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## **NEXUS BETWEEN ENVIRONMENTAL LAW AND SUSTAINABILITY: ANALYSIS OF BHOPAL GAS TRAGEDY AND CNG VEHICLE CASE (2002).**

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### **ABSTRACT:**

In India we have five major pieces legislature to protect restore, rewilding environment and that are: the Environment (Protection) Act 1986, (amended 1991), Forest (Conservation) Act 1980, (amended 1988), Wildlife (Protection) Act 1972, the Water (Prevention and Control of Pollution) Act 1974, (amended 1988) and the Air (Prevention and Control of Pollution) Act 1981 (amended 1987). The E-Waste Management Rules of 2016 and Plastic Waste Management Amendment Rules 2021 are also playing an impactful role.

The country is committed to protecting the environment through various regulations, including environmental laws, laws and actual conditions. India's future lies in the conflict between development and conservation, through which India can move towards a more balanced future. Ministry of Environment, Forest and Climate Change (MoEFCC) is the government agency responsible for implementing and monitoring environmental policies in India. The Criminal Code Board (CPCB) enforces the rules set by the MoEFCC and provides technical assistance for the operation. However, enforcement authority has been delegated to the states by the State Crime Control Boards (SPCBs) or Crime Control Commissions (PCCs) of the eight federal governments, and is the responsibility of state leaders rather than federal officials.

The increase in health problems shows what can happen when environmental processes are not legal. One of the best examples of it; Bhopal gas tragedy in 1984, is one of the global disasters. It emphasizes the need for safety measures and environmental management. In response, India enacted two laws: the Environment (Protection) Act 1986 and the Public Insurance Act 1991. But India's "CNG car case" is a necessary environmental protection document. In this case, the Supreme Court of India issued an order on the use and control of carbon monoxide (CNG) around public vehicles. Another name for it is "CNG vehicle case". In this case, the air level in Delhi has become a big problem. According to research, about 10,000 people die every year in the country's capital due to air pollution.

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## **What kind of development goals can be set for clean air:**

Sustainable development goals (SDGs) goal to address poverty, inequality, environmental degradation and promote sustainable development worldwide. All 17 interconnected dreams realise the interdependence among financial, social and environmental components of human well-being and spotlight the urgent want for transformative moves. Air pollution can purpose breathing and cardiovascular illnesses, which can principal contributors to global mortality fees. guidelines a and movement tackling air pollution have a direct fantastic impact on population fitness (SDG 3).

The right to life, including the right to sanitation and a healthy environment, is guaranteed by Article 21 of the Constitution. The Supreme Court once again stood up to protect this law. Articles 39, 47 and 48-A outline the state's obligations to protect public health, strengthen environmental protection and protect personal health. According to a study conducted in Delhi, weather-related problems cost 10,000 lives a year, or one life every hour.

## **Indian judicial activism for environmental causes:**

The judicial device has constantly been a concern in efforts to protect the environment. there are numerous cases in the field of environmental law. The Bhopal instances and the CNG vehicle case yield essential choices. Article 48A of the charter of India additionally talks approximately the need to shield the environment. Article 51-A(g), in addition to Article 48A, states that it's miles the responsibility of each citizen to defend and enhance the herbal environment which include forests, lakes, rivers and natural world and to reveal compassion to residing animals. those provisions have been included inside the constitution with the 42nd change.

In 1985, environmental activist M. C. Mehta launched a public hobby Litigation (PIL) opposite to the Union of India at the Hon'ble very best courtroom. Mr Mehta claimed that the capital metropolis's air pollution tiers have extensively grown and that the people of Delhi were at hazard from unregulated air pollutant's sunfavourable consequences on their fitness. The Bhure Lal Committee become installed through section 3 of the Environmental (safety) Act, 1986, throughout this case. It advised switching to the CNG method and gave the go-ahead to segment out non-CNG buses. in the long run, the Apex court docket ruled in 2002 that the transportation enterprise had to have get admission to CNG. however, for the court to make the proper ruling in situations regarding environmental contamination and different social difficulties, certain materials have to be provided to it. law enforcement cannot be implemented abstractly. further, social and monetary concerns have to be made. The selection's implementation, effects on human's lives and purpose and effect need to all be addressed.

Immediately following the disaster, legal proceedings began involving the UCC, the US and Indian governments, local authorities in Bhopal, and the victims. The Indian government passed the Bhopal Gas Leak Act in March 1985, allowing the Indian government to act as the

legal representative of the victims and thus initiate legal action. The first case was heard in US federal court. On April 17, 1985, Federal District Court Judge John F. Keenan, presiding over the prosecution, stated that "'humane decency' requires Union Carbide to provide \$5 million and \$10 million to promptly assist the victims." money will come soon. Two days later, UCC offered a \$5 million settlement, arguing that it was not an admission of liability and that the money could count towards future deals or orders.

### **Environmental Impact after Catastrophe:**

We cannot ignore the impact of environmental damage as well as human loss. More than 2,000 animals were gassed that night; most of these were livestock that people lived with in their lives. Heavy oil is seeping into local waterways, polluting water and poisoning fish. The Bhopal gas tragedy violated the Environment Protection Act and the Environmental Pollution Act. More than 150,000 people still suffer from diseases such as respiratory diseases, kidney and liver diseases, cancer and gynaecological diseases resulting from the accident and the ensuing pollution. No one knows exactly how many people died. Union Carbide put the number at 3,800. There is no disinfectant for MIC, even if sodium thiosulfate is used in the mistaken belief that the disinfectant is hydrogen cyanide. The environment is considered a free space and anyone can pollute it without harming it. However, after the Bhopal gas tragedy in 1984, the Indian government had to implement laws to protect the environment.

Additionally, in CNG Vehicle CaseThe court decided to reduce the air pollution problem for human health and improve the air quality in the region. The case exemplifies the role of the judiciary in protecting the environment and is often used as an example of the role of the judiciary in protecting the environment in India. The right to life, including the right to sanitation and a healthy environment, is guaranteed by Article 21 of the Constitution. The Supreme Court once again stood up to protect this law. In this case the court took a strict stance and all.

Pollution levels in India are a big problem. According to research, approximately 10,000 people die every year in the country's capital due to air pollution. There is a significant environmental problem in India. In this case, the Supreme Court of India issued an order on the use and control of carbon monoxide (CNG) around public vehicles.

The World Health Organization's Air Quality Guidelines (AQG) provide international guidance on thresholds and limits for major air pollutants that pose health risks. This process is a performance-based process and is based on evidence-based decision-making. In addition to priority guidelines, WHO's global air quality guidelines provide interim targets to facilitate the transition from high to low levels. Fine particulate matter (PM), such as black carbon/carbon content, ultrafine particles, and particulate matter from dust storms, currently lacks sufficient evidence to achieve the AQG level.

**Table 0.1. Recommended AQG levels and interim targets**

Pollutant	Averaging time	Interim target				AQG level
		1	2	3	4	
PM <sub>2.5</sub> , µg/m <sup>3</sup>	Annual	35	25	15	10	5
	24-hour <sup>a</sup>	75	50	37.5	25	15
PM <sub>10</sub> , µg/m <sup>3</sup>	Annual	70	50	30	20	15
	24-hour <sup>a</sup>	150	100	75	50	45
O <sub>3</sub> , µg/m <sup>3</sup>	Peak season <sup>b</sup>	100	70	-	-	60
	8-hour <sup>a</sup>	160	120	-	-	100
NO <sub>2</sub> , µg/m <sup>3</sup>	Annual	40	30	20	-	10
	24-hour <sup>a</sup>	120	50	-	-	25
SO <sub>2</sub> , µg/m <sup>3</sup>	24-hour <sup>a</sup>	125	50	-	-	40
CO, mg/m <sup>3</sup>	24-hour <sup>a</sup>	7	-	-	-	4

<sup>a</sup> 99th percentile (i.e. 3–4 exceedance days per year).

<sup>b</sup> Average of daily maximum 8-hour mean O<sub>3</sub> concentration in the six consecutive months with the highest six-month running-average O<sub>3</sub> concentration.

**\*(source:WHO air pollution data portal)**

**What you can do:**

There are many small, but critical sources such as vehicles, construction equipment, lawn mowers, dry cleaners, backyard fires, and auto-body shops, are located where we live and work. Total emissions from these smaller but widespread sources are significantly greater than all the industrial sources in the state combined. We use the above classification of sustainable development goals to conclude the sustainability principles adopted or influenced by each project we select. First of all, the list of jobs that need to be protected and developed is quite wide.

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## TAXONOMY OF SUSTAINABLE DEVELOPMENT GOALS

### WHAT IS TO BE SUSTAINED:

Nature

Earth

Biodiversity

Ecosystems

Life support

Ecosystem services

Resources

Environment

Community

Cultures

Groups

Places

Regions

### WHAT IS TO BE DEVELOPED:

People

Child survival

Life expectancy

Education

Equity

Equal opportunity

Economy

Wealth

Productive sectors

Consumption

Society

Institutions

Social capital

States

In new research on sustainability, many studies have been conducted on sustainability indicators. Perhaps more work has been done on this topic than on any other important topic in permaculture research. However, to date, there is no internationally accepted measurement system, reliable theoretical support, rigorous data collection and analysis, and relevant information. Why is this happening?

1.The uncertainty of sustainable development;

2. Explain and measure the various goals of sustainability;

and,

3. Confusion over terminology, data and measurement. Goals and targets for sustainable development have been adopted internationally and locally. Sustainability is therefore better defined not by semantic or philosophical explanations, but by

sound decisions regarding goals and objectives crystallized in contract documents, agreements and declarations. These agreed goals and targets incorporate a minimum definition of sustainable development that includes meeting people's needs and reducing hunger and poverty while preserving the Earth's life support system. But these thoughts are just the beginning.

### **Legal Provisions:**

MC Mehta v. The Union of India is one of the essential environmental advocates. Ryland v. Fletcher, MC Mehta v. Union of India. according to this law, commercial enterprise proprietors or business owners are liable for the damaging behavior of their products. however strict doctrines have many protections and limitations, along with the “protection of God.” protection. therefore, inside the case of the oleum leak, the precept of strict legal responsibility has been changed through strict legal responsibility. The ideal courtroom determined the organization solely answerable for the gas leak, irrespective of its protection and repayment declare. similarly, the incident is an example of many corporations imposing strict safety measures.

The ideally suited court of India

made numerous rulings and regulations approximately CNG cars. the subsequent were the principle felony provisions involved:

The charter of India: Invoking fundamental rights, especially the proper to lifestyles (Article 21), highlights the significance of safeguarding the environment and the health of humans.

The environment safety Act, 1986: The countrywide authorities is given the authority to do so to guard and enhance the surroundings underneath this act. To combat the trouble of air pollution, the ideally suited court issued numerous instructions, which protected requiring using compressed natural gasoline (CNG) in public motors and controlling the access and go out of business cars into Delhi and the country wide Capital vicinity.

The Motor automobile Act, 1988: To lessen air pollutants, provisions approximately car registration, emission necessities, and regulatory authority for car-associated issues were reviewed. Despite the lifestyles of enough rules, the courtroom’s fear regarding the level of pollutants inside the air of Delhi, the Indian capital, improved as a result of the enforcement organizations’ loss of effort. Articles 39, forty-seven, and forty-eight-A impose duties at the kingdom to protect public health, enhancement organizations’ lack of attempt. Articles 39, forty-seven, and forty-eight-A impose duties on the nation to protect public fitness, enhance environmental protection, and protect person health. in accordance to analyse, air pollutants-associated problems claim the lives of 10,000 human beings yearly, or an individual health each hour.

## Conclusion:

The Bhopal incident remains a warning sign that is both ignored and ignored. The events in Bhopal and its aftermath are a warning: For developing countries, and especially India, the path to business is full of dangerous copies in human, environmental and economic terms. Various initiatives taken by the Indian government, including the establishment of the Ministry of Economic Affairs, have gone some way in protecting public health in cities and countries from the ravages of heavy industry, and non-governmental organizations have played a role in this fight for development. India's economy is growing at an alarming rate, but it is coming at a huge cost to the environment and public safety as companies large and small across the continent cause more pollution

There is much work to be done on public health in an economic context to show that the lessons learned from Bhopal's countless victims are actually being followed. Industrial processes related to the production, marketing and consumption of products are an important source of pollution. Much of this pollution occurs when low- and middle-income countries export goods to other countries, allowing rich countries to reduce pollution and keep their food and drink clean. Therefore, the world's alignment with responsibility for health and sustainable practices - the targets of SDG9 ("Industry, Innovation and Infrastructure") and SDG12 ("Responsible Consumption and Production") will be key to reducing carbon emissions.

This responsibility is not equal and corresponds to damage to the environment. It is assumed that the social costs of pollution will be avoided by reducing the impact of safety measures beyond the initial costs of these policies, although in many cases the rules for climate protection are not free. Air pollution has physical as well as safety impacts. Particles in the atmosphere affect temperature and humidity as well as precipitation.



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## External links;

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