Environmental Law, Hazardous waste, Indian Economy, Chemical Industry, Pollution.

Introduction

The chemical sector or the chemical industries plays a very major role in the global economic developments. This sector is totally based on the knowledge and it also requires investment for the purpose of research and developments of the chemical industries. The chemical industries are considered as the largest consumers of the sector of commodity consumptions. A lot of processing methods are used to convert the basic chemicals in the chemical products, and these products are used in the consumer markets, agricultural uses and other industrial applications. The overall economy, industrial production and the GDP of a country are the direct factors which plays a important role in the economic growth. If the above mentioned factors are in sound position then the growth in revenue will also takes place.

During the period of mid-1980's, the government uncovered the large availability of synthetic, but did not give assurance regarding the expected risk. This report tries to show the position of the synthetic substances industries in the present time as well as in the future. The report also tries to show the effect on the ecological system in the present time as well as in the future. Also this research tries to explain the various issues related to the inspection of the synthetic compound industries, effects because of the creation of drugs and effects on workers etc. And also tries to give the concrete solution for these issues.

India and the Stockholm convention

India became the member of the Stockholm convention in 2006 but framed its National Implementation plan in 2011. As per the provisions of Section 7 of the Stockholm convention, it is mandatory to make the NIP by the member countries. But India did not make the NIP for several years, after becoming the member of this convention, which was a mandatory process of making NIP. At that time India picked to stay with the first twelve synthetic substances. Generally, any compound which is restricted by the convention, then the use of such compound is prohibited and boycotted by the gathering countries.

In this way, India exploited the standards of this convention, and even after the participation in this convention, India did not follow the complete rules. In India the use of pesticides has been restricted since last thirty Eight years, but it is used in the form of pesticides sprays even after the restriction imposed by the Stockholm convention.

A. India and Strategic approach to international chemical management. (SAICM).

During the period of 2006, India agreed with the terms of SAICM and started its Endeavour's for the purpose the growth and the risk of public synthetic substances profile, maintaining the mainstream administration of sound management of synthetic substances and the empowerment of Institutions. For the purpose of the completion of these objectives India prepared the National Chemical Managing profile, E-Waste (Management and Handling) Rules, 2011. India also settled the Draught Dangerous Goods (Classification, Packaging and Labeling), Rules 2013. Also the Ministry of Forestry started enquiry on lead, mercury and arsenic in paints, illness, and colors in the country.

B. India and Emerging Policy Issues is a product of the SAICM

The paints which contains lead is very much beneficial and also improves the shades, reduces the erosion on the metallic surfaces. The use of this paint in the homes, gyms, schools, and at various other location creates the better chances for the development of the youngsters as per an appropriate viewpoint. But due to the openness of the lead based paint causes a lot of serious health issues, which includes the reduction of IQ in the children's and the other serious illness which are related to the kidney, brain, hypertension etc. The UNEP (United Nation Environment Programme) and the WHO are making the joint efforts for the restriction of the children from the exposure of the lead based paint. It is found that the amount of leads in the paint industries are not following the rules regarding the lead level. Because of this the government of India issued the

guidelines on the lead Substances in Household and Decorative Paints Rules, 2016, which took effect on 2017.

C. Chemicals in Products (CIP)

The chemicals in products program is an intentional program for all the SAICM stakeholders. This program has developed as a global campaign for the purpose of the administration of the synthetic products, for the purpose of reducing the harmful effects on the humans as well as the environment because of these harmful synthetical compounds.

D. India and the Chemicals in Products (CIP)

India drafted its National Action Plan with respect to the artificial compound (NAPC). The SAICM and India with the help of the World Bank as well as the Ministry of Education introduced such kind of programs. In this the scientific specialist are ordered to require a one year course path in the area of the under experienced technological know-how.

E. Cooperation of Law and Technology for Solid Waste Management in India

The squander is considered as the unavoidable side-effect of the individuals. Due to the change of time, the growth of economy and the standard of life are changing positively. But at the same time the solid waste is also increasingly at a very fast speed. The strong solid waste is a big problem for the governmental authorities both at the local level as well as the metropolitan level.

The strong waste is consist of both biodegradable as well as the non-biodegradable items, and it is also increasing at a very fast speed because of the human development in the field of economy as well as daily life. The government also runs various programs for the purpose of recharge and reuse of the strong waste. The programmes are of great importance in controlling the issue of strong waste. Vermi-fertilizing the soil ,prolysis etc. are done for the purpose of handling the strong waste in India. The City Solid Wastes (Management and Handling) Rules, 2000 are applicable to each of the civil powers and these rules are of great use and importance in handling the problem of the strong waste in the local as well as the metropolitan level. As per the provisions of the Article 51 A (g) and Article 48 of the Indian constitution, it is the duty of every citizen to work on and secure the climate. As per the provisions of Article 51 A(g), it is the duty of every resident to expand the regular habitat which includes the woods, lakes and so on. The word climate includes the clean environment and the biological balance. That is why the state is also duty bound to make the environment clean and also to make ecological balance. The concept of the right to life is also falls under the scope and the ambit of Article 21 and considered as a major right. This also includes the right to existence with human pride.

Also the judiciary stressed that the environment is not the property of any individual and the state. The environment and the climate must be protected by both the individual as well as the government. The clean environment is considered as the part of everyday routine. The scope of Article 21 also promoted the advancements of the healthy and natural law in India. That is why various resolutions are passed for the protection of the climate and the environment from the

contamination, specifically the air, water and the soil. The air, water and the soil are considered as the resources which are gifted by nature to the human being and the state is considered as the trustee and duty bound to protect the natural environment.

It is also the duty of the state as well as the individuals to secure and to further develop the natural environment and climate by controlling the waste and by the protecting the natural life of the country.

Role of Chemical Management and Regulations Laws

In 2006, the ministry of Environment, Forests and climate change (Government of India) distributed a National Environment policy. This policy was introduced for the purpose of the administrative changes, projects as well as the making of various tasks for the protection of the ecological system. This policy is based on the concept of the lawful risk. This policy also advocates the principle of 'polluter pays'.

(A) Hazardous Industry Sector and Regulatory Regime India

In comparison with the other mechanical areas, the present modern risky areas are developing and rising at a very fast speed. The modern exercises are also developed because of the fast development of the imports in the unsafe mechanical areas. Because of the very harmful mechanical movements, the toxin has entered in the circumstances of India. The Indian Central Pollution Control Board made and classified seventeen enterprises as the dirtying ventures. The perilous industries are the subsets of the contaminating enterprises which uses the synthetic compound beyond the permissible limits given under the Environment protection rules. As per the data given by the central pollution control board and the state pollution control board, almost 1551 units are recognized in the seventeen dirtying modern areas. The modern ventures are responsible for the increasing contamination in the air, water and soil.

(B) The Rising of Hazardous Industries Endangering India's Environment

Even of the presence of strong and tough ecological guidelines, the risky enterprises are developing at a very fast speed and are causing serious threat in India. Due to the development of the hazardous business in the area of the Maharashtra and Gujarat causes serious ecological contamination. The example is the area of 'Dombivili' near Thane area of Maharashtra contains almost 50 such units which releases toxic gases during evening time. Because of the negligence of the dangerous and the hazardous ventures which causes serious threat to the ecological system and also effects the local population very badly. This situation poses a serious question on the working of the state pollution control board as well as the central pollution control board. It means that these authorities are a big failure as both the authorities are unable to check, control and prevent these hazardous ventures.

As per the order of Supreme Court, the Deputy Commissioner of police closes 168 hazardous venture units in Delhi. Also the Supreme Court in the case of M.C Mehta vs. Association of India classified 513 businesses as the dangerous ventures in Delhi. Because of the powerless nature of the controlling authorities, the harmful and hazardous

ventures are increasing at a very fast speed. The Bhopal Gas mishap is also considered as a case of failure of the controlling authority. The controlling authority and the implementation organization in India need to play a pro-active role in controlling these harmful ventures.

(C) Issues and challenges in the Enforcement of Regulations by the pollution control Boards

The central and the state pollution control authority have the various powers under the legal system for the purpose of the implementation of the various laws and norms. These authorities are also having the power to cut the force as well as the water supply of the business, who are not working as per the guidelines as well as the relevant guidelines.

But because of the various issues, there is no coordination is there between the government and the pollution control boards.

The Environment Protection Act set down various rules and regulations for the protection of the environment. The definition of dangerous substances which are of very harmful nature and causes a serious threat to the human life is given under the section 2(e) of the environment protection act.

The problem is that there is no coordination between the central and the state pollution control board. Many times it is found that if the central pollution control board gives direction for the purpose of controlling the hazardous ventures, then state pollution control board does not follow these directions. The state pollution control board works on its own. The another problem is that the government does not collect the data from these pollution control board in uniform manner. Also when these authorities needs the financial support for their development then also because of politics, not get the proper fund. Due to the issues of lack of staff also leads to the failure of these boards in controlling the hazardous ventures.

Conclusion

Therefore it can be concluded that the harmful and hazardous ventures effected the air, water and land very badly and also imbalances the ecological system. Also because of these harmful ventures, the life status of the individual is also degraded. In the case of *M.C Mehta Vs. Union of India*, the Supreme Court ordered to maintain a green belt around the risky businesses. The state government must not allow any hazardous venture under exceptions to business in any particular area or region where the law does not permit. Also the state should not force the state pollution control board to follow the guidelines in lenient manner for the purpose of issuing no objection certificate. In this way, it is very much necessary to control the hazardous venture for the protection of the local resident, and for the protection of the environment and the society the green belt must be set-up around risky units.

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