



International Environmental
Law Research Centre

Policy Statement for Abatement of Pollution, 1992

This document is available at ielrc.org/content/e9218.pdf

Note: This document is put online by the International Environmental Law Research Centre (IELRC) for information purposes. This document is not an official version of the text and as such is only provided as a source of information for interested readers. IELRC makes no claim as to the accuracy of the text reproduced which should under no circumstances be deemed to constitute the official version of the document.

**POLICY STATEMENT
FOR
ABATEMENT OF POLLUTION**

1992

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
NEW DELHI-110003**

NO. H. 11013(2)/90-CPW
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS

Paryavaran Bhawan
CGO Complex
Lodi Road
New Delhi - 110 003

Dated the 26th February, 1992

Resolution

Policy Statement for Abatement of Pollution

1. PREAMBLE

The commitment of Government on abatement of pollution for preventing deterioration of the environment is stated here. The policy elements seek to shift emphasis from defining objectives for each problem area towards actual implementation, but the focus is on the long term, because pollution particularly affects the poor. The complexities are considerable given the number of industries, organisations and government bodies involved. To achieve the objectives maximum use will be made of a mix of instruments in the form of legislation and regulation, fiscal incentives, voluntary agreements, educational programmes and information campaigns. The emphasis will be on increased use of regulations and an increase in the development and application of financial incentives.

2. THE PROBLEM

- 2.1 There is an increasing trend in environmental pollution. Water is polluted by four kinds of substances : traditional organic waste, waste generated from industrial processes, chemical agents for fertilisers and pesticides for crop protection and silt from degraded catchments. While it is estimated that three-fourths by volume of the waste water generated is from municipal sources, industrial waste, though small in volume, contributes over one-half of the total pollutant load, and the major portion of this is coming from large and medium industries. For class-I cities of the Country, less than five per cent of the total waste water generated is collected and less than one-fourth of this is treated.
- 2.2 Ambient air quality trends in the major cities indicate that levels of suspended particulate matter are higher than the prescribed standards or limits, especially in summer months. Levels of nitrogen dioxide are increasing in urban centres with growing vehicle emissions.
- 2.3 Environmental problems are becoming larger in scale. The chemical industry generates an increasing quantity of substances every year; adversely affecting essential aspects of the composition of the atmosphere, soil and

water. In the industrial high density areas, in addition to the effects on local health and impact on nature, we are confronted with damage to the social and economic functions of the environment.

- 2.4 With restrictions on releases to air and waste water, hazardous chemical wastes are getting diverted to land for their disposal. Earlier concerns with pollution that was visible and degradable are giving way to new types of pollution with very small quantities of synthetic chemicals that are not so visible and are injurious to health and damage the environment because of widespread use, persistence and toxicity. Reducing the hazards from toxic chemicals is now a primary public concern.
- 2.5 Human activities are also influencing the composition of the atmosphere. Despite uncertainties and insufficient knowledge, political and scientific decisions concerning environmental change will increasingly be necessary.
- 2.6 The state of the environment continues to deteriorate. The growth in scientific and technical knowledge has made it possible to use an ever increasing quantum of natural resources. The increase in population is further enhancing the pressure on the environment. The depletion of forests has been accompanied by increasing amount of pollution affecting atmosphere, soil and water. Some of the damage is irreversible. In seeking a higher quality of life while developed countries need to focus on changing the composition of their processes and products, developing countries will need to obtain the benefits of economic growth. The policy statement on Abatement of Pollution thus complements the Forest Policy Statement. The Government seeks to ensure that its policies in every sector are based on a set of principles that harmonise economic development and environmental imperatives.

3. FUTURE DIRECTIONS AND OBJECTIVES

- 3.1 It is not enough for the Government to notify laws which are to be complied with. A positive attitude on the part of everyone in society is essential for the prevention of pollution and wide consultation has been held with those who will ultimately implement the policy.
- 3.2 A comprehensive approach is taken to integrate environmental and economic aspects in development planning; stress is laid on preventive aspects for pollution abatement and promotion of technological inputs to reduce industrial pollutants; and through reliance upon public cooperation in securing a clean environment to respond to the coming challenges.
- 3.3 The objective is to integrate environmental considerations into decision making at all levels. To achieve this, steps have to be taken to:
 - prevent pollution at source;
 - encourage, develop and apply the best available practicable technical solutions;

- ensure that the polluter pays for the pollution and control arrangements;
- focus protection on heavily polluted areas and river stretches; and
- involve the public in decision making.

4. CRITICALLY POLLUTED AREAS

- 4.1 Mechanisms will be evolved to reduce local concentration of pollutants in complex industrial sites. Strategies will be developed for areas with high pollution loads where the accumulative effect of the various types of pollutants would be taken into account including pollution of ground water. Existing units in these areas will be targetted for effective action. New units in these areas will be required to comply with location specific standards for stringent environmental quality objectives. These will include matching waste generators with waste buyers, with the objective of solving waste disposal.
- 4.2 Setting up of industrial estates, and clusters of small industrial units in rural areas, will include pollution abatement measures as an essential component of infrastructure. In the past, the absence of adequate provision of space for installing treatment facilities and arrangements for disposal of wastes has led to severe pollution of agricultural land and rivers.
- 4.3 There has been a steady increase in the amount of waste water produced from urban communities and industries. In the coming years, due to rapid growth in population, urbanisation, industrial development and better water supply, the amount of waste water may increase manifold. Generally, these waters are discharged into lagoons or dumped on low lying areas without any pre-treatment, thereby creating sewage pools, contaminating ground waters, salinizing good quality lands around cities, acting as a source of foul smell and breeding grounds for mosquitoes and other pathogens. At many places this waste water is discharged into drains and -rivers causing serious water pollution. However, awareness has now grown and more attention is being paid to develop systems to treat sewage waters. For a country like India, conventional treatment plants are costly. In fact, these are beyond the financial means of many small towns. Biological waste water treatment, on land disposal using suitable vegetative cover and resource recovery technologies cannot only be attractive alternative, but also economical, safe and socially acceptable.
- 4.4 Mining operations will not ordinarily be taken up in ecologically fragile areas. Every mining project shall be accompanied by a mining plan, including an environmental management plan and time bound reclamation programme for controlling the environmental damage and for restoration of mined areas.

5. ASSISTANCE FOR ADOPTION OF CLEAN TECHNOLOGIES BY SMALL SCALE INDUSTRIES.

- 5.1 Small scale industries are a special feature of our economy. Government are implementing a scheme for providing assistance for promoting combined

facilities for treatment of effluents and solid wastes generated in clusters of small scale units. This scheme will be extended to provide necessary technical support as well.

- 5.2 While the large and medium industrial units will remain totally responsible for control of their pollution, assistance will be provided to small-scale industrial units, particularly those located in rural areas, to aid the implementation of pollution control measures. This will be achieved by promoting development and adoption of cleaner technologies, including environmentally friendly biotechnology.

6. STANDARDS

- 6.1 The present standards are based on the concentration of pollutants in effluents and in emissions. The norms will be revised to lay down mass-based standards, which will set specific limits to encourage the minimisation of waste, promote recycling and reuse of materials, as well as conservation of natural resources, particularly water. Since the standards will be source related, they will require for the most polluting industrial processes, particularly those using toxic substances, application of the best available technological solutions, and also be an instrument for technological upgradation.
- 6.2 To act against potential problems in the future, new units will have to conform to stricter standards. They will need to select technologies that produce no or low quantities of wastes and recycle or reuse waste products. Progressively, more strict vehicle emission standards will also be evolved to deal with environmental hazards caused by vehicular traffic.
- 6.3 Standards will not merely be a regulatory tool but will be mechanism to promote technological upgradation to prevent pollution, conserve resources and regulate waste. For this purpose codes of practice and guidelines will be evolved for specific processes.
- 6.4 The environmental effects, from production to disposal of products that are hazardous and toxic will be taken into account in the regulations. Chemicals will be reviewed according to the level of risk, and where safer alternatives have become available, restrictions will be imposed. Regulations for liability and compensation for damages will supplement standards, to promote greater care and caution, particularly in the management of hazardous waste and remedial action in case of contamination of soil and ground water.

7. FISCAL MEASURES

- 7.1 While regulatory measures remain essential for the effectiveness of the policy, new approaches for considering market choices will be introduced. The aim is to give industries and consumers clear signals about the cost of using environmental and natural resources. The expectation is that market-oriented price mechanisms will influence behaviour to avoid excessive use of natural resources.

- 7.2 There are at present several fiscal incentives for installation of pollution control equipment and for shifting polluting industries from congested areas. The items for which excise and customs rebate are allowed will be reviewed. This will stimulate the advancement of abatement technologies and create increased demands for the products.
- 7.3 Economic instruments will be investigated to encourage the shift from curative to preventive measures, internalise the costs of pollution and conserve resources, particularly water. A direct economic signal is offered by an effluent charge based on the nature and volume of releases to the environment. The level will be based on the cost of treatment and the flow discharged, in order to provide an incentive to set-up treatment plants. The scope of the charges will also be extended to emissions and solid waste. Charges provide a continuing incentive towards optimal releases.
- 7.4 These instruments will also have a distributive effect as the revenues will be used for enforcement, collective treatment facilities, research and promoting new investment.
- 7.5 The precise choice of economic instruments adopted will be determined by the ease with which releases can be measured, as well as prospective changes in technology and market structures. To deal with the range of pollution problems a mix of regulatory and economic measures will be adopted.

8. INTEGRATION

- 8.1 Critical policy areas for control of pollution come under different departments and levels of Government. Sectoral Ministries, State Governments, local bodies and agencies responsible for planning and implementation of development projects will be required to integrate environmental concerns more effectively in all policy areas. Local authorities play a key role in abatement of pollution and environmental concerns need to be built into the way they operate. Steps will have to be taken to strengthen governmental and institutional structures dealing with environmental management, especially within the ministries dealing with the sectors of energy, industry, water resources, transport and agriculture and who would develop specific programmes in regard to pollution prevention.
- 8.2 Policy making, legislation and law enforcement influence each other. The increase in the number of regulations increases difficulties in enforcement. Legislation regulating particular activities will be amended to incorporate and eliminate clashes with environmental criteria. Traditional instruments for monitoring of compliance and investigation of offences are becoming over-burdened. An integrated overview and organisational structure for decentralized environment impact assessments and environmental law enforcement based on cooperation with local authorities will be sought.

- 8.3 While pollution from specific sources including towns and industries have been addressed, non-point pollution from run-off of agricultural inputs such as pesticides, insecticides, fertilisers, etc. has not been dealt with. This is gaining increasing proportions, which is polluting not only our water bodies but even sub-soil water resources and would affect the health of human beings. A long-term policy for pesticides use, including the introduction of environmentally acceptable pesticides, particularly biopesticides and non-persistent biodegradable ones, and integrated pest management together with the phasing out of the proven harmful toxic and persistent ones, would be formulated in collaboration with the concerned Ministries and infrastructure involved for its effective implementation. A similar policy for fertiliser use will also need to be formulated.
- 8.4 Plant and vegetation in general play a vital role in controlling pollution by regulating the climate and atmospheric equilibrium, protecting the soil and maintaining the hydrological regime. Hence, existing forests and natural vegetation should be fully protected. The forest and vegetal cover should be restored and increased wherever possible, specially on hill slopes, in catchment areas of rivers, lakes and reservoirs, ocean shores, semi-arid and arid tracts, in around urban centres and industrial establishments. It is necessary to encourage the planting of trees alongside roads, rail lines, canals and on other unutilised lands under State/ corporate, institutional or private ownership. Green belts should be raised in urban and industrial areas as well as in rural tracts. Such a programme will also check erosion, desertification as well as improve the micro-climate.
- 8.5 The Annual Administration Reports of the Ministries will include a chapter on the action taken to follow up the policy statement, and other environmental initiatives they have taken or are proposing.

9. ENVIRONMENTAL AUDIT

- 9.1 Industrial concerns and local bodies should feel that they have a responsibility for abatement of pollution. The procedure of an environmental statement will be introduced in local bodies, statutory authorities and public limited companies to evaluate the effect of their policies, operations and activities on the environment, particularly compliance with standards and the generation and recycling of waste. An annual statement will help in identifying and focussing attention on areas of concern, practices that need to be changed and plans to deal with adverse effects. This will be extended to an environmental audit. The measures will provide better information to the public.

10. ENVIRONMENTAL STATISTICS

- 10.1 Authoritative statistical data on the environment is vital for Developmental decision making. Resource accounting will be used to give an idea how economic policies are affecting the environment. Current economic accounts are concerned mainly with the volume of economic activity; they ignore

expenditures to protect the environment and encourage inefficient use of resources.

The collection and integration of environmental, economic and health data will be done to determine the status and to develop a concise set of environmental indicators for monitoring the effects of pollution. Information and access to the public are essential so that everyone knows what is happening to the environment.

11. PUBLIC PARTNERSHIP

- 11.1 The public must be made aware in order to be able to make informed choices. A high governmental priority will be to educate citizens about environmental risks, the economic and health dangers of resource degradation and the real cost of natural resources. Information about the environment will be published periodically. Affected citizens and non-governmental organisations play a role in environmental monitoring and therefore allowing them to supplement the regulatory system and recognising their expertise where such exists and their commitments and vigilance, will also be cost effective. Access to information to enable public monitoring of environmental concerns, will be provided for.i
- 11.2 Public interest litigation has successfully demonstrated that responsible non-governmental organisations and public spirited individuals can bring about significant pressure on polluting units for adopting abatement measures. This commitment and expertise will be encouraged and their practical work supported.
- 11.3 Householders, as consumers, make large number of relatively small individual contributions, whose cumulative effect is considerable. A system of certification of goods that are "environmentally friendly" will be set up to make available information to encourage environmental consciousness amongst consumers. This advice will also encourage manufacturers to produce goods that are environmentally more friendly as well as encourage recycling and adequate waste management. Consumer awareness would also be encouraged by involvement of consumer organisations in cooperative testing, and dissemination of information relating to environmental friendliness of these products.
- 11.4 As the present system of jurisprudence does not provide for compensation to individuals for environmental damage, including effects on health and environmental damage caused by pollution, it is proposed to set up special legal institutions to redress this deficiency and also make adequate arrangements for interim relief.
- 11.5 Greater emphasis will be placed on promoting awareness, undertaking and competence in schools, colleges, and training institutions. Professional and non-governmental bodies will be encouraged to be more active in environmental training and building awareness.

- 11.6 Society has accepted many practices which cause pollution. Reckless use of loudspeakers, dumping in water bodies, and scattering of wastes are common. Noise nuisance requires specific devices as well as greater consideration for neighbours and there is growing concern that litter has increased in recent years. Social action in these matters by voluntary organisations and individuals will be promoted through knowledge, education, training camps and public information campaigns.
12. This statement is based on considerations of effectiveness, efficiency and availability of financial resources. The responsibility for abatement of pollution is not a duty of the Government alone, it is an obligation on all. The approach mentioned above should indicate how every one can help in achieving a safe and environmentally appropriate environment in our country.

(R. Rajamani)
Secretary to the Government of India