

## Legal Framework for the Protection and Control of Air Pollution with Special Reference to M.P.

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### ABSTRACT

Air is the most important factor of environment. Without air no body can survive. But today the polluted or degraded air quality is a big problem because pollution of air has affected the health of people or causing many diseases. Air pollution raises Blood Pressure according to the study of Sherry Baker<sup>1</sup>. Pollution problem cannot deal only technology. Hon'ble Justice Niley Chowdhary said that enormous pollution control problem can be dealt with isolation. It should be integrated with total over all national planning schemes as also with the vibration of Judicial process<sup>2</sup> and Justice Krishana Iyer has pointed out that if development programs are extensive and extraordinary as they are bound to be, are delinked from the legal process, the decline and fall of democracy may certainly begin<sup>3</sup>. It means that without economists, sociologists, scientists and lawyers, the pollution can not be solved. Law is regulator of human conduct. There are about 200 major laws directly related to environmental protection. The number of minor legislation directly or indirectly related to control pollution is closed to 3000. M.P. Government also has formed and passed various Acts and Rules to control pollution. Air (Prevention and Control of Pollution) Rule 1983 is direct force to control of air pollution of the state but some other Acts and Rules of M.P., are also participated to control the air pollution. We must be aware of these Acts and Rules because we control the pollution origin place or complaint to proper authority for necessary action.

**Key words:** Air Pollution, Legal framework, Blood pressure, Technology.

### INTRODUCTION

The law and its implementation plays an important role in evaluation and transformation of social system and hence with the changing needs and hues of the society, there is a need to develop, Singh has pointed out the environmental law and other common laws which related to the protection of the environment and maintain the quality of environment <sup>(4)</sup>. According to Tiwari Committee 1980 (First National Committee) set up by the Supreme Court, considered about 200 old laws relating to environmental legislation <sup>(5)</sup>. Various Acts and rules have been formed and passed by the Madhya Pradesh Government which protects the environment.

Here some direct or indirect framed Acts & rules which control the air pollution are being described:

#### **The M.P. Opium smoking ACT, 1929 <sup>(6)</sup>**

##### **Section – 2 – Definitions**

##### **Opium**

Opium means Chandu Madak and every preparation or admixture of opium which may be used for smoking and includes dross and other residues remaining when opium has been smoked.

##### **SECTION – 5 Presumption raised by presence of opium and opium smoking apparatus**

The presence of any opium and of any pipes or apparatus for the smoking of opium or of any apparatus for the preparation of opium. In any

place where two or more persons are assembled shall be held sufficient to raise a presumption that such persons have assembled at such place for the purpose of smoking opium or of preparing opium for smoking purpose.

#### **M.P. opium smoking rules, 1958 <sup>(7)</sup>**

##### **Rule – Disposal of confiscated articles**

If the things confiscated the opium or a pipe or apparatus for smoking of opium, or apparatus for the preparation of opium, such thing or things shall be destroyed under the orders of the collector or the district exercise officer or the court ordering confiscation. Any other article confiscated shall be similarly destroyed under the orders of the above mentioned authorities, unless the estimated value there of exceed Rs.10 in which case it shall be destroyed or sold as the collector may direct.

#### **M.P. Motor vehicles rules, 1974 (MP RAJPATRA – 1974) <sup>(8)</sup>**

##### **Rule 157 – Emission of Smoke, vapour and grease**

1. Every motor vehicle shall be so constructed, maintained, driven and used on a road that there shall no emitted, therefore any smoke, visible, grit, spark and ashes, cinders or oily substance, the emission of which could be prevented or avoided by the taking of any reasonable steps or the exercise of reasonable are or the emission of which might cause damage to other persons or properly or endanger the safety or any other users of the road in consequences of any harmful content there in.
2. In respect of every motor vehicle powered by compression ignition (diesel) engine the some density shall not exceed.
  - (a) For motor vehicles operating in urban areas. Sixty five Hartridge smoke unit as measured by free acceleration method 5.2 Bosch or 70 Hartridge smoke units as measured by full road method.
  - (b) For motor vehicles operating in non – urban areas. Seventy Hartridge smoke unit as measured by free acceleration method 5.5 Bosch or 80 Hartridge smoke units as measured by full road method.

#### **M.P. Municipal Corporation Act. 1956 (RAJPATRA 1956) <sup>(9)</sup>**

##### **Section 5 – Definitions**

##### **(40) – Nuisance**

Include any Act, omission place or things which cause or likely to cause injury, danger, annoyance or offence to sense of right smell or hearing or disturbance to or sleep of the community or which is or may be dangerous to life or injurious to the health or property against mortality

##### **Section 247 – Sanitary Regulation of Faction etc.**

Wherever it appears to the commissioner that any factory, workshop or any work place or any building or place in which mechanical power is employed is not kept in a clearly state, or is not ventilation in such a manner as to render as for as practicable harmless any gas, vapour, shoot or other impurity generated in the course as to be dangerous or is so over crowded during working hours as to dangerous or injurious to health of person employed there, or than any to health of person employed there, or any other machinery therein is so or so insecurely fenced as to be dangerous to life or limb, the commissioner may be written notice require the owner there to take such order 1(in respect there of) as the commissioner shall think fit to order.

#### **Sec. 427Bye Laws <sup>(10)</sup>**

##### **22 – Nuisance (a)**

The discharge of smoke, stream, dust fumes or noxious vapours.

##### **Construction of Building – (h)**

The space to be left about any building to secure the free circulation of air and to facilitate scavenging and to prevent fire and the minimum width of streets in front of buildings.

1. The ventilation and drainage of building and minimum dimensions of doors and windows.
2. The position, material, method of construction of fire places, smoke escapes, chimneys, staircases, accommodation and drains in building.
3. The height of factory chimneys and the consumption of smoke.

**The M.p. Nagar Tatha Gram Nivesh Adiniyam, 1973 (Mp Rajpatra) <sup>(11)</sup>**

**Section – 17 – Content of Development Plans**

**A Development Plan shall (j)**

Indicate measures for food control, prevention of air and water pollution, disposal of garbage and general environmental control.

**The M.p. Bhumivikas Rules, 1984**

**Rule 2 Definitions – (12)**

Chimney – means an upright shaft containing and encasing one or more flues provided for the conveyance to the outer air of any product of combustion resulting from the operate of any heat producing appliances or equipment, employing solid, liquid or gaseous fuel.

**M.p.factories Rules, 1962 <sup>(12)</sup>**

**Rule 2 – Definitions – (c)**

Artificial humidification means the introduction of moisture into the air of a room by any artificial means whatsoever, except the unavailable and escape of steam or water vapour into the atmosphere directly due to manufacturing process.

**Fume – include gas or vapour.**

**Rule 31 – Breathing Apparatus**

There shall be provided in enemy factory where dangerous gas and fume is liable to escape a sufficient supply of –

- (I) Breathing apparatus of an approved make for the hazards involved
- (II) Oxygen and suitable means of its administration
- (III) Life-belts.

**The Mines And Minerals (Regulations And Development) Amendment Act. 1986 (Gazette Dated 22.8.86) <sup>(13)</sup>**

**Sec. 4 – Termination of Prospecting licenses or mining leases**

Where the Central Government often consultation with the State Government is of opinion that it is expendant in the interest of regulation of mines and mineral development, prevention of natural environment, control of floods, prevention of pollution (Water and Air), or to avoid danger to public health or communication or to ensure safety of building's monument of other structure or for conservation of natural resources or for maintaining safety in the mines or for such purposes, as the Central Government may deem fit, it may request the State Government to make premature termination of prospecting license or mining lease in respect of any mineral other than a minor mineral in any area or part there of, and on receipt of such request, the State Government shall make on order making a premature termination of such prospecting license or making lease with respect to the area or part thereof.

**CONCLUSION**

Environment is not for a country, state or a person. It is for all. So we must be aware of environment. Air is most important factor of environment. Air pollution is very acute and big problem due to industrial development. Polluted air cause many diseases in human beings. Man becomes unhealthy. Legal control is the best remedy to control pollution. Air (Prevention and Control of Pollution) Rule 1983 is direct force to control of air pollution of the state but some other Acts and Rules are necessary to control pollution. We must be aware of these Acts and Rules.

Laws can control a person for doing wrong act to pollute the air. There must be provision for fine, punishment or both for a person who pollute air in any way.

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