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Environmental Protection in India

Dr Jiwan Jyoti
(Assistant Professor, Department of Public Administration, Khalsa College Patiala)

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Abstract
Environmental protection is a pressing concern in India due to the adverse effects of rapid industrialization, urban expansion, and environmental degradation. To combat these issues, the Indian government has introduced various legislative measures aimed at preserving natural resources and ensuring sustainable development. This paper analyzes significant environmental laws, including the Environment (Protection) Act of 1986, the Air (Prevention and Control of Pollution) Act of 1981, and the Water (Prevention and Control of Pollution) Act of 1974. Additionally, it examines the judiciary's role, environmental policies, and the effectiveness of these laws in tackling pollution, deforestation, and climate change. While a robust legal framework exists, challenges such as inadequate enforcement and limited public awareness hinder its effectiveness. The study emphasizes the importance of stricter law enforcement and active community participation to achieve long-term environmental sustainability in India.

Key words: Environment Protection in Ancient, Medieval, British and after Independence, Laws and Programmes.

I. Introduction

Man is both the creator and the moulder of his environment, which provide him with physical sustenance as well as opportunities for intellectual, moral, social and spiritual development. Through the fast acceleration of science and technology, westernization and industrialization have reached a stage in the lengthy and tortuous growth of the human species on this planet. The natural environment, which includes air, water, land, trees, plants, animals, rivers, lakes and mountains, is negatively impacted by man-made environments as a result of numerous inventions and discoveries. The nation's aim to industrialize faster, be food self-sufficient, and be capable of meeting certain basic demands of the rising population faces a major challenge in environmental protection.

The protection, conservation, and improvement of the human environment are currently the main issues facing the world. Physical and biological environments make up the human environment. Land, water, and air make up the physical environment, while plants, animals, and other species make up the biological environment. The biological and physical environments are interdependent. The ecology is rapidly deteriorating in developing nations like India. The number of environmental issues is growing daily. Pollution is the primary and most significant environmental issue in our nation. It becomes the people's first opponent. India's population relied heavily on agriculture before becoming independent. As a result of Independence, people's lifestyles changed, and they began looking for alternative means of money. For the establishment of private industries, the Indian government offered numerous facilities in 1981. Over the past 30 years, private businesses and industries have grown significantly in India thanks to government assistance. Due to unchecked pollution emissions, the rapidly expanding industry is causing numerous environmental problems.

From the Rigvedic to Medieval period, nature and the environment were highly valued. According to Rigvedic Sulkta (Versa), "The sky like a father, the earth resembles a mother, and space resembles their son. This Universe, made up of these three people, is like a family. Any harm of one of the three upsets the universe's equilibrium.'' This message was intended to alert people to the dangers of population growth in the environment. Planting even a single tree with fruits and flowers, according to Chanakya Niti, fills the environment with scent, much as a family is pleased with a deserving son. As a result, we will be safe, as the world has thus far been abundant in natural resources. The British government took legislative measures to avoid pollution and conserve natural resources, however they have narrow purpose and limited territorial reach. Effective legislation have been passed and actively enforced in India since independence to protect public health and the environment. Legislative measures are intended to ensure that the environment is protected by adhering to define

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norms and regulations. Many elements, such as constitutional legislations, rules, regulations, and tribunals, have been developed to provide a legal framework for environmental management.

Environmental protection in Ancient India

The core of Vedic culture in ancient India was environmental preservation and cleanup. An impassioned article of faith, the preservation of the environment is reflected in people's daily lives and is also a part of myth, folklore, art, culture, and religion. In Hinduism, woods, trees, and the preservation of wildlife all occupied a unique place of honour. As part of a rite, trees and woods were revered according to the theology. A thorough account of trees, plants, and wildlife as well as its significance to the community may be found in the Vedas, Upanishads, Purnas, and other Hindu religious texts. Hinduism provides a thorough explanation of tress, plants, and wildlife as well as its significance to the community. The Rigveda emphasizes a close relationship between human and nature by highlighting how nature has the power to influence the climate, increase fertility, and improve human existence. According to Atharva Veda, several Gods and Goddesses have their homes in trees. Yajurveda emphasizes the importance of having a respectful and compassionate connection with the environment and animals rather than one of dominance and slavery. Moral prohibitions served as instructions for environmental conservation and preservation in Hindu culture. In addition to scriptures, the seers also advanced and spread these admonitions. Manu, for instance, advised people not to consume bad food since it could make them sick. He warned against contaminating water with urine, impious things, blood, poison etc. in order to preserve the quality of water and prevent water pollution. Arthashastra contains the fundamentals of environmental conservation. Arthashastra offers guidelines for preserving and enhancing forests and animal populations. Cutting down trees or killing animals and birds is prohibited. If any harm or pollution is brought about in the city, penalties are imposed.

Environmental protection in Medieval India

The Mughal emperors in the mediaeval period occasionally established natural parks, gardens, and fruits orchards surrounding their palaces and along the bank of rivers, but they did not have a policy to safeguard the forests and wildlife. Instead, they were only viewed as an excellent source of income and entertainment. The rise of interest in natural history was a prominent aspect of Mughal era. The three faults of felling shady trees, making a living by murdering animals, and selling human beings as slaves are listed by Adbul Qadir Badauni as the three most grievous sins and offences. Akbar is well-known for his advocacy of public property resources, water body management, and opposition to animal cruelty.

Environmental protection in British India

An era of resources theft preceded the British invasion and establishment of their authority in India. The start of organized forest management occurred at same time as this administration. Their attention was specifically drawn to forestry, wildlife and water contamination. Some specific features of Britishers acts:

i. The first step of control over the forest began in 1806 with the appointment of a forest conservator in order to preserve teak in Malabar. Because they failed to preserve the forest, the position of forest conservator was eliminated in 1823.
ii. One of the earliest pieces of legislation pertaining to water pollution was the Shore Nuisance (Bombay & Kolaba) Act of 1853. The Oriental Gas Company Act, 1857 established penalties as means of controlling the pollution Oriental Gas Company created. Corrupting or polluting water when producing gas is now considered an offence.
iii. According to the Indian Fisheries Act, 1897, anyone caught contaminating water with aim to catch or kill fish faces two years prison sentence or a fine.
iv. The Indian Port Act, 1908 of governs the disposal of trash close to the port and prevents water pollution from ballast. Ballast, trash and other materials that could create shoals or banks that would hinder navigation are forbidden under section 21.
v. The Indian Boiler Act of 1923 was passed with the purpose of limiting the use of steam boilers, which would thereby limit boiler explosions and reduce air pollution. It establishes minimum and maximum pressure limits as well as requirements for steam boiler registration and routine inspection. Regarding boilers, it specifies the area of application, registration, production, transfer and renewal of certificates as well as provisional orders, right of entry, report of accidents, appeals to appellate authority, penalties and fee collection. Additionally, it offers guidelines for the selection of several inspector categories who check boilers. The Indian Boilers (Amendment)

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Act, 2007, the most recent amendment to this law, was passed in 2007. In order to establish universal standards and prevent interstate disputes, this Act provides for inspections during the manufacture and erection of boilers.

Environmental Protection after Independence
Constitutional Measures

When parliament passed 42nd Amendment Act, certain changes were made in the seventh schedule to the constitution. This amendment incorporated two significant articles. Articles 48-A and 51-A(g) to protect and improve the environment.

48-A: Protection and improvement of environment and safeguarding of forests and wild life. The State shall endeavour to protect and improve the environment and to safeguard the forest and wild life of the country.

51-A: Fundamental duties – it shall be the duty of every citizen of India (g) to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.

Environmental Legislation
The Wildlife (Protection) Act, 1972

The Wildlife (Protection) Act, 1972 enacted for protection of wild animals, birds and plants. The Act prohibits hunting of animals and birds as specified in the schedules. The Act also prohibits picking, uprooting, destroying damaging etc. any specified plant from any forest. The Act provides for state Wildlife Advisory Board to advise the State Government in formulation of the policy for protection and conservation of the wildlife and specified plants; and in selection of areas to be declared as Sanctuaries, National Parks, etc. This Act is administered by Director of Wildlife Preservation with Assistant Directors; and a Chief Wildlife Warden with other Wardens and their staff.

The Water (Prevention and Control of Pollution) Act, 1974

The Water (Prevention and Control of Pollution) Act of 1974 marks the start and the initial significant step toward enactment in the area of environmental management and control. When it was passed, national environmental movement got its start. The main objectives of this act are:

(i) Prevention and control of water pollution.
(ii) The wholesomeness of water is being preserved or restored.
(iii) Creation of boards for prevention and control of water pollution.

The Central and State Boards are established by this act for prevention and control of water pollution. The functions of central board are:

(i) Advice the Central government on any issue pertaining the prevention and management of water pollution.
(ii) To establish criteria for streams or wells water quality.
(iii) To construct or approve laboratories to carry out tasks such sample analysis.
(iv) Coordinating efforts with state boards and giving them technical advice and support.
(v) Arrange thorough programmes for the prevention and management of water contamination via the media.

The Air (Prevention and Control of Pollution) Act, 1981

This law sought to preserve the quality of the air by preventing, controlling and mitigating air pollution through establishment of central and state boards which are registered corporate organizations and operate similarly to water boards as follows:

(i) To give advice, develop and carry out national programmes, offer technical help and guidance, conduct research and investigations, coordinate research and personnel training, gather and publish statistical data and create manuals related the prevention, control or abatement of air pollution.
(ii) To down the standards for quality of air.
(iii) To construct and approve laboratories for the above aforementioned reasons.

The following powers were granted to the air pollution boards in order to carry out the act's provisions:

(i) To authority to designate areas under air pollution management, including the authority to order the use of recognized fuels and appliances there.
(ii) The ability to instruct authorities in accordance with the Motor Vehicle Act regarding requirements for vehicles emissions.
(iii) The authority to limit industrial activity in areas subject to air pollution controls.
(iv) The ability to enter or inspect any location to ensure that the act's requirements are being followed.
(v) The ability to collect samples of air or emissions for analysis.

The Air (Prevention and Control of Pollution) Act of 1981 was revised in 1987 to remove some obstacles to implementation, give implementing

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agencies additional authority, and apply harsher penalties for breaking its rules.

The Environment Protection Act, 1986

The Environment Protection Act of 1986 was passed to protect the environment, enhance its quality, and prevent, control, and lessen environmental contamination. The Bhopal Gas Tragedy served as a primary impetus for creation of the Act. The definitions of "environment" includes water, air, and land as well as the relationships that occur between these elements and with people, other living things, plants, microorganisms, and property. The act has granted the Central Government broad authority to take action regarding the creation and implementation of a national programme for the prevention, control, and reduction of environmental pollution. It gives the government the authority to set standards for environmental quality, the emission or discharge of pollutants into the environment, the regulation of industrial sites, the prescription of procedures for the management of hazardous substances, the establishment of safeguards for the prevention of accidents, and the gathering and dissemination of data on environmental pollution. Any violation of the Act's, provisions, rules, orders, or instructions is punished by imprisonment for a term that may not exceed five years, a fine of up to one lakh rupees, or both. The Act is a general piece of legislation created to offer a framework for Central and State authorities formed under earlier laws like the Water Act and Air Act, among others.

The Factories Amendment Act, 1987

After Bhopal tragedy in Dec. 1984, Supreme Court judgment in gas leak case, The old factories Act was revised and reorganised in 1987 to improve the health and safety regulations in light of the need to reinforce the Environment Protection Act of 1986 with regard to worker health and safety. The amendment gives the states the authority to designate site appraisal committees to provide recommendations for the initial placement of factories using hazardous procedures. All information regarding health hazards at the factory must be disclosed by the occupant of each hazardous unit to her employees, the factory inspector, and the local authority. Preventive measures must also be taken and made known to employees and nearby residents. A disaster control plan for emergencies should be created by the occupier and authorised by the chief inspector. In factories, worker-management council that reviews safety measures is required. If an employer has more than 250 employees, they are required to keep track of their health information and hire qualified personnel to handle hazardous materials. The second schedule to the Act specifies the acceptable limits of exposure to harmful chemicals. A very senior level manager is what the act identifies an occupant. If it is more strict than Indian ones, it must be enforced in factories using transnational technology or operating those technologies.

The Public Liabilities Insurance Act, 1991

This law was designed to offer rapid assistance to anyone hurt by chemical accidents that occurred when handling any dangerous substance as a result of these. As of right now, the collector is permitted to resolve the relief claim within three months of the application's receipt date. It is not necessary for claimant to demonstrate that the death, injury, or damage was caused by any wrongful conduct, negligence, or default on the part of any individual. The weaker groups in society, particularly labourers and wage earners, are protected by this statute. This act requires any business or owner who manages the handling of hazardous material to secure workers compensation insurance.

The Water (Prevention and Control of Pollution) Cess Act, 1977

Aims to provide for the levy and collection of a cess on water consumed by persons carrying on certain industries and by local authorities, with a view to augment the resources of Central Board and State Board for pre- and control of water pollution, constituted under the water (Prevention and Control of Pollution) Act 1974. The cess is calculated on the basis of water consumed by person or local authority and assessed by State Board. The industries may obtain a rebate as to the extent of 25% if the set up treatment plant of sewage or trade effluent.

The National Environment Appellate Authority Act, 1997

To establish a National Environment Appellate Authority to hear appeals regarding the restriction of areas in which any industries, operations, or processes, or class of industries, operations, or processes, shall not be carried out subject to certain safe guards under the Environment (Protection) Act, 1986, as well as for matters related to or incidental thereto, this Act was first introduced in 1997. The 30th of January 1997 marked the effective date of this Act. The National Environment Authority is established by the Central Government in accordance with Section 3 of the Act to carry out

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the duties entrusted to it and to exercise the powers granted to it. Any person who disagrees with an order granting environment clearance in regions where certain industries, operations, or processes are prohibited or subject to specific safeguards may appeal to the Authority within 30 days of the date of the order, according to Section 11 of the Act. No civil court or other body shall have jurisdiction to hear an appeal relating to any subject over which the "National Environment Authority" has been given such authority under Section 15 of the Act. Every individual directly in charge of and responsible for the company's business at the time of the offence will be punished in accordance with Section 20 of the Act if any violation of this Act is committed by a company. Additionally, if a firm commits an offence and it can be demonstrated that the offence was carried out with the approval of any director, manager, secretary, or other officer of the company, they will also be held accountable for the offence and subject to the appropriate punishment.

The Noise Pollution (Regulation and Control) Rule, 2000

The following regulations for the regulation and control of noise producing and generating sources were made by the Central Government in accordance with the powers granted by Sections 3, 6, and 25 of the Environment (Protection) Rules, 1986, as well as with Rule 5 of the Environment (Protection) Rules, 1986. Under rule 3of this act:

- The State Government is required to take action to reduce noise, which includes noise from moving vehicles, horn blowing, popping fireworks, using loud speakers or public address systems, and sound- producing instruments. The State Government must also make sure that the current noise levels do not exceed ambient air quality standards.
- The noise level at the boundary of the public place, where loudspeakers or public address systems or any other noise sources are being used, shall not exceed 10 dB (A) above the ambient noise standards for the area or 75 dB (A), whichever is lower. A silence zone is also defined as an area comprising not less than 100 metres around hospitals, educational institutions, courts, religious places, or any other area which is declared as such by the competent authority.

According to the Noise Pollution (Regulation and Control) Amendment Rules, 2009, the State Government must take action to stop horn blowing at night in residential areas and quiet zones, unless there is an emergency. According to regulation 4 of this Act, the authority is in charge of upholding ambient air quality requirements with regard to noise as well as enforcing noise pollution control measures. Additionally, in accordance with the Noise Pollution (Regulation and Control) Amendment Rules, 2006, the relevant State Pollution Control Boards shall gather technical and statistical data relating to noise pollution and methods established for its effective prevention, control, and abatement.

Additionally, in accordance with the Noise Pollution (Regulation and Control) Amendment Rules, 2006, each State Pollution Control Board in consultation with the Central Pollution Control Board shall collect, compile technical and statistical data relating to noise pollution and measures devised for its effective prevention, control, and abatement.

A loudspeaker or public address system may only be used with the authority's written consent, according to regulation 5 of this Act. Additionally, between the hours of 10 p.m. and 6 a.m., no loudspeakers or public address systems may be used outside of closed spaces for internal communication, such as auditoriums, conference rooms, and community and banquet halls, or during a declared emergency. Except in cases of a public emergency, there will be no horn blowing or cracker bursting at night in residential neighbourhoods or silent zones.

According to rule (7) of this Act, if the noise level exceeds the ambient noise standards by 10 dB (A) or more against any area or zone, any person may file a complaint with any officer authorised by the Central Government or by the State Government in accordance with the laws in effect, including a District Magistrate, Police Commissioner, or any other officer designated for the maintenance of the ambient air quality standards. In line with the terms of these rules and any other applicable laws, the authority must thereafter respond to the complaint and take action against the offender.

Whoever breaches any provision of these rules regarding limits imposed during the night will be subject to punishment as provided for in Rule 6(A) of this Act.

National Green Tribunal (NGT) Act, 2010

The National Green Tribunal was set up on 18th October, 2010 with the objective to provide for establishment of a National Green Tribunal for the effective and expeditions disposal of cases relating to environmental protection and conservation of

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forests and other natural resources including enforcement of any legal rights relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. It is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues. The Tribunal shall not be bound by the procedure laid down under the code of Civil Procedure, 1908, but shall be guided by the principles of natural justice. The Tribunal is mandated to make an endeavour for disposal applications or appeals finally within 6 months. National Green Tribunal has five places of sitting i.e., the Principal Bench in Delhi and Zonal Benches in Pune, Kolkata, Bhopal and Chennai. Apart from this, the tribunal holds three Circuit Benches at Shimla, Shilong, and Jodhpur.

National Ambient Air Monitoring Programme (NAMP)

NAMP is the name of a national programme that the CPCB has started to monitor ambient air quality. This program's goals are to:

1. Asses the current state and trends of ambient air quality,
2. To find out if the ambient air quality standards have been broken.
3. To determine which cities are non-attaining,
4. To learn and comprehend in order to create corrective and preventative measures,
5. To comprehend how pollution is naturally removed from the environment through dilution, dispersion, wind-based movement, dry deposition, precipitation, and chemical transformation of pollutants produced.

The programme is spread throughout 342 operating stations that serve 117 cities across 26 states and 6 union territories. Sulphur Dioxide (SO2), Nitrogen Oxides (NO2), Suspended Particulate Matter (SPM), and Reparable Suspended Particulate Matter (RSPM/ PM_{10}) have been designated as the four air pollutants that need to be regularly monitored at all the locations. Additionally, meteorological parameters like temperature, relative humidity, wind speed, and wind direction were tracked. With a frequency of twice a week, the monitoring of pollutants is done for 24 hours (4 hours for gaseous pollutants and 8 hours for particulate matter), resulting in a total of 104 observations per year.

National Clean Air Programme (2019)

National Clean Air Programme was introduced by the Ministry of Environment, Forest and Climate Change in January, 2019 as the national level policy recommending the steps for lowering the levels of air pollution in India's cities and regions. It is a flagship programme in 122 cities for higher air quality. The initiative is made to help the government achieve its goal of reducing particulate matter concentration by 20-30% by 2024. It has established an integrated strategy that focuses on several air pollution mitigation and prevention measures, such as reducing and prevention measures, such as reducing vehicles and industrial emissions, among others.

The main objectives of National Clean Air Programme are:

- To guarantee that mitigation strategies for air pollution reduction, control, and prevention are implemented strictly.
- To expand and improve the nation's ambient air quality monitoring network in order to ensure a thorough and trustworthy database.
- To increase public knowledge and capacity-building initiatives that includes data sharing and outreach programmes for all-inclusive public involvement, as well as to guarantee trained personnel and infrastructure regarding air pollution.

National Water Quality Monitoring Programme

The Water (Prevention and Control of Pollution) Act, 1974's preamble said that the Pollution Control Board would be responsible for maintaining and restoring the wholesomeness of India's water bodies at both state and federal levels. Monitoring the quality of the water is consequently a crucial step in determining the level of water body upkeep and restoration. The major goals of the water quality monitoring are as follows:-

- To determine the type and scope of pollution control required in various water bodies or their components.
- To assess the performance of current pollution control measures.
- To assess the trends in water quality over time.
- To determine a water body's capacity for assimilation in order to save money on pollution control.
- To comprehend how various pollutants interact with the environment.
- To evaluate the suitability of water for various uses.
- Prioritizing pollution control solutions according to logic.

The surface water bodies comprising rivers, lakes, sea water, ponds, tanks, drains and canals are monitored on monthly quarterly basis, and half

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yearly basis in case of ground water. Water Quality for various parameters is assessed as per Guidelines for Water Quality Monitoring, 2017 issued by Ministry of Environment, Forest and Climate Change. Micro pollutants such as metals and pesticides are monitored twice in a year, before and after monsoon.

Portals Developed By Ministry of Environment, Forest and Climate Change and Central Pollution Control Board

- **E-Inspection App for Remote Inspection of Industries**

The Central Pollution Control Board created this software to enable remote industry inspection through live video and image streaming. This system's goal is to decrease the number of follow-up physical inspections that are conducted following the original one. Other verifications involving the building of portholes, ladders, and other facilities required for inspection are also carried out using this app.

- **Reporting & Tracking System for Management of COVID-19 Waste**

A system for monitoring the production, collection and disposal of COVID-19 Bio-Medical waste has been devised by the Central Pollution Control Board in response to the unusual pandemic scenario. Within a 10-days timeframe, this app was urgently constructed. Users can access mobile apps or websites through waste handlers, common biomedical waste material treatment facilities, state pollution control boards and waste generators. With the help of this system, waste generators can register their garbage and waste handlers can collect it. Facilities for Common Biomedical Garbage Treatment to the collect waste delivered by waste handlers and regulators to monitor waste generation and movement.

- **Sameer App for Awareness and Public Complaints Redressal**

The Central Pollution Control Board developed the Sameer app to raise public awareness of air quality issues. More than 100,000 individuals have downloaded it since it first launched on the Android and iOS operating systems. Using real-time data from 232 stations, this app provides hourly updated statistics on AQI for more than 120 cities. With the help of the interactive map format, it is easily accessible. It provides an overview of the AQI for each monitoring point on a monthly calendar, as well as real-time AQI and pollutant –wise sub-indices. At 4 pm, the Central Pollution Control Board uploads the daily AQI bulletin to the app. It offers a place where complaints about air pollution can be filed. Geo- coordinates are also available for upload by the complainant along with complaints. The complainant has the option to attach photos along with their concerns, and geo-coordinates are immediately recorded to help authorities quick find the sources of the pollution. Depending on where the complaint is, it is automatically sent to the implementing agency. Around 40 agencies currently in charge of air pollution reduction are set up on the app, which is also closed connected with the implementing agencies complaint management systems.

- **Online Continuous Emission and Effluent Monitoring System**

Highly polluting industries in the nation have established online continuous emission and effluent monitoring systems, and the data produced is sent to the central or state pollution control boards in real time. Based on data exceedances, alerts are generated and sent immediately to different system stakeholders, such as industry representatives and representatives of the State Pollution Control Board and Central Pollution Control Board, in order to take prompt corrective action to reduce industrial pollution.

- **PRIVESH**

PRIVESH (Pro Active Response Facilitation by Interactive and Virtuous Environmental Single Window Hub) is a programme launched by the Ministry of Environment, Forest and Climate Change to provide a single point of contact for Costal Regulation Zone (CRZ), wildlife and environment clearances. It is web-based workflow programme that was created for the online filing and oversight of proposals filed by proponents for obtaining Environment, Forest, Wildlife and CRZ approvals from central, state and district level authorities. It automates all aspects of proposal tracking, including online submission of new proposals, editing and updating of proposal details, and displaying the status of proposals at each level of the workflow. Project proponents and citizens can track and communicate with scrutiny officers using PRIVESH. They can also create online mailers and clearance letters and notify state officials in case application processing takes longer than expected.

It is clear that India has a long history of enacting laws to protect the environment and improve it. The procedure began in the colonial era and has continued ever since. In trust, the ancient era was also characterized by a strong awareness of man's dependency on nature and the ensuing need to respect nature. Numerous legislation pertaining to various types of pollution have been passed by both the Parliament and State legislatures. Numerous

laws have direct or indirect connections to reducing pollution and enhancing the environment. Although there has been a lot of progress in India towards securing environmental protection under the laws, there are still a number of gaps. For instance, despite numerous pollution control legislations, noise pollution is not specifically addressed and pesticides use is still another area that is not adequately addressed. The scarcity of funding is the single biggest reason for the poor implementation of pollution control programmes in developing nations.

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