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Industrial Effluence

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The major subject of this essay is how industrial wastewater affects the environment. With regard to industrial wastewater, water pollution occurs. What legislation exists in India to combat water pollution, and how is it carried out in practise? We saw that a key factor was avoiding water from the state board. They have several legal options to limit water contamination. The "polluter pays" theory is excellent for the nation. According to that idea, persons responsible for environmental pollution must make amends to both the environment and the afflicted individuals. On the basis of this theory, we are able to restore the environment to its prior state, and everyone who suffers harm, as a result, receives compensation so that they may get therapy. Those regulations on pollution are excellent. Implementation, though, is what matters most. Laws are pointless without effective execution. We observed that although rules are often implemented in practice, sometimes they fall short. Implementation must be our primary concern. The government must concentrate on the issue.

Keywords: *industry, polluter pay, pollution, environment.*

INTRODUCTION

Industrial effluent means industrial water waste. That water comes from industries. According to the Environmental Protection Agency of the United States, affluence is industrial outfall, sewer, or untreated or wastewater treated that flows out of treatment. Usually refers wastes to

surface waters. According to The Compact Oxford English Dictionary, “liquid waste or sewage discharged into a river or the sea”. Mainly after creating any product which stays as waste, and cannot utilize in any work they are industrial effluence. Most of the industries through that effluence into the water. Ponds, canal, rivers, and sea are the water sources where they leave waste.

Industrial effluent is of two kinds:

- Inorganic industrial effluence
- Organic industrial effluence

Coal and steel industries mainly produce inorganic industrial wastewater. Also, a large amount of inorganic industrial effluence comes from non-metallic industries and commercial enterprises that create metals during processing. Factories that manufacture leathers, herbicides, pesticides, soaps, glue, synthetic detergents, tanneries, organic dyestuffs, pharmaceuticals, and cosmetics are the surface most organic industrial effluence. If I write the general sources of industrial effluent they are - Paper and pulp industries, Petrochemical industries, pharmaceutical industries, Textile industries, Coal industries, nuclear industries, Food industries, Palm mills, Leather plants, etc. Those Industrial effluents carry many kinds of chemicals. Those chemicals cause pollution. Chemicals are not good for the environment. Indian Parliament passed an Environment protection Act 1986¹ for protecting the environment. This law defines the works of the central govt. for the environment.

Powers of central govt. to protect the environment -

- Central Government has the power to take measures for environmental protection, improve quality and eliminate pollution.
- Central govt. can coordinate with the state govt. law officers.
- Planning programs in every part of the country to decrease environmental pollution.

¹ Environment Protection Act 1986

- Decreased level of many aspects of environmental development. Can provide many kinds of resources to decrease emissions.
- Limit areas where industries, mills, and processing units can carry out or can carry out their works
- Can slow down the process and can take safety measures.
- Test products
- Can start research or can fund any organisations that research Environment pollution.
- Examine any factories, products, materials, miles, equipment, management, process system, etc.

Industrial Effluent is very harmful to the environment. Through effluence, soil, and air are polluted. Those effluents mainly polluted water. We all know that water is called e. Without water, one can't think about life. And polluted water is also harmful. Polluted water causes many diseases. Polluted water is also a harmful environment. Sometimes industrial effluence leaves the form of white foam. That is very dangerous for the environment. Recently Delhi is facing that kind of pollution. Yamuna river is the best example of white foam pollution. It is mainly created for high levels of phosphates.

Soil is also polluted in much such as mining and manufacturing, effluence put into the land increases levels of sodium or industrial effluence, etc. According to a search conducted to see Varanasi's soli situation, the sodium level has increased in Varanasi's soil. Hesse (1970) and Tripathi (1975, 1978) studies show us that increased levels of sodium in the soil can decrease the natural properties of the oil. Industrial effluent is not only harmful to the environment it is also harmful to human health. When farmers grow crops in polluted soil, the crops will not be good for their health. That crop creates many

WATER POLLUTION

Industrial Effluent airs many harmful chemicals that create problems in water. Usually, Industries release waste from too many waters race Ilchannelsssss, ponds, rivers, the sea, etc.

The main causes of water pollution are -

- Industrial effluent got to the water source through many aqueducts of industries' municipalities' gutters. That causes water pollution.
- Societies create many kinds of waste. They don't throw them in a specified place. Usually, they throw the waste into the water. And that is a major issue for water pollution. "Account for four times as much wastewater as industrial effluents. Most of these wastes are discharged untreated into the water course. Out of India's 3119 towns and cities, only 217 have partial (209) or full (8) sewerage and sewage treatment facilities. These cover less than a third of the urban population"
- Things that exist on earth, such as metal, raw components, and hard waste of mine or quarry on any land can create pollution when rainwater washes it into the water source

There is a law to prevent water pollution in India. The Indian Parliament passed that law in 1974. The name of this act is "THE WATER POLLUTION ACT, 1974²". This law was passed by the Indian Parliament under Constitution's 252 Article³. In all the states except Maharashtra and Orissa and Union Territories, this act is applicable. All those state and union territories have to follow this rule. Maharashtra and Orissa had different written laws on the subject earlier.⁴

According to the water pollution act, State Boards work for countering water pollution, the state board has all the functions clearly mentioned in Section 17 of the Water (Prevention & Control of Pollution) Act, 1974⁵. The state board have the power to conduct any kind of program or can take any kind of plan for improving water, decreasing water pollution, controlling pollution, decreasing pollution of pit and streams, gathering and publishing, disseminating to people about water pollution, inspiring people to not to do those kinds of works that polluted water, create any research or participate to inquiry about water pollution and how to prevent it.

If they want, they can inspect the tread effluent and sewage too. The state board has the right to inspect industrial effluence, sewage treatment, and all kinds of water purification systems. It has the right to create any kind of laboratory or it can recognise any laboratories for doing their

² Water (Prevention & Control of Pollution) Act 1974

³ Constitution of India, art 252

⁴ *Ibid*

⁵ Water (Prevention & Control of Pollution) Act 1974, s 17

work properly. For their research work, the state board can take water from any stream, they can take water from industrial effluent. Water treatment sewage, water purifying plants, or any normal sewage. Consent of the State Board is necessary to discharge sewage. Section 25 of the Water (Prevention & Control of Pollution) Act, 1974⁶ has given the power to that state board that if anyone wants to set up an industry, process, or plant that will likely leave sewage or industrial effluence they have to take permission for that. Every state board is responsible to maintain a register containing particulars or conditions imposed under the section related to any outlet, or to any effluent, from any land or premises which must be open to inspection by the state board.

State board also has the power to take emergency measures. Water (Prevention & Control of Pollution) Act, 1974 section 32⁷ describes the power that state boards can take any kind of emergency measures in case of pollution of streams or wells. This act gives the state board power they can remove any kinds of things that are creating water pollution, issue prohibition orders to the concerned persons from discharging any poisonous or noxious or polluting matter, or remedy or mitigate the pollution.⁸

Water (Prevention & Control of Pollution) Act, 1974 sections 42⁹ and 24¹⁰ mentioned stopping using streams or wells for disposal of polluting matter and if anyone breaks that law he will be under the provision. Nobody can permit any kind of toxic to be put into any land, sewage, etc. If anyone avoids this law he or she has to go to jail under Section 24 & Section 43¹¹ not less than 1 year 6 months to years with punishment fines. This section also said that No person shall knowingly cause or permit to enter any other matter which can harm the flow of water of the stream causing pollution of any kind. Water (Prevention & Control of Pollution) Act, 1974 also mentioned Penalties and fines in its 42 Section. Damages any works or property belonging to the Board and Failure to furnish any officer or employee of the Board any information require,

⁶ Water (Prevention & Control of Pollution) Act 1974, s 25

⁷ Water (Prevention & Control of Pollution) Act 1974, s 32

⁸ *Ibid*

⁹ Water (Prevention & Control of Pollution) Act 1974, s 42

¹⁰ Water (Prevention & Control of Pollution) Act 1974, s 24

¹¹ Water (Prevention & Control of Pollution) Act 1974, s 43

obstructs any person acting under the orders or direction of the Board, pulling down pillars that act under the Punishment of penalties and fines. Including jail for a certain time, the penalty and fine will be around Rs. 10,000/- or both and Imprisonment may increase by 3 months.

KEYWORDS OF THIS LAW

Water Act 1974 aims to involve and limit water pollution. Pollution control boards are created under this act, and they are responsible for controlling water pollution. The water (Prevention & Control of Pollution) Act, 1974 is one of the important parts that restore and maintain the wellness of aquatic assets. Under this act one can discharge any kind of toxins, effluence, or any kind of polluted things from sewage the sound, river, sea, or any kind of water sources, and if anyone does that the state board will react and they will take necessary steps to stop that. Less than 1 year 6 months to 6 years imprisonment and mandatory fines have to give if anyone avoids this law {Water (Prevention & Control of Pollution) Act, 1974 under section 24 & Section 43}]¹²

GANGA POLLUTION

Many researchers conducted their research to find how much industrial effluent affects the Ganga river's water, and they also published their research. Petroleum refining, electrical and electronic equipment, pulp amp paper pharmaceuticals, leather tanning, food processing, glass and ceramics, chemicals, and textiles industries are polluting Ganga the most. 75% of Ganga pollution is responsible for the discharging of toxins from sewage. per day almost 3000 million liters of sewage create in Varanasi town and discharge into Ganga. Quantity is much higher than Ganga's absorption ability. Some peoples also make their studies on how industrial pollution impact Gangotri to Prayagraj. Those studies found that water carries huge amounts of pollutants, and it carries huge amounts than its capacity for carrying. And Ganga is no safer to drink water, that water isn't safe for aquatic resources also. Other physicochemical parameters of River Ganga studies conduct from different sites Sangam at Prayagraj, Prayagraj, Prayagraj Prayagraj from Jan 2014 to March 2014, their results revealed maximum values of BOD, pH, total hardness, and total alkalinity at Phaphamau, maximum

¹² *Ibid*

DO and BOD at Sangam studied water pollution due to the discharge of industrial effluents with special reference to Uttar Pradesh, India. they discussed the number that is increasing and how water is polluted more and more day by day.

POLLUTER PAYS PRINCIPLE

The polluter liable for the pollution caused to the environment is the principle The 'polluter pay'. In this principle, polluters have to take all liabilities for every damage to the environment that they make. According to this principle, polluters have to not only recompense victims of his/her created pollution but also recompense for the restoration of environmental degradation caused Under 1972 and 1974 OECD recommendations (1)(2). Polluters have to take steps to restore the environment and those steps are selected by the government. Employees' reasons behind that they can create environmental problems before the pollution how was. Polluters have to bear health costs and environmental restoration costs also.

The polluter pays principle is part of a set of broader principles to guide sustainable development worldwide the 'polluter pay' principle forms a part of the environmental law of India. Indian court said the "Polluter pay" principle is a right principle in the cause of the Union govt of India v Indian Council for Enviro - Legal Action. The court said that they were of the opinion that any principle created on this behalf should be simple, practical, and suited to the conditions. Court also said that the "Polluter pay" principle says that polluters have to take responsibility for repairing the offending industry that is damaged by itself. Central Government has the power to take majors and give the declaration for effective this principle and that power is given by sections 3 and 5. After analysis of all situations, they think that it "appropriate that the task of determining the amount required for carrying out the remedial measures, its recovery/realisation and the task of undertaking the remedial measures are placed upon the Central Government in the light of the provisions of the Environment [Protection] Act, 1986. It is of course, open to the Central Government to take the help and assistance of State Government, R.P.C.B., or such other agency or authority, as they think fit." Court told Calcutta tanneries that pay and recompense lose of environment and peoples who lives in those areas.

The case was “M.C. Mehta v UOI referred the case of Enviro-Legal Action and Vellore Citizens case.”

M.C. Mehta v Kamal Nath 1997¹³

This case was famous as Span Motel Cas. The court verdict was that for the damage control One who had polluted the must-haves to pay for recompense. Model administration can change the course of the river to save the model from future floods, it is proven. Motel should pay compensation by way of cost for the restitution of the environment and ecology of the area which was the court’s verdict.¹⁴

AIR POLLUTION

Industries polluted with fumes create air pollution. When those pollutants leave the air they get mixed with the air and polluted air. Industrial polluted air is a major reason for air pollution. Research shows that industries contribute to 8% pollution of PM10 and in PM2.5 industries' contribution is around 13.0%. That shows us how much the rate of industries contributes to on-air pollution. India has a law for controlling lion air pollution that’s name is Air (Prevention and Control of Pollution) Act 1981¹⁵ The main reason for passing this law was to reduce air pollution and improve the quality of India. Section 3¹⁶ and 4¹⁷ of this act gives the power to take necessary majors for preventing air pollutions Section 3 mentioned the central board power and action 2 mentioned the state board powers ¹⁸

INDUSTRIES AND LIABILITY UNDER TORT LAW

M.C Mehta vs Union of India case was a historic case in Indian history. That case was the beginning of the circulation of liability acts in India. That is famous as the Oleum Gas Leak case.

¹³ *M C Mehta v Kamal Nath* (1997) 1 SCC 388

¹⁴ *Ibid*

¹⁵ Air (Prevention and Control of Pollution) Act 1981

¹⁶ Air (Prevention and Control of Pollution) Act 1981, s 3

¹⁷ Air (Prevention and Control of Pollution) Act 1981, s 4

¹⁸ *Ibid*

India follows the UK's common law's Tort law. Liability law is under tort law. That is the history of Indian Liability law. Liability is of two kinds:

- Strict Liability
- Absolute Liability

The *Ryland v Fletcher*¹⁹ case was the first verdict of strict liability law. In Strict liability, law defendants have to prove that they are not liable. Three major things influence the verdict. they are:

- Harmful or dangerous things
- Escape

Pnma – face liability

If all those things are proved then the defendant will be found liable and he will have to recompense the complainant. There is also some situation if that kind of thing happened the defendant should not be found liable. Planting fault and that cause were *Ponting vs Noakes* (1849)²⁰. Then Acts of God, if any natural or environmental issue causes harm to anyone and he accuses another person, then the defendant should not be found liable. VNFI, Act of strangers, and Statutory authority are the other things that if it happened the defendant will not be found liable.²¹

In absolute liability, if any enterprise uses any harmful thing and it damages anyone in that scenario the defendant will be liable and he/she or that enterprise has to pay recompense to that or those people who are damaged by it. If we talk about industrial effluent it is clear we can see that those cases are under the absolute liability act. Because industries are one kind of enterprise. And their effluence mixed water, soil, and air. It makes those things that pollute the people of that area cause many kinds of health problems. The effluence not only damages the environment but also damages the situation of people who live in tiny areas. if they suit for

¹⁹ *Ryland v Fletcher* (1868) LR 3 HL 330

²⁰ *Ponting v Noakes* (1849) 2 QB 281

²¹ *Ibid*

compensation industries those leave effluent water, soil, or air they will be found liable and have to comp-compensate hose complainant people

CONCLUSION

This writing mainly focuses on how industrial effluent affects the Environment. Water pollution happens to industrial effluent. What are the laws India has to prevent water pollution and how is that law implemented on the ground? We saw that preventing water from the state board played a crucial role. They have many rights to control water pollution. The “Polluter pay” principle is a great principle for the country. That principle said that those who polluted the environment have to recompense not only the environment but also the people who are affected by it. For this principle we can make the environment to its past situation and also who are damaged by it he also gets his recompense so that he can do his treatment. Those laws are outstanding for controlling pollution. But the main thing is implementation. Without good implementation laws are useless. We saw that many of the times that laws are applied on the ground but sometimes they lack. We have to focus on implementation. Government has to focus on that thing.