

Role of Judiciary and Government on Polluting Industries in India

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Among the issues of international relations pertaining to current and perspective world problems and challenges that of the impact of Judiciary and Government on Environmental Degradation due to the polluting industries claims a prominent place. Concern about this problem is hardly new, but it has grown world-wide only during the past one and a half decades. During this period the problems of environmental degradation of the underprivileged economies came to be regarded as one of world's major challenges. Indeed, modern India needs growth i.e. jobs coupled with social justice, and obviously, due care of environment from polluting industries. In view of future Sustainable Development, the Planning Commission should have focused on the new direction for the country, and suggested urgently required time bound and target oriented programmes to render economic and social justice to prevent environmental degradation.

The reason, debate and story of the pollution can be taken as a problem of scarcity in terms of the limited waste disposal capacity of the environment. The social choice of expected level of environment is a pollution free environment, which is scarce. The supply of such environment is only available at a cost. Unmistakably, in free market economy, consumers may not accept to pay more for a commodity for the sake of environment protection and hence the producers are not likely to take care of environment in the production process to reduce the burden of extra cost. The Government has a role to play in the prevention of environmental damage by taking various administrative and legal measures including ban on production of certain products.

Development planners often argued for the imposition of taxes on generators of pollution. As the social cost of production is always better than the private cost to the polluter, the Government should intervene with a tax or cess to make pollution most costly to the polluter so that the polluter will produce less pollution to save cost. Such tax is often debated against subsidies for the polluters who cannot afford to pay tax. However, the subsidy results in excess production in the polluting industry in both the short and long run. To work out on the social choice for tax or subsidy, there must be knowledge on the target group of the industries.

Ministry of Environment, Government of India has already observed that the Small and Medium Enterprises (SMEs) are the backbone of the Indian economy, with three million SMEs, this sector contributes 40 per cent towards the national income. SMEs provide employment to more than 16 million people in the country, and are growing at the rate of 20 per cent annually. But, SMEs are also a major area of concern as they account for about 70 per cent of industrial pollution. Due to obsolete technologies and poor operation as well as maintenance, these SMEs have a high specific waste generation factor. Location and concentration of the small manufacturers are concentrated mainly within the residential areas and they jointly make more damage to the environment. Often the shut down orders are imposed upon them but such practise in long run adversely affects the national economy both in terms of aggregate income and employment.

The present scenario of Indian industries has been considered. The Central Pollution Control Board (CPCB) has identified 2744 large and medium industries in 17 categories of highly polluting industries, contributing maximum to the pollution load. However, while examining the position of these 17 polluting industries through Annual Survey of Industries (ASI), the share and contribution of these

seventeen polluting industries in Indian economy have been examined. An attempt has been made to classify these 17 polluting industries State as well as sector-wise along with detailed discussion on judiciary legislation imposed on them.

Finally and particularly, the benefits of improved quality environment will lead to sustainable development. The problem of externalities is a momentous aspect of quality of environment. Environment quality is regarded as a public good that is available to all consumers in equal amounts. It is natural perhaps that as the environment resources are public goods, its exploitation and degradation continue mindlessly to raise the level of pollution. The individual user may get a return higher than the cost of polluting the environment but ultimately, the total costs owing to damage in terms of welfare may exceed total benefits. The damage from pollutants is an external diseconomy or negative spill over. To signal the fact, our development planners review the entire position of development and environmental crisis, and evolve a new process of balanced and rational development which will also preserve the environment through an ideological macro-economic public policy in recent planning process. Otherwise, such a stochastic situation (i.e. decision under risk) becomes less unpalatable because one considers the possibility that if we do not take it now, it may well one day become a crime against society.