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Business Environment Laws in Indian Perspective**Dr. B. R. Gadave**Head, Dept. of Commerce and Management,
Shri. Shiv Shahu Mahavidyalaya, Sarud**Abstract**

Protection and conservation of the environment and sustainable use of natural resources and its need is reflected in the constitutional framework of India as well as India's international commitments like its Nationally Determined Contribution targets. Under Part IVA of the Constitution (Article 51A-Fundamental Duties), the Constitution casts a duty on every citizen to improve and protect the nature and have compassion for all living beings. Furthermore, the Constitution under Part IV (Article 48A-Directive Principles of State Policies) stipulates that the State shall try to improve and protect the environment and safeguard forests and wildlife of the country. MOEF was established in 1985, which today is the apex administrative body in the country for regulating and ensuring environmental protection and lays down the legal and regulatory framework for the same. This research paper deals with Business Environmental laws in brief.

Keywords- Protection , Conservation, Constitution , Framework, Directive, MOEF

Introduction-

Developing countries often have trouble implementing regulations devised by developed countries because the standards are too strict, change too quickly and are not always clearly supported by scientific evidence. The general cost of implementation is also a major barrier. Enforcement of these standards is feeble among developing countries because they are short of funding, have inadequate infrastructure and lack a stake in the process because they are standard-takers instead of standard-makers. For environmental regulation to be fair and effective. Developing countries must stake a claim in the standard-setting process. Developing countries can secure aid come from developed countries via capacity bundling and technical assistance and they can use innovative ways to secure funding for standard setting from actors who have a stake in the outcome of regulations. The additional burden of standard setting would be far outweighed by the benefits from shaping future WTO environmental regulation that takes into account the needs and concerns of developing countries

Environment Protection in India

Environment protection in India is not new. Though the traditional concept & modern views are different but in our Indian scriptures this topic had been expressed three thousand years ago. Indian Government, politicians, entrepreneurs. Businessmen all have now realized that the time has come to think seriously about this serious Issue of environment pollution. They admit that environment is to be protected. Indians approach towards environment issue is changing; social workers, NGO's & government involvement in environmental concern are increasing. Due to government strict rules, regulations, timely are monitoring the activities of all the Indians'. Industrialists started following statutory provisions seriously. By holding environmental values, they follow & obey environmental laws. Do the work in the boundaries of all the rules & regulation as they come to know that if they ignore it for today. Tomorrow nothing will be left to work with.

Even before, India's independence in 1947 several environmental legislation existed but the real impetus for bringing about well developed framework came only after the UN conference on the Human Environment (Stockholm 1972) under the influence of this declaration. The national conference for environmental policy & planning within the department of science & technology set up in 1977. This council later evolved into full-fledged ministry of environment & forests (MOEF) in 1985, which today is the apex administrative body in the country for regulating and ensuring environment protection. After the Stockholm conference in 1976 constitution sanction was given to environmental concern through the 42nd amendment. This incorporated them into the directive principles of state policy & fundamental rights & duties.

Since 1970 an extensive network of environmental legislation has grown in the country. The pollution control boards (both central pollution Control board CPCB & State pollution control board SPCB) together with MOEF form the regulatory & administrative core of the sector.

To develop & promote initiative for protection & improvement of Environment . a policy statement was brought out by MOEF in 1992. The main focus was on abatement of pollution and the national conservation strategy development.

The EAP (Environmental action programme) was formulated in 1993 with the objective of improving environmental services and integrating environmental considerations in to development programme. In India the following Acts and Rules govern the various aspects of environmental regulation

- The Water (Prevention and Control of Pollution) Act. 1974
- The Water Prevention and Control of Pollution Cess Act. 1977
- The Air (Prevention and Control of Pollution) Act. 1981
- The Environment (Protection) Act. 1986
- The Batteries (Management and Handling) Rules. 2001
- The Municipal Solid Wastes (Management and Handling) Rules. 2000
- The Recycled Plastics Manufacture and Usage Rules. 1999
- The Rules for the Manufacture, Use, Import and Export and Storage of Hazardous micro-organisms.

Hazardous wastes

There is no. of laws developed which directly or in directly deal with hazardous wastes like

- a) Hazardous wastes (Management & Handling) Rules, 1989 Which brought out a guidelines for manufacture, strong & import of hazardous chemicals & for management of hazardous wastes.
- b) Municipal Wastes (Management & handling) rules 2000-Whose aim to enable municipalities to dispose municipal solid wastes in scientific manner.
- c) Bio chemical wastes (Management & handling) rules 1998 were formulated along parallel lines for proper disposal transport etc. of infectious wastage.
- d) Hazardous wastes (Management & handling) Amendment rules 2000 A recent notification issued with the view of providing guidelines for the import & export of hazardous waste in the country.

Public liability insurance Act (PLIA) 1991

The Act covers the accidents involving hazardous substances, insurance coverage for these. Where death or injury result from an accident. This act makes the owner liable to provide relief as is specified in the schedule of the Act. The PLIA was amended in 1992. & the central government was authorized to establish the Environmental Relief fund for making relief payment.

National Environment Tribunal Act. 1995

The Act provided strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environment Tribunal for effective . Expeditious disposal of cases arising from such accident, with a view to give belief & compensation for damages to persons property. The environment and for the matters connected there with or incidental there to.

The National Environment Appellate Authority Act. 1997

The Act provided for the establishment of a national Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industry operation or process or clears of industries. Operation or processes could not cry out or would be allowed to carry out subject to certain safeguards under the Environment (Protection) Act. 1986.

The fourth in the WTO's "Special Studies" series of publications is Trade and Environment by Hakan Nordström. A WTO Secretariat economist and Scott Vaughan of the NAFTA Commission for Environmental Cooperation. Formerly with the WTO secretariat and UN Environment Programme .

A new WTO Secretariat report argues that international economic integration and growth reinforce the need for sound environmental policies at the national and international level. International cooperation is particularly important in addressing trans boundary and global environmental challenges beyond the control of any individual nation. This would be true even if nations did not trade with one another.

The WTO Secretariat's Trade and Environment report, to be released on 14 October 1999, addresses the economic and political economy dimensions of the interface between trade and environment. The report argues that there is no basis for the sweeping generalizations that are often heard in the public debate. Arguing that trade is either good for the environment or bad for the environment . The real world linkages are a little bit of both, or a shade of grey. "Win-win" outcomes can be assured through well designed policies in both the trade and environmental fields.

"Every WTO Member Government supports open trade because it leads to higher living standards for working families which in turn leads to a cleaner environment. This report underscores that trade and environment need not be contradictory but can indeed be complementary." said WTO Director-General. Mike Moore.

Among the questions the report seeks to answer are the following: is economic integration a threat to the environment? Does trade undermine the regulatory efforts of governments to control pollution and resource degradation? How can we ensure that economic growth driven by trade will help us to move towards a sustainable use of the world's environmental resources?

Some of the main findings of the report include the following:

Most environmental problems result from polluting production processes. certain kinds of consumption, and the disposal of waste products trade as such is rarely the root cause of environmental degradation, except for the pollution associated with transportation of goods;

- Environmental degradation occurs because producers and consumers are not always required to pay for the costs of their actions;
- Environmental degradation is sometimes accentuated by policy failures, including subsidies to polluting and resource-degrading activities -such as subsidies to agriculture, fishing and energy.

Conclusion:-

Environment is the sum total of natural resources and man made resources. Environmental pollution has become havoc for the whole world. Seeing the present situation & anticipating about the

dangers of the future. Business firms started think about Environmental ethics. The main facets of environmental ethics are resolving the conflicts. Intergenerational ethics & spiritual ethics. Indian approach toward Environmental issues is also changing. A recent issue of Environmental Accounting has been discussed and some guidelines have been suggested to protect the environment. The whole world is much worried about the environmental degradation and its impact on the earth. The issue is how to reinvent environmental policies in an ever more integrated world economy so as to ensure that we live within ecological limits. The way forward, it would seem to us, is to strengthen the mechanisms and institutions for multilateral environmental cooperation, just like countries 50 years ago decided that it was to their benefit to cooperate on trade matters.

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