

LEGALFOXES LAW TIMES

***POLLUTER PAYS PRINCIPLE AND THE INDIAN JUDICIAL
SYSTEM***

Article by

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ABSTRACT

Environmental law is one of the legal areas that is growing most swiftly. It is a commonly held belief that those who damage or cause harm should atone for their actions. Such injury may have an impact on our environment, society, or even our bodies. As there are no penalties under environmental legislation, it was challenging to keep destructive activity in check. A penalty had to be instituted in order to penalise individuals who damaged the environment. The "Polluter Pays Principle" as we understand it today was created as a result. The idea is that polluters should be held financially accountable for their acts, not governments.

More than 183 states' environmental laws and policies are based on the principle, which has been domesticated into local legislation in different states. Expanded Polluter Responsibility is one of the precautions taken to prevent environmental harm (EPR). This concept was first introduced as an economic principle by the Organization for Economic Co-operation and Development (OECD) in 1972. Principles 21 and 22 of the Stockholm Declaration from 1973 and the 1992 United Nations Conference on Environment and Development both initially contained it. The application, benefits, and drawbacks of it with some cases are examined in this research article in light of its incorporation in the Indian environmental sector.¹

¹ Inwang, C. M. (2021). *Application of the polluter pays principle in environmental management*. <https://seahipaj.org/journals-ci/mar-2021/IJILPS/full/IJILPS-M-7-2021.pdf>. Retrieved March 10, 2023, from <https://seahipaj.org/journals-ci/mar-2021/IJILPS/full/IJILPS-M-7-2021.pdf>

INTRODUCTION

"If anyone intentionally spoils the water of another ... let him not only pay damages, but purify the stream or cistern which contains the water..."

– PLATO²

This slogan's core premise is that if you make a mistake, it is your responsibility to clean it up.

In the absence of pollution, the natural environment is very clean; but, because of various human activities, it becomes polluted, resulting in what is known as environmental pollution. Our environment is made up of the atmosphere, earth, water, and space. Understanding the principles of pollution can enable those who care about the environment to reduce their contribution to its hazards. There are various types of environmental pollution, and since they have different sources and effects, knowing pollution can help. Concern over the effects of environmental pollution on public health has been rapidly increasing on a global scale over the last few decades. This is because of the considerable interaction between industry, urban development, and increasing urbanisation, which has negatively impacted the quality of life and the natural resources. The tendency of escalating pollution in many environmental media is visible from the declining quality of air, soil, and water, rising noise levels, nuclear hazards and threats, rising vehicle emissions, etc.

One of the legal fields that is expanding most quickly is environmental law. This is primarily the result of both humanity's increasing environmental degradation and the public's growing awareness about environmental protection. At both the domestic and international levels in India, the "polluter pays principle" (or "PPP") is a well-known concept in environmental law. A number of multilateral environmental treaties have adopted PPP on a global scale. At least since

² India, L. S. (n.d.). *Interpretation of Polluter Pays Principle (PPP) In India*. Interpretation of Polluter Pays Principle (PPP) in India. <https://www.legalserviceindia.com/article/154-Interpretation-of-Polluter-Pays-Principle.html>

The Dialogues of Plato: The Laws, vol. 4, book 8, section 485(e), translated by Jowett B, Oxford : Clarendon Press (4th ed.), 1953.

the Supreme Court of India ("SC") ruled it to be so in the middle of the 1990s, PPP is a recognised component of domestic environmental legislation in India.³

According to this notion, whomever causes environmental harm should pay for repairing it. In a larger sense, anyone who produces commodities or other things should be held accountable for any pollution that results from that production and be required to pay for the mitigation of the harm that such pollution causes to the environment. International environmental law has a principle that holds the polluting party accountable for any environmental damage. Due to its extensive acceptance in the majority of OECD and European Community (EC) nations, it is recognised as a regional tradition. International environmental law doesn't make much mention of the theory.⁴

An entire nation's socioeconomic policy and environmental policy are intertwined. The financial risk of the emissions happening will be transferred to the taxpayer because, according to this concept, the government is not liable for paying for the costs of either avoiding or rectifying environmental harm. The idea that the polluter should cover all depollution costs, however, is not supported by state practise, especially when a global conflict is at play.

The Polluter Pays Principle has become a well-known slogan in recent years. In light of the Plato quote above, it is important to remember that environmental law's "polluter pays notion" does not imply "blame." It advocates a preventative approach that puts the emphasis on cleaning up environmental contamination.⁵

³ Nanodkar, S. (2018). *Polluter pays principle: Essential element of environmental law and policy*. www.ijlmh.com. Retrieved March 10, 2023, from <https://www.ijlmh.com/wp-content/uploads/2019/03/Polluter-Pays-Principle-Essential-Element-of-Environmental-Law-and-Policy.pdf>

⁴ Gaur, A. (2022). *Polluter-pays principle*. Polluter-Pays Principle - an overview | ScienceDirect Topics. Retrieved March 10, 2023, from <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/polluter-pays-principle>

⁵ India, L. S. (n.d.). *Interpretation of Polluter Pays Principle (PPP) In India*. Interpretation of Polluter Pays Principle (PPP) in India. <https://www.legalserviceindia.com/article/154-Interpretation-of-Polluter-Pays-Principle.html>

POLLUTER PAYS PRINCIPLE AND THE POLLUTER

"The 'polluter pays principle' states that whoever is responsible for damage to the environment should bear the costs associated with it."

(Taking Action, The United Nations Environmental Programme.)⁶

Environmental pollution is the introduction of unfavourable material into the environment as a result of human activity, which endangers the health and/or environment of other people in a specific location. Polluting substances are those which harm the environment. Therefore any physical, chemical, or biological substance discharged into the environment that has a negative impact on people or other living things, either directly or indirectly, is considered a pollution.

Any by-product of production or consumption that infringes upon the property rights of others is considered to be pollution, and the "polluter" is the individual, business, or other organisation whose operations produce the by-product in question. The individual who actually generates pollution, which harms the environment or costs money, is referred to as a polluter. Several laws specifically assign blame for pollution since it can be difficult to determine who is a polluter in various situations.⁷

According to the widely accepted "polluter pays" principle, individuals who cause pollution should be responsible for paying the costs associated with controlling it in order to protect public health and the environment. For instance, a plant is often held accountable for the proper disposal of any potentially toxic waste that is produced as a byproduct of its operations.

⁶ *The Impossibility of Harming the Environment* | Roy Cordato. (2002, May 1). The Impossibility of Harming the Environment - Foundation for Economic Education. <https://fee.org/articles/the-impossibility-of-harming-the-environment/>

⁷ Inwang, C. M. (2021). *Application of the polluter pays principle in environmental management*. www.seahipaj.org. Retrieved March 12, 2023, from <https://seahipaj.org/journals-ci/mar-2021/IJILPS/full/IJILPS-M-7-2021.pdf>

In light of this, the "polluter pay principle" mandates that polluters pay for both the rehabilitation of the environment's damage as well as compensation for the victims of their pollution. According to the OECD Recommendation(1)(2) from 1972 and 1974, public authorities determine the steps that the polluter must take to manage the pollution in order to maintain an acceptable level of environmental quality after the industry has stopped operating.

Nonetheless, in the absence of explicit statutory provisions, it might be challenging to identify the proper person or persons to be recognised as the polluter. For instance, in circumstances involving waste management, the polluter may be the product's manufacturer, but it may also be the product's seller or the product's buyer, among several other people.⁸

It's possible that the "culprit" won't be able to pay, and a subsidiary's actions cannot always be held accountable by the parent company or its shareholders.⁹

A strong judicial system to deal with these situations is not present in every nation and a legal proceeding is frequently highly drawn out and expensive, even if they succeed.¹⁰

In addition, the theory has gradually been extended to more intricate types of chronic and pervasive pollution, such as air pollution brought on by diffuse sources, where assigning blame and carrying it out are even more challenging.

The polluter pays principle is one of the foundational ideas of sustainable development today. The majority of the rules imposed on prospective polluters of land, water, and air are based on this fundamental premise, which also serves as the foundation for contemporary environmental legislation and policy.¹¹

⁸ Inwang, C. M. (2021). *Application of the polluter pays principle in environmental management*. www.seahipaj.org. Retrieved March 12, 2023, from <https://seahipaj.org/journals-ci/mar-2021/IJILPS/full/IJILPS-M-7-2021.pdf>

⁹ Interview — *Does the polluter pay?* (2020, October 15). European Environment Agency. <https://www.eea.europa.eu/signals/signals-2020/articles/interview-does-the-polluter-pay>

¹⁰ Interview — *Does the polluter pay?* (2020, October 15). European Environment Agency. <https://www.eea.europa.eu/signals/signals-2020/articles/interview-does-the-polluter-pay>

¹¹ *The concept of polluter pays and its potential in India - iPleaders*. (2020, July 20). iPleaders. <https://blog.ipleaders.in/the-concept-of-polluter-pays-and-its-potential-in-india/>

ORIGIN OF THE PPP:

The long and difficult development of the human species on this planet has reached a point where man now has the power to fundamentally modify his environment in an inconceivable variety of ways thanks to the rapid advancement of science and technology. The environment created by humans, including the air, water, land, trees, plants, animals, germs, rivers, lakes, mountains, etc., are thus negatively impacted by scientific and technical advancement as a result of various breakthroughs and discoveries.

According to history, it is now imperative that we analyse the environmental implications of our global actions more carefully.

The Brundtland Commission issued the following warning:

“Earth is one but the world is not. We all depend on one biosphere for sustaining our lives. Yet each community, each country, strives for survival and prosperity with little regard for its impact on others. Some consume the earth's resources at a rate that would leave little for future generations. Others, many more in number, consume far too little and live with the prospect of hunger, squalor, disease and earthly death.”¹²

Hence, the UN Global Commission on Development and Environment developed the term "sustainable development," which is defined as "development that meets the demands of the present without compromising the ability of future generations to meet their own requirements" (1987). As a result, the goal of social and economic advancement must be the sustainability of a country.

The task of creating "a global agenda for change" fell to the Global Commission on Environment and Development, which was led by Gro Harlem Brundtland, the former prime minister of Norway. The commission released its report "Our Common Future" in 1987 and stated that diverse human activities are at odds with those of nature and that changes made to the natural planetary system "are accompanied by life-threatening threats, from environmental degradation to nuclear devastation. These new realities must be acknowledged and managed because there is

¹² Report of the World Commission on Environment and Development: Our Common Future. (n.d.). <https://sustainabledevelopment.un.org/>. Retrieved March 5, 2023, from <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>

no way out of them ". The rise in the number, size, frequency, and effect of natural and human-caused disasters has repeatedly been warned about.¹³

Whose responsibility is it to make up for a disaster?

So, the introduction of the "polluter pays principle" and the "precautionary principle," which are fundamental components of the notion of sustainable development, is another significant contribution of this Global Commission's Report.

The Commission stated that even though the "polluter pays principle" was adopted in 1972 by OECD countries, "enterprises may be encouraged to invest to prevent restorative and compensatory measures with subsidies of various kinds" and "to internalise environmental costs" and reflect them in the prices of products". Hence, the notion was that it is the industrialist's responsibility to pay for environmental repair, damage to people and property, and pollution.

Since then, it has been used as a management tool and incorporated into a number of global environmental agreements, some of which have had over 175 nations ratify them. They comprise:

- [Agenda 21](#)
- [The Rio Declaration on Environment and Development](#)
- [The International Convention on Oil Pollution Preparedness, Response and Co-operation](#)
- [The Convention on the Transboundary Effects of Industrial Accidents](#)
- [The Paris Agreement](#)¹⁴

¹³ Report of the World Commission on Environment and Development: Our Common Future. (n.d.). <https://sustainabledevelopment.un.org/>. Retrieved March 5, 2023, from <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>
Review: [Untitled] on JSTOR. (n.d.). <https://www.jstor.org/stable/24112941>

¹⁴ *The Polluter Pays Principle: What Is It? | Clear Seas*. (2017, August 24). Clear Seas. <https://clearseas.org/en/blog/polluter-pays-principle/>

Environmental policy based on the Polluter Pays Principle was settled upon by Organization for Economic Co-operation and Development (OECD) members in 1972. (PPP). The goal of OECD regulations is to prohibit subsidies that can cause trade distortions. They tried to propagate the ideals because the public was so worried about environmental issues. People were calling for governments and other organisations to enact laws and other safeguards to protect populations and the environment from the hazards of pollution in industrialised industrial civilizations during this time. Since then, there has been much debate about the polluter pays principle, but the details of its application and what it means for those engaged in partially or potentially harmful activities are no satisfactory solution has been reached.

The exact parameters of the "polluter pays" principle, especially the cap on compensation for damage caused, have repeatedly been a source of controversy. It is essentially a roadmap for a desirable course of action, but it is clear that neither British nor European Community environmental law often fully complies with it. However, the idea that prevention is preferable to cure. are strongly related to principles. In addition, all environmental costs must be factored into the costs, not just those that are immediately apparent. It is implied that production can pollute the environment as long as you pay for it, but its true intent and application of the principle are completely misunderstood.

Over time, the range of costs borne by polluters has expanded. To absorb the environmental costs of crashes and cover the costs of accident monitoring, the OECD recommended an increase in her PPP in 1989. The Rio Declaration's Principle 16 states that national governments should work to encourage the use of economic tools and the globalisation of environmental costs. Protect the public interest, without distorting international trade and international investment.¹⁵¹⁶¹⁷

¹⁵ *The Polluter Pays Principle: What Is It? | Clear Seas.* (2017, August 24). Clear Seas. <https://clearseas.org/en/blog/polluter-pays-principle/>

¹⁶ India, L. S. (n.d.). *Interpretation of Polluter Pays Principle (PPP) In India.* Interpretation of Polluter Pays Principle (PPP) in India. <https://www.legalserviceindia.com/article/154-Interpretation-of-Polluter-Pays-Principle.html>

¹⁷ *The concept of polluter pays and its potential in India - iPleaders.* (2020, July 20). iPleaders. <https://blog.iplayers.in/the-concept-of-polluter-pays-and-its-potential-in-india/>

In line with the OECD Principles of 1972, the European Communities created the first Environment Action Plan (EAP). Since 1987, the PPP has been governed by European legislation. The EU Treaty has this clause in Article 174. (1997). Since 1990, when the International Maritime Organization (IMO) adopted the International Convention on Oil Pollution Preparation, Response, and Cooperation, the PPP has been acknowledged as a "general concept of international environmental law".

"National authorities should strive to encourage the internalization of environmental costs and the use of economic tools, taking into account the approach that the polluter should, in general, bear the burden of emissions with due respect for public benefit and without distorting foreign trade and investment," **according to the Rio Declaration (UNCED) of 1992.**¹⁸

The PPP quotes the 2001 study from the OECD Joint Working Group on Agriculture and Environment as saying that

“The polluter should be held responsible for environmental damage caused and bear the expenses of carrying out pollution prevention measures or paying for damaging the state of the environment where the consumptive or productive activities causing the environmental damage are not covered by property rights.” This version of the PPP is referred to as the extended or strong PPP in the literature.¹⁹

¹⁸ ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT. (1995). *General distribution OCDE/GD(95)124* - one.oecd.org. Retrieved March 12, 2023, from [https://one.oecd.org/document/OCDE/GD\(95\)124/en/pdf](https://one.oecd.org/document/OCDE/GD(95)124/en/pdf)

¹⁹ India, L. S. (n.d.). *Interpretation of Polluter Pays Principle (PPP) In India*. Interpretation of Polluter Pays Principle (PPP) in India. <https://www.legalserviceindia.com/article/154-Interpretation-of-Polluter-Pays-Principle.html>

FLAWS IN THE PPP:

The polluter pays rule helps reduce pollution. While this theory seems to be true for man-made pollutants, it does not hold true for past pollution. Most developing countries have not yet adopted public-private partnership as the most important environmental policy directive. There are some problems with saying that, legal experts say which are as follows:-

- The main issue with this theory is that it is often difficult to pin down a single source of environmental contamination that can be severely penalised because of the nature of the problem. Non-point sources, which are cumulative in nature and happen over lengthy time periods, account for a significant amount of pollution. As a result, locating the offender is challenging and occasionally impossible from a technological standpoint.
- There is some uncertainty over "who is a polluter" already. According to legal definitions, a "polluter" is somebody who directly or indirectly affects the environment or creates conditions that encourage such harm. It is obvious that this term is so wide that it is useless in a number of situations.
- It is impossible for small to medium-sized formal sector companies that primarily serve the domestic market to pass on price increases to their domestic clients.
- Many low-income families, small enterprises, and subsistence farmers cannot afford the increased costs of power or garbage disposal.
- Due to elastic demand, exporters in underdeveloped nations typically cannot shift the burden of cost internalisation to overseas clients.
- Why Small business owners are at a disadvantage since waste management is important to prevent environmental pollution. This is the case since they frequently need to produce pollution in order to merely operate their operations because they lack the funds to plan for trash management. As a result, the idea is at odds with the idea of equity.
- Regrettably, the current system can be interpreted and utilised as a "permission to pollute": as long as you can pay, or if you can afford it, you are permitted to pollute. The unequal distribution of these polluting activities' advantages and costs is intimately related to this.

- The developing nations, whose economies depend on exporting commodities to other countries, are not in a position to invest in waste management and cannot raise prices on their citizens by covering the costs of pollution prevention.
- Overexploitation of communal resources is an issue in emerging nations. Access to such resources can be restricted by assigning rights under the polluter pays principle, but this may result in distribution disputes.
- The precise formula for calculating damages is unclear. As a result, a polluter may be required to pay for the real expenses of clean-up, the harm caused to environmental victims, a fine or penalty depending on their financial situation, a general tax intended to address the issue as a whole, or any combination of the aforementioned.²⁰²¹²²

²⁰ India, L. S. (n.d.). *Interpretation of Polluter Pays Principle (PPP) In India*. Interpretation of Polluter Pays Principle (PPP) in India. <https://www.legalserviceindia.com/article/154-Interpretation-of-Polluter-Pays-Principle.html>

²¹ Pettinger, T. (2017, February 27). *Polluter pays principle (PPP) - Economics Help*. Economics Help. <https://www.economicshelp.org/blog/6955/economics/polluter-pays-principle-ppp/>

²² Corner, L. (2021, March 12). *Polluter Pays Principle – Meaning, History And Object - Law Corner*. Law Corner. <https://lawcorner.in/polluter-pays-principle-meaning-history-and-object/>

THE INDIAN JUDICIARY AND POLLUTER PAYS PRINCIPLE

**"We are interested not only in the development but also in the enforcement of law" -
Justice Christopher G. Weeramantry [Vice President of the ICJ]²³**

The Indian judiciary recognizes the principle of polluter pays, as shown by the decision of the Supreme Court of India that "the polluter pays principle means that absolute responsibility for environmental damage extends not only to compensation for damages to the victims of pollution, but also to . the costs of restoration. environmental pollution. Resolving a damaged environment is part of the "sustainable development" of the process. and as such, the polluter is forced to pay the costs of individual victims as well as the costs related to the improvement of the damaged ecology. Basically, the state is not obliged to bear the costs of preventing such damages or implementing remedial measures, because this would lead to the transfer of the financial burden of the pollution event to the taxpayers.²⁴

The Union Government published its strategy for pollution reduction in February 1992. Incorporating environmental factors into decisions at all levels of government is stated to be the government's goal in this statement.

The statement incorporates essential guiding principles, including the following, to accomplish this goal:

- (i) prevention of pollution at source
- (ii) the adoption of the best available technology
- (iii) the polluter pays principle
- (iv) public participation in decision making.²⁵

²³ India, L. S. (n.d.). *Interpretation of Polluter Pays Principle (PPP) In India*. Interpretation of Polluter Pays Principle (PPP) in India. <https://www.legalserviceindia.com/article/154-Interpretation-of-Polluter-Pays-Principle.html>

²⁴ India, L. S. (n.d.). *Interpretation of Polluter Pays Principle (PPP) In India*. Interpretation of Polluter Pays Principle (PPP) in India. <https://www.legalserviceindia.com/article/154-Interpretation-of-Polluter-Pays-Principle.html>

²⁵ Divan, S., & Rosencranz, A. (2011). *Environmental law and policy in India: Cases, materials, and statutes*. Oxford University Press.

For the purpose of establishing a link between law and sustainable development, we divided sustainable development into two parts: -

- Environmental Justice
- Social Justice

The two principles of justice are: -

- Polluter Pays Principle (PPP)
- Precautionary Principle (PP)

Inter-generational equity is one of the key tenets of "sustainable development," which were taken from the Brundtland Report and other international texts. Use and conservation of natural resources, environmental protection, the polluter-pays principle, a duty to help and cooperate, the eradication of poverty, and financial support for developing nations. We do believe that "the precautionary principle" and "the polluter pays" principle are fundamental components of "sustainable development," nevertheless.²⁶

CASES

1) *M.C. Mehta And Anr vs Union Of India & Ors (Oleum Gas Leak Case), 1987*

In *Sriram Foods and Fertilizer Industries and another v. Union of India and others* (commonly known as the "Olium Gas Leak Case"), or *M.C. Mehta And Anr vs Union Of India & Ors*²⁷ the Supreme Court ordered the manufacturer of dangerous and deadly chemicals and gases that posed a threat to the health and lives of its employees and residents of the surrounding area to take all necessary safety precautions before reopening the plant. One individual died as a result of a chlorine gas leak from the factory that also adversely affected local workers and neighbours.

²⁶ India, L. S. (n.d.). *Interpretation of Polluter Pays Principle (PPP) In India*. Interpretation of Polluter Pays Principle (PPP) in India. <https://www.legalserviceindia.com/article/154-Interpretation-of-Polluter-Pays-Principle.html>

²⁷ *M.C. Mehta And Anr vs Union Of India & Ors* (1987) (indiankanoon.org/doc/1486949/ n.d.).

All of this occurred as a result of management's carelessness about the company's caustic chlorine plant's upkeep and operation. A public interest lawsuit was used to bring the issue to the court's attention.

The management was instructed to deposit Rs. 20 lacs with the court's registrar as security for the settlement of the victims of the Oleum gas leak's compensation claims. Additionally, it was ordered to post a bank guarantee for the sum of Rs. 15 lac, which must be cashed three years after the judgement date if chlorine gas escapes and causes death or serious injury to any workers or residents nearby. The plant's reopening was permitted by the court with these restrictions.

2) *Enviro - Legal Action v. Union of India (The Bichhri Case), 1996*

In the 1996 case of Indian Council of Enviro-Legal Action v. Union of India, the "polluter pays principle" was first used and articulated in India. In this case, Justice Dalveer Bhandari found that the industrial process is integral to correcting the ecological imbalance that it has wrought.

This Court determined that the "polluter pays" theory was a sound theory.

The "polluter pays principle" was defined as follows:

“Once an action is hazardous or intrinsically harmful, the person performing it is liable to pay for any damages produced to a third party as a result of that activity, regardless of whether reasonable care was taken.

(a) The polluting industry is absolutely liable to compensate for making up for environmental damage.

(b) He is also responsible for covering the expense of undoing the ecological damage and rehabilitating the ecosystem.”²⁸

The "absolute liability" for environmental destruction is what is meant by this principle. As a result, it became a fundamental tenet of "sustainable development," which involves restoring the ecosystem after damage.

²⁸ Indian Council For Enviro-Legal ... vs Union Of India And Ors.Etc (1996) 3 SCC 212 (<https://indiankanoon.org/doc/1818014/> February 13, 1996).

This notion has now been established as a component of environmental law, which is a well-known fact. Nonetheless, a close examination of the Supreme Court's ruling indicates that questions remain about both its substance and application.²⁹

3) *Vellore Citizens' Welfare Forum v. Union of India (1996)*

In this case, it was alleged that the tanneries discharged their untreated sewage into the Palar river, which was the main source of water for the people of North Arcot Ambedkar district.

The untreated sewage from the tanneries thus not only caused a drinking water problem, but also made the area unsuitable for cultivation due to the high toxicity of the sewage. The Supreme Court urged the Central and State Governments to constitute an authority under Section 3 (3) of the Act and to give that authority all the necessary powers to deal with the situation caused by the tannery and other polluting industries in Tamil Nadu, including provisions.

Under section 5 of the Act, the court stated that "an authority constituted in this way must apply the precautionary principle" and the "polluter pays" principle; the body thus formed by the central government takes the help of experts and industrialists to implement.

Based on the aforementioned principles, the institution was also authorized to determine and determine compensations for damages caused to the ecology of the area, and to collect compensations and prepare a plan to improve the degraded ecology of the area.

Such scheme framed by the authority shall be implemented by the State Government under the supervision of the Central Government. The Supreme Court also recommended that the Chief Justice of Tamil Nadu High Court to constitute a "Green Bench" to deal with environmental pollution cases, as they were already functioning in the states of West Bengal and Madhya Pradesh.³⁰

²⁹ *Indian Enviro Legal Council v. Union of India : analysis of polluter pays principle - iPleaders*. (2020, December 19). iPleaders. <https://blog.ipleaders.in/indian-enviro-legal-council-v-union-india-analysis-polluter-pays-principle/>

³⁰ *Vellore Citizens Welfare Forum vs Union Of India & Ors (1996)* (<https://indiankanoon.org/doc/1934103/> n.d.).

4) M.C. Mehta vs Kamal Nath & Ors (1996)

In a PIL initiated by Shri M.C. Mehta in M.C. Regarding Mehta vs. Kamal Nath the Supreme Court stated that “the jurisdiction of the court under Article 32 is not limited and can award damages for damages; and in addition to the damages explained by the "polluter pays principle", "a person guilty of pollution can be responsible for paying "exemplary damages" so that it can serve as a warning to others not to pollute".

In this case, M/s Span Motel was found guilty of disturbing the natural flow of the river and thus disturbing the environment and ecology of the area. The court also proposed imposing a pollution charge on the industry. The court cleared that the powers under Article 32 are not limited and damages can be awarded on a PIL or a writ petition.

In addition to the compensations to be paid to the victims of pollution, the aforementioned compensations were proposed.

The Supreme Court later mandated "Span Motel Limited shall be subject to exemplary damages in the amount of \$10,000.00, taking into account their agreement to contribute fairly to the "project cost" of ecological restoration, which was unrelated to and independent from their liability for exemplary damages. The court further ordered that this Rs. 10,00,000 (special damages) be paid to the State Government's Department of Irrigation and Public Health to be used solely for flood prevention projects in the river Beas area affected by Span Motel's activity." Furthermore, it was stated that the court could award "exemplary damages" in accordance with Article 32.³¹

³¹ M.C. Mehta vs Kamal Nath & Ors (1996) (<https://indiankanoon.org/doc/1514672/> n.d.).

5) Deepak Nitrite Ltd. v. State of Gujarat

The Supreme Court was given the chance to explain the idea and its better forms in Deepak Nitrate Ltd. v. The State of Gujarat.³² The court ruled that the amount of compensation to be given must be generally associated not only with the scope of the risk and the company's capacity, but also with the harm that will be done as a result. Only when it is established that an industrial unit has harmed people, property, or the environment as a result of its operations can the polluter pays principle be put into practise. This concept does not apply when only standard provisions are violated.

The Gujarat Development Corporation's Nandesar estate is home to a number of enterprises, and a PIL was filed in this matter saying that those industries were responsible for significant pollution since their emissions exceeded the limits imposed by the Gujarat Pollution Board. Without determining whether the businesses were to blame for the environmental harm or any environmental component, the Supreme Court ordered the industries to compensate the polluter according to the rule of one percent of the highest annual turnover of the previous three years.

6) Research Foundation for Science v. Union of India.

The underlying issue in this case was the Indian Union's permission to import toxic waste from developed countries. Upon discovering various containers containing toxic waste, the court ordered their disposal by incineration, with the cost of incineration to be recovered from the container owner. The district court explained the reason and extent of the polluter pays doctrine in this case.

For allowing the disposal of hazardous garbage throughout India, the Central Government has recently come under fire from the Supreme Court. You gain money off of it, but inhabitants of this country suffer the repercussions, the court ruled in its judgement. Nobody is capable of allowing such dumping at the expense of the health of the citizen.³³

³² Deepak Nitrite Ltd vs State Of Gujarat & Ors (2004) (<https://indiankanoon.org/doc/1428562/> n.d.).

³³ *Research Foundation For Science ... vs Union Of India And Others* (2007).

POLLUTER PAYS PRINCIPLE AND THE INDIAN CONSTITUTION & LEGISLATION

In order to support environmental conservation and progress, India was the first nation to amend the Indian Constitution. In January 1977, the 42nd Amendment Act, which had been passed in 1976, became operative. The Directive Principles of State Policy, which are specified in Article 47, provided a new dimension by requiring the central government to conserve the environment.³⁴The state had an obligation to use the principles while passing legislation, even though it was not legally required.

The precautionary principle and the polluter pays principle have been accepted as part of the law of the land.³⁵Article 21 of the Constitution of India guarantees protection of life and personal liberty. Article 47, 48A and 51A (g) of the Constitutional are as under:

- **ARTICLE 47:** Duty of the State to raise the level of nutrition and the standard of living and to improve public health. The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular, the State shall endeavor to bring about prohibition of the consumption except from medicinal purposes of intoxicating drinks and of drugs which are injurious to health.
- **ARTICLE 48A:** was inserted to enjoin the state to make efforts for protection and improvement of the environment and for safeguarding the forest and wildlife in the country.
- **ARTICLE 51A (g):** stipulates that it shall be duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wildlife and to have compassion on the living creatures.³⁶

³⁴ *Directive Principles of State Policy*. (2015, July 17). Jagranjosh.com. <https://www.jagranjosh.com/general-knowledge/directive-principles-of-state-policy-1437132636-1>

³⁵ India, L. S. (n.d.). *Interpretation of Polluter Pays Principle (PPP) In India*. Interpretation of Polluter Pays Principle (PPP) in India. <https://www.legalserviceindia.com/article/154-Interpretation-of-Polluter-Pays-Principle.html>

³⁶ *Constitution of India|Legislative Department | Ministry of Law and Justice | GoI*. (2023, March 13). Constitution of India|Legislative Department | Ministry of Law and Justice | GoI. <https://legislative.gov.in/constitution-of-india>

Apart from the constitutional requirement to protect and enhance the environment, there are several post-independence environmental statutes, but the following are the most important for our purposes:

- The Water (Prevention and Control of Pollution) Act, 1974 (the Water Act),
- The Air (Prevention and Control of Pollution) Act, 1981 (the Air Act)
- The Environment Protection Act 1986 (the Environment Act).³⁷

The Environment (Protection) Act, 1986³⁸ was a comprehensive piece of environmental law passed by the Parliament in 1986. The national and state pollution control bodies were given the responsibility of enforcing the new legislation. Eventually legislation were passed to handle specific environmental issues, such as the Wildlife Protection Act and the Atomic Energy Act. In order to incorporate environmental concerns and development objectives, MOEF developed its Environmental Action Plan in December 1993. It pursued a pollution abatement and prevention policy and used a variety of strategies, including the implementation of the "polluter pays" principle, water cess, waste consumption charges with an additional charge for excessive water use, technical assistance to promote central effluent treatment plants, etc.

The Central Pollution Control Board is established by the Central Government, and State Pollution Control Boards are established by different State Governments across the country, according to the Water Act.³⁹ The Boards are overseen by the respective governments. The Water Act makes it illegal to dump polluting materials into streams and wells.⁴⁰

³⁷ *An Analysis Of The Polluters Pay Principle In Indian Framework*. (n.d.). An Analysis of the Polluters Pay Principle in Indian Framework. <https://legalserviceindia.com/legal/article-9875-an-analysis-of-the-polluters-pay-principle-in-indian-framework.html>

³⁸ *The Environment (Protection) Act, 1986*|Legislative Department | Ministry of Law and Justice | GoI. (2018, March 19). The Environment (Protection) Act, 1986|Legislative Department | Ministry of Law and Justice | GoI. <https://legislative.gov.in/actsofparliamentfromtheyear/environment-protection-act-1986>

³⁹ Foundation, L. (2019, December 9). *Central Pollution Control Board: A story of wasted potential?* - LexQuest Foundation. LexQuest Foundation. <https://www.lexquest.in/central-pollution-control-board-a-story-of-wasted-potential/>

⁴⁰ *The Water (Prevention and Control of Pollution) Act, 1974*|Legislative Department | Ministry of Law and Justice | GoI. (2018, March 20). The Water (Prevention and Control of Pollution) Act, 1974|Legislative Department | Ministry of Law and Justice | GoI. <https://legislative.gov.in/actsofparliamentfromtheyear/water-prevention-and-control-pollution-act-1974>

Also, without the Board's permission, outlets and effluent discharge are limited. There is a possibility of prosecution and fines, including a jail term. The Central Pollution Control Board and the State Pollution Control Boards established under the Water Act are given the power and responsibility to carry out the Air Act's powers and functions.

Under the Air Act, the Boards' primary responsibility is to improve air quality and to avoid, regulate, and abate air pollution in the region.⁴¹

We have no doubt that the precautionary principle and the polluter pays principle are part of the country's environmental law, based on the above described constitutional and legislative provisions.⁴²⁴³

⁴¹ *The Air (Prevention and Control of Pollution) Act, 1981*|Legislative Department | Ministry of Law and Justice | GoI. (2018, March 19). *The Air (Prevention and Control of Pollution) Act, 1981*|Legislative Department | Ministry of Law and Justice | GoI. <https://legislative.gov.in/actsofparliamentfromtheyear/air-prevention-and-control-pollution-act-1981>

⁴² *An Analysis Of The Polluters Pay Principle In Indian Framework*. (n.d.). An Analysis of the Polluters Pay Principle in Indian Framework. <https://legalserviceindia.com/legal/article-9875-an-analysis-of-the-polluters-pay-principle-in-indian-framework.html>

⁴³ *Environmental law Article - Indian National Bar Association*. indianbarassociation.org. (n.d.). Retrieved March 10, 2023, from <https://indianbarassociation.org/wp-content/uploads/2013/02/environmental-law-article.pdf>

MARKET AND THE POLLUTER PAYS PRINCIPLE

Only 100 corporations have produced 71% of the world's carbon emissions since 1988, and their operations are substantially to blame for the current climate disaster, which costs the global economy around \$4.7 trillion year in health care and social expenditures. Companies had to pay to poison the globe.⁴⁴ With the repercussions of climate change become more and more obvious, more countries are enacting laws like the polluter pays concept. Businesses already pay to pollute. There are laws that don't properly apply some environmental criteria.

90% of the water in 241 major cities is contaminated, according to the Government of India's 1995 Economic Survey. In addition, 97% of people living in rural areas and 54% of people living in urban areas lack access to sanitary facilities.⁴⁵

Funding for pollution prevention and control has dropped by 35.5 percent over the last five years; at this point, the government's economic liberalisation policies are probably going to make the pollution problem worse.

In reality, the rapid urbanisation of large, polluting companies is to blame for India's most serious environmental problems.

There was no environmental planning for industrial expansion or control for many years.

The polluter pays principle must be implemented with a structure that guards against any possible harmful effects while minimising concerns about economic impact. The idea of "polluter pays" is closely tied to the "market driven" or "economic" instruments that commonly make up policy. The second component of these instruments consists of taxes and tradable permits.⁴⁶

⁴⁴ 100 companies are responsible for 71% of GHG emissions. (n.d.). 100 Companies Are Responsible for 71% of GHG Emissions. <https://www.activesustainability.com/climate-change/100-companies-responsible-71-ghg-emissions/>

⁴⁵ https://www.indiabudget.gov.in/budget_archive/es1995-96/esmain.htm. (n.d.). https://www.indiabudget.gov.in/budget_archive/es1995-96/esmain.htm

⁴⁶ Nanodkar, S. (2018). *Polluter pays principle: Essential element of environmental law and policy*. www.ijlmh.com. Retrieved March 10, 2023, from <https://www.ijlmh.com/wp-content/uploads/2019/03/Polluter-Pays-Principle-Essential-Element-of-Environmental-Law-and-Policy.pdf>

Taxation is the simplest and most direct tactic. The levy would be paid by either an emissions fee or an excise tax on the sales of products that contribute to pollution. Under the tradable permits concept, the government would first decide on an industry's overall allowable level of emissions, and would then give permits to companies doing business there. The firms may later buy and sell these emissions licences depending on their requirement to emit the pollutant and their ability to create pollution abatement plans.⁴⁷

To avoid potential economic harm, the idea must be implemented using tools based on the market.

As a supplement to existing laws and regulations, market-based solutions to environmental problems can enhance the efficient use of society's limited resources and environmental preservation. This will define how business distributes its resources to reduce pollution.

Market-based incentives are methods and tactics that employ rewards and punishments to attain a level of environmental protection greater than that offered by unfettered markets. According to this theory put forth by the British economist Arthur Pigou, the advantages of environmental conservation and the costs of environmental deterioration are not immediately reflected in the prices of goods and services. Government environmental regulation is therefore necessary. In theory, we concur that there is.

Market-based incentives are used in accordance with the polluter pays principle.

Economic incentives exist for rational polluters to reduce pollution as market forces drive up costs. Polluting companies reduce emissions where it is most cost-effective to enforce laws. This is a benefit of reform that is driven by the market.

⁴⁷ Nanodkar, S. (2018). *Polluter pays principle: Essential element of environmental law and policy*. www.ijlmh.com. Retrieved March 10, 2023, from <https://www.ijlmh.com/wp-content/uploads/2019/03/Polluter-Pays-Principle-Essential-Element-of-Environmental-Law-and-Policy.pdf>

If companies are paying for their pollution, then they are probably receiving subsidies. While you pay for more than 90% of the cost of recycling, the biggest fossil fuel firms in the world earned a combined 5.3 trillion in subsidies in 2015.⁴⁸ Assuming that this is the case, why should you keep footing the bill for fixing the environment when companies are getting paid for their pollution?

The cost for firms to fully compensate for their pollution was examined in a study funded by the United Nations. To put it briefly, they would lose one-third of their revenue, but would that be terrible?

The cost of most things you use every day might initially go up as businesses try to make up for their losses by raising prices, but in the spirit of competition, they will likely aim to capture market share by developing new products, implementing greener practises, and lowering their prices.

156 businesses have vowed to only use renewable energy sources, and several have already begun taking measures to reduce their carbon footprint, including Apple, Facebook, Google, and IKEA. An investment of \$1.75 billion in wind energy was recently disclosed by Shell.⁴⁹

Naturally, this follows recent revelations that fossil fuel businesses run the risk of spending more than \$2 trillion on questionable projects that might turn out to be useless. For example, as consumers choose electric cars more frequently and as they become more efficient, inexpensive, and environmentally benign, more individuals will leave large gas guzzlers on the lot.

When the cost of these systems drops, everyone would be able to afford sustainable energy, not just businesses.

⁴⁸ Davies, G. (2018, February 5). *Big business, not taxpayers, should pay to clean up plastic waste* | Geraint Davies. The Guardian. <http://www.theguardian.com/environment/2018/feb/05/big-business-not-taxpayers-should-pay-to-clean-up-plastic-waste>

⁴⁹ Milman, O. (2023, February 1). *Shell's actual spending on renewables is fraction of what it claims, group alleges*. The Guardian. <https://www.theguardian.com/business/2023/feb/01/shell-renewable-energy-spending-sec-global-witness>

Even though many firms continue to avoid paying for their pollution, progress is being made, from businesses changing their business practises to entire nations like France shifting to 100% recycled plastic by 2025.⁵⁰

In India, Federal and state governments/authorities have recently implemented a number of legislation and programmes to tackle the rising soil, air, and water pollution. For instance, the National Green Tribunal ruled in August 2019 that all active DG sets must be updated with equipment that reduces particulate matter (PM) emissions by at least 70%. Similar to this, the national government unveiled the National Clean Air Plan in January 2019 with the goal of reducing air pollution in 102 cities over the following five years.⁵¹

With a market worth \$200 billion and businesses joining the waste recycling and pollution control sectors with remarkable success, just 21% of the market is handled by established businesses.⁵²

Thermax, Voltas, VA Tech Wabag, and Ion Exchange are a few of the listed firms with a direct or indirect connection to India's water treatment industry (India). Their primary tasks include treating sewage and effluent water, managing municipal and industrial water waste, and providing safe drinking water. Also, the nation has intensified its partnerships with other nations while launching programmes to increase the market for alternative fuels and electric automobiles.

By 2025, Tata Power plans to produce 70% of its energy from renewable sources after ceasing to construct new coal-fired power units in 2019.⁵³

⁵⁰ A. (2021, September 24). *French industry commits to 100% recycled polystyrene by 2025 - News | La French Fab, the fabulous French industry!* La French Fab, the Fabulous French Industry! <https://news/french-industry-commits-to-100-recycled-polystyrene-by-2025/>

⁵¹ *How Are Indian Companies Making The Move To Control Pollution?* | IBEF. (n.d.). India Brand Equity Foundation. <https://www.ibef.org/blogs/how-are-indian-companies-making-the-move-to-control-pollution>

⁵² *How Are Indian Companies Making The Move To Control Pollution?* | IBEF. (n.d.). India Brand Equity Foundation. <https://www.ibef.org/blogs/how-are-indian-companies-making-the-move-to-control-pollution>

⁵³ C. (2021, April 23). *Climate commitments by Indian companies.* Change Started. <https://big-indian-companies-that-have-made-climate-commitments/>

Tata Motors is extending its line of electric vehicles and investing in other energy sources to fulfil its own demands.⁵⁴

Ahmedabad-based manufacturer Cleantech Water is on a mission to offer a broad range of cutting-edge water treatment technologies to address water pollution. It specialises on sewage treatment facilities and mostly serves residential and commercial consumers.⁵⁵

Green technology company Pi Green Innovations is based in Pune, India. It offers solutions for lowering particulate matter (PM) from the air and other sources, like diesel engines and motor vehicles. The company sells retrofit systems to reduce carbon emissions from exhausts in vehicles and DG sets. India, the US, China, Japan, Singapore, the UK, and Europe are among the countries where Pi Green Innovations has filed patent applications. The business is a partner in providing solutions to the United Nations Development Programme (UNDP) for India's "Clean Air Initiative".⁵⁶

Several Indian businesses have created their own carbon reduction programmes, including State Bank of India (SBI), Dalmia Cements, Ambuja Cements, Arcelor Mittal, Nippon Steel, Essar Oil and Gas Exploration and Production, JSW Group, Sun Pharma, and Vedanta Ltd.⁵⁷

Swiss investment firm Partners Group has agreed to acquire a majority stake in Gurgaon-headquartered renewable energy company Sunsure Energy for \$400 million (about ₹3,290 crore).⁵⁸

⁵⁴ C. (2021, April 23). *Climate commitments by Indian companies*. Change Started. <https://big-indian-companies-that-have-made-climate-commitments/>

⁵⁵ *How Are Indian Companies Making The Move To Control Pollution?* | IBEF. (n.d.). India Brand Equity Foundation. <https://www.ibef.org/blogs/how-are-indian-companies-making-the-move-to-control-pollution>

⁵⁶ *How Are Indian Companies Making The Move To Control Pollution?* | IBEF. (n.d.). India Brand Equity Foundation. <https://www.ibef.org/blogs/how-are-indian-companies-making-the-move-to-control-pollution>

⁵⁷ C. (2021, April 23). *Climate commitments by Indian companies*. Change Started. <https://big-indian-companies-that-have-made-climate-commitments/>

⁵⁸ Bhalla, M. (n.d.). *Swiss investment firm to buy majority stake in Sunsure Energy for \$400 million*. The Economic Times. <https://economictimes.indiatimes.com/industry/renewables/swiss-investment-firm-to-buy-majority-stake-in-sunsure-energy-for-400-million/articleshow/96065888.cms>

Additionally pledging to achieve net-zero carbon emissions by 2030 is government-owned Indian Railways. By 2030, Railways intends to utilise solar energy to completely meet all of its energy needs. A proposal is in progress to use the station's vacant land to build additional solar plants. Over 1000 Indian railway stations have already been solarized.⁵⁹

Following notice, private businesses draught an annual report outlining their contribution and send it to India's Ministry of Environment.

These are only a few instances of businesses modifying their goods and services to cater to the rising waste management and pollution control sectors across the country. Despite the fact that this industry has more than 100 organisations, organised players only cater to a relatively small portion of the market. Many other market participants are anticipated to have growth prospects in this sector in the next years.⁶⁰

⁵⁹ C. (2021, April 23). *Climate commitments by Indian companies*. Change Started. <https://big-indian-companies-that-have-made-climate-commitments/>

⁶⁰ *How Are Indian Companies Making The Move To Control Pollution?* | IBEF. (n.d.). India Brand Equity Foundation. <https://www.ibef.org/blogs/how-are-indian-companies-making-the-move-to-control-pollution>

CONCLUSION

The polluter pays principle essentially states that any pollution caused by a process should be dealt with or prevented at the expense of the process's producer of goods or other objects. This encompasses costs associated with preventing pollution in addition to those linked to repairing any harm, as well as direct costs to the persons or property. It will take into account all environmental costs, not just the immediate ones. Furthermore, the idea does not permit pollution and payment for it. The type, scope, and conditions under which the principle will apply greatly vary from instance to case.

The polluter pays principle can be an important tool to prevent environmental pollution. In principle, a fee corresponding to the costs of environmental damage is required for greenhouse gases. The implementation of the polluter pays principle would act as a mechanism to reduce costs by reducing emissions. Thus, the principal can help reduce pollution costs by reducing environmental emissions.

Most industrialised countries adhere to the polluter pays principle. This means that polluters should shoulder the costs of their pollution internally, control it at the source, and pay for its impacts, including any remediation or cleaning expenditures, rather than shifting these costs to other governments or future generations. As a "universal" law that should be applied to domestic polluters as well, this principle has been acknowledged by the Indian Supreme Court. However, it is widely acknowledged that government policy's primary goal should be to reduce pollution.

The Polluter Pays Principle (PPP) has been adopted into India's legal system, which is admirable. Also, it has helped to enforce sanctions against the polluter, however the issue with this theory is that it hasn't been fully put into practise. The exemplary damages granted to span hotels demonstrate that they are not fulfilling their purpose.

In a free society built on individual responsibility, the idea that polluters should be held accountable for the harms they cause to other people's health and property is sensible and ought to serve as the cornerstone of any environmental legislation. According to a clear understanding of the polluter pays concept, those who cause harm to others by their consuming or production activities should be held financially responsible for their actions.

The issues surrounding dangerous substances and hazardous wastes have not been thoroughly and appropriately understood, according to a thorough analysis of the aforementioned laws and regulations. Even now, we continue to ignore the imminent threat that is getting close to eradicating humanity. Threats to the existence of humans are being made by issues with toxic waste and hazardous waste. About all of the hazardous trash has been dumped on large continents. The provision of dumping and disposal locations by numerous European nations (including England, Germany, Italy, and others) and South African nations for payment invites endemic/ endless problems. A dreadful calamity is predicted by the presence of hazardous trash and dangerous chemicals. Around 5,000 people in Third World countries are poisoned by pesticides each year, according to the World Health Organization (WHO).

For disposal, the hazardous waste from one nation is shipped to another. Because of this, it transcends numerous national boundaries. While moving hazardous wastes involves moving harmful viruses that might spread epidemic diseases, the issue of transboundary transportation only makes matters worse. It is imperative that we fully grasp the issue at hand before acting in a responsible, safe, and sufficient manner to either contain or, if feasible, eradicate it.

Maintaining a clean environment should be our first priority. This can be accomplished by keeping up with the increasing industrialization, i.e., by choosing industrial processes that produce little to no pollution. We should also implement pollution control measures. Because of the complexity of our environment, understanding it requires a thorough understanding of all fields of chemical, physical, and biological research. To create pollution control strategies, engineering and technological skills are necessary. Recognizing the urgent need to halt the trend of pollution, the government should also establish rules, agreements, financial incentives, and other preventative and mitigating measures.

The Factories Amendment Act of 1987, the Central Motor Vehicles Rules of 1989, the Public Liability Insurance Act of 1991, the Regulation on Hazardous Substances, Radiation, etc. are just a few examples of additional environmental laws and regulations that have been drafted. In fact, India has excellent environment laws but their poor implementation causes environmental deterioration to worsen. Many of the existing laws do not incorporate social objectives. The industry is reluctant to look for combined industry-government solutions to industrial pollution and the government regulatory agencies are unable to communicate freely with the industry.

Implementation is constrained, but courts and citizens can take a proactive stance to address it. To make sure that people benefit from environmental regulation standards, it is beneficial for businesses and citizen groups to work together. The government has made an effort to address the issue of environmental deterioration, but it has been difficult to put regulations into practise.

In a developing nation like India, this idea demands a quick, stringent interpretation from our judiciary, and we simply cannot afford any delays in its effective implementation.

REFERENCES

The Dialogues of Plato: The Laws, vol. 4, book 8, section 485(e), translated by Jowett B, Oxford : Clarendon Press (4th ed.), 1953.

<https://www.ibef.org/blogs/how-are-indian-companies-making-the-move-to-control-pollution>

<https://big-indian-companies-that-have-made-climate-commitments/>

<https://legalserviceindia.com/legal/article-9875-an-analysis-of-the-polluters-pay-principle-in-indian-framework.html>

<https://www.tandfonline.com/doi/full/10.1080/23311886.2019.1653531>. (n.d.).

<https://www.tandfonline.com/doi/full/10.1080/23311886.2019.1653531>

Interview — Does the polluter pay? (2020, October 15). European Environment Agency.

<https://www.eea.europa.eu/signals/signals-2020/articles/interview-does-the-polluter-pay>

C. (2021, April 23). *Climate commitments by Indian companies*. Change Started. <https://big-indian-companies-that-have-made-climate-commitments/>

A. (2021, September 24). *French industry commits to 100% recycled polystyrene by 2025 - News | La French Fab, the fabulous French industry!* La French Fab, the Fabulous French Industry! <https://news/french-industry-commits-to-100-recycled-polystyrene-by-2025/>

Bhalla, M. (n.d.). *Swiss investment firm to buy majority stake in Sunsure Energy for \$400 million*. The Economic Times. <https://economictimes.indiatimes.com/industry/renewables/swiss-investment-firm-to-buy-majority-stake-in-sunsure-energy-for-400-million/articleshow/96065888.cms>

Milman, O. (2023, February 1). *Shell's actual spending on renewables is fraction of what it claims, group alleges*. The Guardian. <https://www.theguardian.com/business/2023/feb/01/shell-renewable-energy-spending-sec-global-witness>

Davies, G. (2018, February 5). *Big business, not taxpayers, should pay to clean up plastic waste | Geraint Davies*. The Guardian. <http://www.theguardian.com/environment/2018/feb/05/big-business-not-taxpayers-should-pay-to-clean-up-plastic-waste>

Pettinger, T. (2017, February 27). *Polluter pays principle (PPP) - Economics Help*. Economics Help. <https://www.economicshelp.org/blog/6955/economics/polluter-pays-principle-ppp/>

Divan, S., & Rosencranz, A. (2011). *Environmental law and policy in India: Cases, materials, and statutes*. Oxford University Press.

Environmental law Article - Indian National Bar Association. indianbarassociation.org. (n.d.). Retrieved March 10, 2023, from <https://indianbarassociation.org/wp-content/uploads/2013/02/environmental-law-article.pdf>

Gaur, A. (2022). *Polluter-pays principle*. Polluter-Pays Principle - an overview | ScienceDirect Topics. Retrieved March 10, 2023, from <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/polluter-pays-principle>

Nanodkar, S. (2018). *Polluter pays principle: Essential element of environmental law and policy*. www.ijlmh.com. Retrieved March 10, 2023, from <https://www.ijlmh.com/wp-content/uploads/2019/03/Polluter-Pays-Principle-Essential-Element-of-Environmental-Law-and-Policy.pdf>

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT. (1995). *General distribution OCDE/GD(95)124 - one.oecd.org*. one.oecd.org. Retrieved March 12, 2023, from [https://one.oecd.org/document/OCDE/GD\(95\)124/en/pdf](https://one.oecd.org/document/OCDE/GD(95)124/en/pdf)

The Environment (Protection) Act, 1986|Legislative Department | Ministry of Law and Justice | GoI. (2018, March 19). The Environment (Protection) Act, 1986|Legislative Department | Ministry of Law and Justice | GoI. <https://legislative.gov.in/actsofparliamentfromtheyear/environment-protection-act-1986>

The Water (Prevention and Control of Pollution) Act, 1974|Legislative Department | Ministry of Law and Justice | GoI. (2018, March 20). The Water (Prevention and Control of Pollution) Act, 1974|Legislative Department | Ministry of Law and Justice | GoI. <https://legislative.gov.in/actsofparliamentfromtheyear/water-prevention-and-control-pollution-act-1974>

The Air (Prevention and Control of Pollution) Act, 1981|Legislative Department | Ministry of Law and Justice | GoI. (2018, March 19). The Air (Prevention and Control of Pollution) Act, 1981|Legislative Department | Ministry of Law and Justice | GoI. <https://legislative.gov.in/actsofparliamentfromtheyear/air-prevention-and-control-pollution-act-1981>

Constitution of India|Legislative Department | Ministry of Law and Justice | GoI. (2023, March 13). Constitution of India|Legislative Department | Ministry of Law and Justice | GoI. <https://legislative.gov.in/constitution-of-india>

<http://iret.org/pub/SCRE-6.PDF>