

Marine Pollution: Laws in India

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Introduction

Man-made contamination is one of the most serious threats to our oceans. Discarded plastics and other household waste, as well as pesticide and synthetic chemical runoff, inevitably make their way into the sea, wreaking havoc on aquatic life and the ecosystems that they depend on.

Oil leaks, plastic, agricultural waste, and chemical waste all contribute to marine pollution, also known as ocean pollution. Both of these factors, when applied, add to the pollution of our waters, and hence fall into the category of aquatic pollution.

According to estimates, 80 percent of aquatic waste originates on shore. Land-based toxins, such as farm run-off and nutrients from sewage outflows, contribute to underwater 'death zones,' which are habitats that can no longer support life.

Judicial procurements:

On December 11, 1996, S. Jagannath vs. Union of India and Ors.

With a noticeable rise in marine emissions and the resulting reduction of marine resources, the United Nations' Conference on Human Ecosystems in Stockholm (1972) expressed serious concern, drawing global attention to the urgent need to recognize the critically contaminated areas of the marine environments, for immediate remedial action, especially in coastal waters.

The Conference mutually voted that littoral states should take immediate action at the national level to identify and regulate marine emissions from all sources, as well as conduct systematic testing to determine the effectiveness of their pollution regulation acts.

A model comprehensive Action Plan has been established under the United Nations Environment Programme in the context of the Stockholm Conference and in light of the 1982 Convention on the "Law of the Sea," which defines the sovereignty of territorial waters (UNEP). The Government of India and the Governments of the coastal States have a legal duty to monitor maritime pollution

and protect coastal ecosystems in compliance with international obligations and in the larger national interest.

M.C. Mehta vs. Union of India AIR 1988 SCR (2) 538

The activist lawyer M.C. Mehta filed a writ petition in the Supreme Court, highlighting the contamination of the Ganga river by toxic factories on its banks. Justice ES Venkataramiah issued a landmark decision ordering the closure of many polluting tanneries in the Kanpur region.

In this decision, it was stated that, just as a company that cannot pay minimum salaries to its employees cannot be able to continue to operate, a tannery that cannot set up a primary treatment plant cannot be allowed to continue to exist.

Entry of foreign ships in India:

Both ships, Indian and foreign, entering the Indian Maritime Zone are subject to applicable provisions of the Environment (Protection) Act, 1986, and the Air (Prevention and Control of Pollution) Act, 1981, as well as rules framed thereunder before comprehensive Indian Merchant Shipping Rules came into effect, according to a bench led by Justice Raghuvendra S Rathore.

"The Central Pollution Control Board and the State Pollution Control Boards, as well as the different regulatory bodies entrusted with obligations under the Environment (Protection) Act, 1986, and the Air (Prevention and Control of Pollution) Act, 1981, and regulations made thereunder, will govern the air as well as various other pollution caused by Indian and foreign vessels entering the Indian Maritime Zone."

References

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