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People's perceptions on the functioning of environmental enforcement machinery in Andhra Pradesh

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Abstract

Though based on sound scientific principles and globally recognized norms, India's environmental laws and policy are not effectively implemented. The visible deterioration of city and receptor environmental quality is in stark denial of the avowed state policy precepts such as sustainability and natural resources conservation. Development project clearance methods, environmental management and regulatory practice do not converge with the corresponding capacity and structure of environmental regulation, information and markets at the impact levels. Policy directs Development within environmental carrying capacities, essentially through pollution source-based impact assessments and management procedures. This tends to discourage cleaning up already degraded receptors, shifting polluting development towards cleaner areas. A participative, market oriented, local area-based approach could promote more holistic development extending incentives for polluters and victims alike in cleaning up to ensure incomes from both environmental and conventional economic flows. In this paper an attempt is made to present the views of sample respondents on various aspects of environmental laws and environmental enforcement machinery.

Keywords: environmental, machinery, Andhra Pradesh

Introduction

The word "environment" relates to surroundings. It includes virtually anything. Indeed Einstein once remarked: "The environment is everything that is not me". We can also define "environment" as anything which may be treated as covering the physical surroundings that are common to all of us, including air, space, waters, land, plants and wild life. The current trends and projections of the key environmental variables demonstrate that the rate of change of the variables value has increased sharply. Some of those key variables are :1) Population Growth;2) Energy Consumption;3) Climate Change;4) Ozone Depletion;5) Forest Degradation;6) Water Supplies;7) Fish Stock; and8) Biodiversity.

The objective of enforcement is to get people to comply with an applicable law. There are two main components of enforcement, which are monitoring and sanctioning. Polluters, who stand to lose money, may try to frustrate monitoring of the applicable laws. And the more sophisticated and complicated the process of applicable law, the easier it is for polluters to find ways of evading it. The other component of enforcement is sanctioning polluters who are in violation of law. This appears simple but it is not the case. Polluters may use their vast resources to see that the court cases become a long drawn affair so that no penalty is imposed immediately. This may also discourage the prosecuting agencies. So the sanctioning process can become much more complicated than the simple model of policy suggests.

Key Institutions of Enforcement

The primary institutions responsible for the formulation and enforcement of environmental acts and rules include the Ministry of Environment and Forests (MOEF), the Central Pollution Control Board (CPCB), State Departments of Environment, State Pollution Control Boards (SPCBs) and Municipal Corporations.

Ministry of Environment and Forests

Established in 1985, the MOEF is the central government nodal agency responsible for planning, promotion and coordination of all environmental activities, including formulation of national policies, standards and regulations. The objectives of the MOEF are:

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- conservation and survey of flora, fauna, forests and wildlife;
- prevention and control of pollution;
- afforestation and regeneration of degraded areas;
- protection of the environment; and
- Welfare of animals.

Central Pollution Control Board

Under MOEF, the Central Pollution Control Board (CPCB) is the national board with oversight powers over state boards. The CPCB has a central office as well as a network of zonal offices located in New Delhi, Calcutta, Shillong, Kanpur, Bangalore and Vadodara. Established in 1977 under the Water Act, the CPCB has wide ranging powers and responsibilities to:

- ❖ advise the central government on any matter related to prevention and control of water and air pollution and improvement of air quality;
- ❖ plan nationwide programs for the prevention, control and abatement of water and air pollution;
- ❖ coordinate the activities of SPCBs and resolve disputes among them;
- ❖ provide technical assistance and guidance to the State Boards,
- ❖ carry out and sponsor investigations and research relating to problems of water and air pollution and for their prevention, control and abatement;
- ❖ prosecute polluting industries pursuant to the Water Act;
- ❖ collect, compile and publish technical data on air and water pollution and measures recommended for their prevention, control and abatement;
- ❖ organize training of staff engaged in environmental programs;
- ❖ prepare manuals, codes and guidelines relating to industrial emissions and effluents;
- ❖ organize mass media awareness programs on environmental protection;
- ❖ disseminate information on water and air pollution and their prevention and control; and
- ❖ Perform such other functions as prescribed by the central government.

The total number of employees in the CPCB is approximately 500, 100 of which have technical training. The CPCB has approximately 60 inspectors nationwide.

State Pollution Control Boards

The SPCBs were established following the State Legislatures’ adoption of the Water Act of 1974 and then the Air Act of 1981. At the State level, the SPCBs are attached either to the Environment Department, or to the Forest and Wildlife Department. In general, SPCBs perform the following functions:

- ☞ advise the state governments on pollution related issues;
- ☞ plan a comprehensive state-level pollution control/prevention/ abatement programme;
- ☞ implement and enforce national standards, making them more stringent if warranted by local conditions;
- ☞ grant consents to establish and to operate under the Air and Water Acts and authorize hazardous waste disposal per rules under the EPA; and
- ☞ Collect water cess for the use of water.

In the SPCBs, staffing numbers range widely between 10 and 800 (4 to around 300 technical) depending on the geographic area, number of industries and financial status of the board.

Objectives of the Study

1. To examine the institutional arrangements for the enforcement of environmental laws.
2. To assess the perceptions of people on the environmental laws and the enforcement machinery.

Methodology

Keeping in view the objectives of the study the data for the present study is collected both from primary and secondary sources. The primary data is collected by administering a pre-tested Interview Schedule. The Interview Schedule is intended to elicit the opinions of sample respondents on various functional facets of enforcement machinery. Survey method is adopted. The secondary data is collected from the published books, journals, periodicals, published reports, action plans, unpublished thesis, official documents, brochures and official records.

Sampling Design

The pollution of environment is universal problem but with varying degrees. Human beings of all districts in three regions of the State of Andhra Pradesh are suffering with one type or other type of environmental pollution. For an effective and in-depth analysis a stratified random sampling method was followed. For the collection of respondents’ views and ideas on environmental laws and enforcement, one district from each geographical region of the State is selected. The criteria followed for the selection of districts is the most polluted areas as per the norms State Pollution Control Boards (SPCBs). From each selected district 120 people were selected by taking in to account age, caste etc. So the total sample constitutes 360.

Results and Discussions

Awareness on Enforcement Machinery

The real effect of the law will be known to the people through implementing / enforcing agency. The awareness on the enforcement machinery is essential to lodge the complaints against erring industries, or companies or institutions or individuals. As such during field survey the awareness of sample respondents on enforcement machinery is registered and the same is presented in table 1.

Table 1: Respondents Awareness on Enforcement Machinery

S. No	Enforcement Agents	No. of Respondents	Frequency
1	Ministry of Environment and Forests	118	32.78
2	Central Pollution Control Board	159	44.17
3	State Forest Ministry	198	55.00
4	State Pollution Control Board	224	62.22
5	Pollution Control Committees	101	28.06
6	None of the above	29	8.06

Source: Field Survey

Table 1 reveals that the good number of sample respondents is aware of state level machinery than central level machinery. Around 62.22 per cent of sample respondents are aware of State Pollution Control Board and another 55 per cent of respondents are aware of state forest machinery. Nearly 44.17 per cent sample respondent stated that they are aware of Central Pollution Control Board. Ministry of

Environment and Forests is known as enforcement machinery to 32.78 per cent of sample respondents. The pollution control committees formed under different environmental acts from time to time is known to 28.06 per cent of sample respondents. It is regrettable to note that nearly 8.06 per cent of sample respondents are unaware of any aforesaid enforcement machinery. It is learnt during field survey that these respondents also lodged complaints against industrial establishments by accompanying group of persons, but have no correct idea about the name institution which they visited.

Agents of Awareness on Enforcement Machinery

People come to know the enforcement machinery through various means or by themselves. Table 2 gives the particulars of agents of awareness on enforcement machinery by sample respondents.

Table 2: Agents of Awareness on Enforcement Machinery

S. No	Agents	No. of Respondents	Frequency
1	Television	178	49.44
2	News papers	112	31.11
3	Friends/Relatives	32	8.89
4	Self	38	10.56
Total		360	100.00

Source: Field Survey

It is evident from table 2 that most of the respondents come to know the names and nature of enforcement machinery through various means. Only 32 out of 360 sample respondents constituting 8.89 per cent of total sample come to know about the enforcement machinery of environmental law by their own efforts. The major agent of awareness is television. As many as 49.44 per cent of sample respondents were came to know about environmental enforcement machinery through television. In case 31.11 per cent of respondents the agent of awareness on environmental enforcement machinery is local newspapers. Friends/relatives are the agents of awareness in the case of 8.89 per cent of sample respondents. It can be concluded that the low profile of environmental machinery may be the important cause for people getting acquainted with the enforcement officials.

Public Protest

A section of people living in the vicinities of industries launch their protest to shift or postponement to establishment of industries if they contemplates that proposed industries may pollute the environment. As such during field survey the respondents were asked to recollect any public protect movement before launching of present industries in their areas. The responses of respondents are given in table 3.

Table 3: Respondents Responses on Public Protest before Launching of Industries

S. No	Responses	No. of Respondents	Frequency
1	Objections Made	171	47.50
2	No objections made	150	41.67
3	Don't Know	39	10.83
Total		360	100.00

Source: Field Survey

As per the table 3 nearly 47.50 per cent of sample respondents declared that there is some kind of protests against the establishment of present industrial at the time of

launching such industries. But, on the other hand 41.67 per cent of the respondents stated that they made no objections for the establishment of industries. It means, that after establishment of industries the public came to know that these industries causing harm to environment and thereby to living beings, which compelled them to lodge complaints against such polluted industries. The remaining 11 per cent of the sample were denied to respond.

On-site visits by Officials before launching Industries

As per the existing laws the Central and State level enforcement machinery officials have to visit the places to verify compliance of future establishing industries. On the basis of their reports the government grants permission to launch the industries. Table 4 gives the detailed picture of on-site visits of officials before launching the present industries in the study area.

Table 4: Respondents Response on the onsite visits of officials

S. No	Responses	No. of Respondents	Frequency
1	Visited	275	76.39
2	Not Visited	49	13.61
3	Don't Know	36	10.00
Total		360	100.00

Source: Field Survey

It is clear from table 4 that nearly 76.39 per cent of sample respondents reported that the environmental law enforcement officials visited and observed the locational setting of sample industries before sanctioning of licenses. As per the knowledge of 13.61 per cent of sample respondents, no official visited the localities for on spot study of environmental feasibility of industries. The remaining 10 per cent of the respondents were not shown any interest to respond either positively or negatively.

Complaints Lodged

After the establishment of industries/ polluting institutions the people are expected to lodge complaints against such industries or institutions. As such during field survey the researches asked whether the respondents lodged complaints against pollution to the enforcement machinery. Table 5 gives such details.

Table 5: Number of Sample Respondents Lodged Complaints against Pollution

S. No	Responses	No. of Respondents	Frequency
1	Yes	356	98.89
2	No	0	0.00
3	No response	4	1.11
Total		360	100.00

Source: Field Survey

It is welcome to move to note that a preponderant majority i.e. 98.89 per cent of sample respondents lodged one complaint or other against environmental pollution in the study area. It means the severity of environmental pollution in respected areas of study. 4 out of 360 sample respondents not responded during the field survey.

Mode of Complaint

The public may make complaints either individually or collectively. Table 6 gives the details of made of complaint made by the sample respondents.

Table 6: Mode of Complaint Made by Sample Respondents

S. No	Responses	No. of Respondents	Frequency
1	Individually	44	12.22
2	In Group	296	82.22
3	Whole area Population	20	5.56
Total		360	100.00

Source: Field Survey

It is crystal clear from table 6 that good number of people in the sample area lodged complaints collectively. Among them 82.22 per cent of sample respondents lodged complaint in a group. It means that the group of people after writing the complaint signed on it and submitted the same to enforcement authorities. About 5.56 per cent of respondents declared that all the people of the locality collectively lodged the complaint. Only 44 out of 360 constituting 12.22 per cent of total sample lodged complaints individually.

Visits of Officials

Next the respondents were asked whether the enforcement officials visited the locality after lodging the complaints by them. The responses for their question are present in table 7.

Table 7: Respondents Responses on Official Visit after Lodging Complaint

S. No	Responses	No. of Respondents	Frequency
1	Visited	59	16.39
2	Not Visited	286	79.44
3	No Idea/ Don't Know	15	4.17
Total		360	100.00

Source: Field Survey

It is evident from table 7 that a preponderant majority i.e. 79.44 per cent of the respondents declared that the enforcement officials not visited the industries to make an enquiry on the allegations leveled by the public. The official version for this is different. During the formal discussions of this research scholar with the enforcement officials made it clear that they visited the industries soon after receiving complaints from public, but, they have not given any publicity for their visits. As such public is thinking that they are not responding to complaints. Only 16.39 per cent of respondents declared that the enforcement officials visited the industries after lodging the complaints. The remaining 4.17 per cent not responded to the question.

Official Enquiry

After one spot assessment of the gravity of complaints made by public, the enforcement machinery is expected to make an enquiry in to allegations. It may do such enquiry by itself or by a committee constituted by the enforcement agency. Table 8 presents the clear picture.

Table 8: Respondents Responses on Official Enquiry after Lodging Complaint

S. No	Responses	No. of Respondents	Frequency
1	Made an Enquiry	81	22.50
2	Not made any Enquiry	253	70.28
3	Don't Know	26	7.22
Total		360	100.00

Source: Field Survey

Table 8 shows that the enforcement agencies conducting enquiries only in some few complaints. It is evident, as only 22.50 per cent of sample respondents stated that the enforcement authorities conducted an enquiry in to the allegations made by them. As many as 70.28 per cent of sample respondents declared that the enforcement officials never made any enquiry on the complaints lodged by the public. The remaining 7.22 per cent of sample respondents were denied to respond.

Causes for Not Enquiring

The respondents were further asked “what are the causes for not conducting enquiry”. It is graphically presented in figure 1.



A glance at figure 1 shows that lack coordination among different enforcement agencies and lack of coordination among officials are the important causes for not conducting enquiry in to the allegations of the public. To be precise 87.78 per cent of the sample respondents declared that the lack of coordination among different enforcement agencies is one of the important reasons for not conducting enquiry against public complaints. Around 82.22 per cent of sample respondents declared that the lack of coordination among officials is another important cause for indifferent attitude of enforcement officials against public complaints. Political pressure is the cause cited by 70.83 per cent of sample respondents. Corrupting officials and impoverished policy of government are the causes for not properly enquiring into the complaints of the public as state by 59.17 per cent and 35.56 per cent of the sample.

Approaching Higher Authorities

If the local official turns a deaf ear to the complaints lodged by the public, then the public is likely to approach higher authorities. Table 9 gives all such details.

Table 9: Number Sample Respondents Approached Higher authorities for inaction of Local Officials

S. No	Responses	No. of Respondents	Frequency
1	Not approached/ Complained	116	32.22
2	Approached/ Complained to CPCB	51	14.17
3	Approached/ Complained to SPCB	174	48.33
4	Don't Know/ No Response	19	5.28
Total		360	100.00

Source: Field Survey

It is clear from table 5.30 that good number of sample respondents approached Central and State level authorities in protest against the inaction of local officials. On the other hand nearly one-third of the respondents were not approached any higher authority against the inaction of local officials. About 48.33 per cent approached or complained to State Pollution Control Board and 14.17 per cent complained to Central Pollution Control Board. Nearly 5.28 per cent of respondents not responded.

Conclusion

As part of examining awareness and the knowledge of respondents on the awareness of enforcement machinery, agents of awareness on enforcement machinery etc were analyzed. Then the views of respondents on public protest before launching of industries, on-site visits by officials before launching industries, number of respondents lodged complaints against pollution, mode of complaint made by sample respondents, official visit after lodging complaint, official enquiry after lodging complaint, causes for not enquiring and approached higher authorities for inaction of local officials etc were thoroughly analyzed.

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