



Need of Awareness Towards Legal Aspects of Green Products Manufacturing to Make Consumption More Greener: A Survey Based Study

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Abstract: India has a variety of regulatory instruments that are designed to protect its natural resources. Despite the power that government agencies have to regulate industries and mines, they are not always able to use their resources to punish those who violate the rules. Due to the increasing number of legislations aimed at addressing environmental issues, organizations are becoming more aware of their responsibilities. Aside from hazardous waste disposal, the environment also has a concern about the safety of consumer products. The need for green manufacturing and marketing is increasing day by day. The concept of green marketing laws focuses on the use of sustainable materials and methods in the production and marketing of products.

The paper is based on the data collected by different sources such as a Google form questionnaire and secondary sources. Through their analysis, the researchers also look into the various legal aspects of green products manufacturing from various online and offline publications that provide detailed information about this field.

Keywords: Green Products, Green Rules & Restrictions, Need of strict Manufacturing Laws, Customer also ask to make more strict provision for economical & sustainable country.

Introduction

The world is already experiencing a major population problem that is similar to the global crises. The increasing birth rate is causing a huge drain of natural resources. The issue of climate change is as serious as other global problems. India's population has already crossed approximately 140 crore (1.4 Billion) by now, which is 17.72% of total globe population (7.9 Billion), which also means that one person out of 6 people on the planet is a resident of India. With the increase in population there is also increase in pollution, unemployment, hunger, clothing and shelter. Country like India needs to cater 140 crore of population and only single possible solution to manage its economical and ecological reforms to sustain the development of the country.

Increase in investment and development in industrial sector and increasing of employment opportunities can somehow cope-up with these types of problems. Setting up industries in the present scenario we need to have Man, Method, Machinery, Money and Manpower (5M), but this is not at all problem for a country like India, which is full of natural resources and human talent. But in order to provide products to the customers organizations are doing green washing and not following the rules & restrictions to manufacture products and leading to increase in ecological imbalance.



The world is already fighting with global warming, the pollution from air, water and hazardous waste from industries. To overcome all these problems related to environment originations can take help of Green Products manufacturing concept. Products made from sustainable materials are regarded as being environment-friendly.

Literature Review

The green product market has become a promising strategy for companies to gain a deeper understanding of their consumers' attitudes towards the environment said by Peattie and Charter in 2003, Wagner in 2005 and by Ottman in 2011. These categories are typically categorized into various groups based on their characteristics. Some of the main characteristics of green consumers include behavioral and psychographic traits said by Straughan and Roberts in 1999, Laroche et al. in 2001, and by Afonso et al. in 2018. The goal of the study was to provide a detailed description of the various green laws in India that are needed to promote sustainable development.

Objectives of the Study

1. To generate information regarding the various green provisions those are part of India's Constitution framework.
2. To assess the Indian status right now on green manufacturing laws.
3. To know awareness among customers regarding green rules and restrictions.
4. To know global scenario on legal on green manufacturing.

Hypothesis

H₀: Customers of the green products **are aware** of laws/rules and regulations under which manufacturing/production of products is done in India.

H₁: Customers of the green products **are not aware** of laws/rules and regulations under which manufacturing/production of products is done in India.

Research Methodology

The research was conducted from September 2021 to January 2022. The primary data was collected by 21 questions questionnaire through Google forms. In this research researcher has used both primary and secondary data to frame and defend hypothesis. Total numbers of respondents were 315 out of which 7 respondents were outliers (315-7=308), which were excluded from total number. The survey was carried out through an online questionnaire. The responses were then analyzed and interpreted using SPSS software and applying chi-square test.

Data Analysis

H₀: Customers of the green products **are aware** of laws/rules and regulations under which manufacturing/production of products is done in India.

H₁: Customers of the green products **are not aware** of laws/rules and regulations under which manufacturing/production of products is done in India.

When the question was asked from the persons of Targeted Group, the answer was as given below:



Table 1: Are you aware of provisions laid down by government under which companies manufacture eco-friendly products in India?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	71	23.1	23.1	23.1
No	135	43.8	43.8	66.9
Can't Say	102	33.1	33.1	100.0
Total	308	100.0	100.0	

Table 2: Chi-Square Test

	Observed N	Expected N	Residual
Yes	71	102.7	-31.7
No	135	102.7	32.3
Can't Say	102	102.7	-.7
Total	308		

Table 3. Test Statistics

	Are you aware of provisions laid down by government under which companies manufacture eco-friendly products in India?
Chi-Square	19.955 ^a
Df	2
Asymp. Sig.	.000

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 102.7.

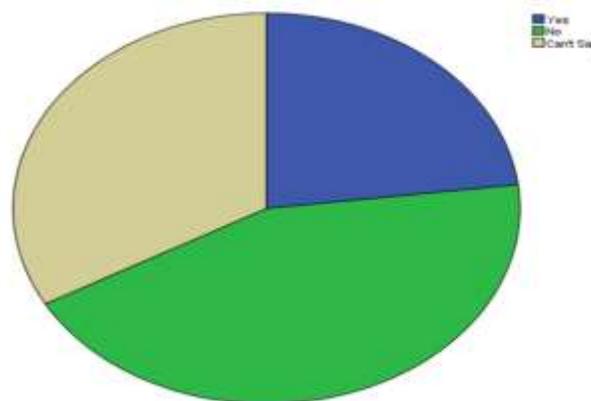


Figure 1: Are you aware of provisions laid down by government under which companies manufacture eco-friendly products in India?

In response to the question only **seventy one agreed** that they are aware of rules and restrictions under which manufacturing is done in India, while **one hundred and thirty five disagreed**. Although there are various green laws in India, there is no specific policy or procedure that governs the implementation of



these laws in the manufacturing of eco-friendly products. It is very important that the governments of various states and the Union Government make policies and protocols for the implementation of green laws.

Hence, Null Hypothesis is rejected.

When another question was asked from the persons of Targeted Group, in relation with the research, the answer was as given below:

Table 4: Do you think that government should make strict laws in relation with green products manufacturing and do make customers aware about these laws for consumption and sustainable tomorrow?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	277	89.9	89.9	89.9
No	17	5.5	5.5	95.5
Can't Say	14	4.5	4.5	100.0
Total	308	100.0	100.0	

Table 5: Chi-Square Test

	Observed N	Expected N	Residual
Yes	277	102.7	174.3
No	17	102.7	-85.7
Can't Say	14	102.7	-88.7
Total	308		

Table 6: Test Statistics

	Do you think that government should make strict laws in relation with green products manufacturing and do make customers aware about these laws for consumption and sustainable tomorrow?
Chi-Square	444.084 ^a
Df	2
Asymp. Sig.	.000

a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 102.7.

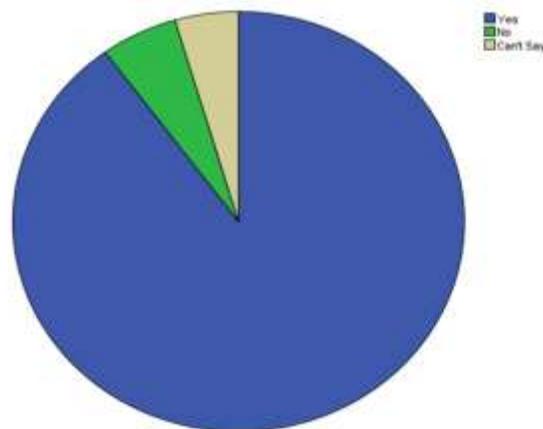


Figure 2: Do you think that government should make strict laws in relation with green products manufacturing and do make customers aware about these laws for consumption and sustainable tomorrow?

In response to the question **two hundred and seventy seven agreed** to that government should make strict laws in relation with green products manufacturing and do make customers aware about these laws for consumption and sustainable tomorrow, while **seventeen disagreed** and fourteen said cant say out of 308 respondents. It is desirable that the governments of different States and the Indian government adopt a uniform approach toward the promotion of green policies.

Thus, Null Hypothesis is rejected.

Indian Constitutional framework that governs and protect the Ecosystem Imbalance

The constitution of India is a living document that continues to evolve and grow with time. The protection of the environment is one of the many provisions in the constitution that are related to the growth potential of the land. The preamble of the constitution states that it aims to maintain the socialist character of the country and the dignity of its individual citizens. Aside from being able to live in a comfortable environment, the quality of life also contributes to the longevity of the Constitution. The Environment Protection Act of 1986 states that the environment is a complex system that consists of land, water, air, and plants.

The Constitution of India clearly states that every individual has a responsibility to protect the environment. The Constitution also states that everyone has a legal obligation to protect the environment. This includes protecting forests and wild life under article 51-A (g).

The Directive Principles of the Indian constitution are aimed at improving the welfare of the people. The concept of healthy environment is also included in the welfare of the people. Article 47 of the Constitution of India states that the State's primary responsibility is not only to improve the standard of living for its citizens, but also to protect the environment. The protection of the environment is also a part of the State's responsibility to improve the public health. This article 48 of the constitution talks about the various aspects of animal husbandry. The State is directed to take various steps to improve the efficiency and effectiveness of agriculture and animal husbandry. It's also important that the government takes measures to improve the breeds of livestock and prevent the slaughter of animals. According to Article 48 of the Constitution, the state is obligated to protect and improve the environment, and it is responsible for its actions.

The Part III of Constitution of India guarantees the fundamental rights of every individual, regardless of their race, religion, or sexual orientation. The right to the environment is a fundamental human right that



everyone should have and must be protected. Without this vital component, the development of an individual would not be possible. This part of the Constitution was used for the protection of the environment under articles 14, 21 and 19.

According to the 21 article of the constitution, no individual is denied his or her freedom unless it is established through a procedure approved by the law. The Supreme Court's decision in the case of *Maneka Gandhi v. the Union of India* has led to various interpretations of the article. The right to an environment is inherent in it. A healthy environment is an essential attribute of human dignity. It prevents an individual from getting sick and infected. The right to a healthy environment is a fundamental component of the Constitution. The right to challenge the state in a rural litigation was first established in 1988. The case was referred to as the *Dehradun Quarrying Case*. This case is the first instance in which the court has directed the setting up of a special division in an Indian authority to stop the illegal mining activities as they have violated the provisions of the Environment Protection Act, 1986, provides for the protection of the environment. In *M.C. Mehta v. Union of India*, the Supreme Court held that the right to live in an environment that is free from harmful substances was a fundamental right that everyone had to enjoy.

A person has the right to a healthy environment. This right is guaranteed in Article 19(1)(a) of the Constitution of India. This statement states that everyone has the right to a peaceful and decent environment. In 1993, a case was decided by the Kerala High Court which ruled that the use of loud speakers and amplifiers does not include the right to freedom of speech. Under Article 19 (1) of the Constitution, noise pollution can be controlled by limiting the volume of speakers.

A person's right to practice his or her profession or trade is a fundamental component of the Indian Constitution. This is a restriction that is usually applied to individuals who are involved in business activities. They cannot carry on their activities if they are deemed to be harmful to the public. This restriction is usually accompanied by other safeguards to protect the environment. In *Cooverjee B. Bharucha Vs Excise commissioner, Ajmer, 1954* case involving the trade of liquor, the Supreme Court held that the courts should balance the rights of individuals to freedom of trade and the environment when it comes to restricting activities.

Due to the nature of the environmental lawsuits that were conducted under article 32 and 226 in India's constitution, various groups and individuals got involved in them. The Supreme Court of India handled some of the most prominent environmental cases, such as the case of the *Dehradun Quarrying*. The SC was able to handle some of the most prominent environmental cases that were brought before it. Some of these cases include the closure of several limestone quarries in Dehradun and a chlorine plant in Delhi in *M.C Metha case* in 1988. In a case *Vellore Citizens Welfare Forum vs. Union of India* in 1996, the court stated that the principles of prudent management are very important for sustainable development. The constitution also provides for the establishment of local and village governments that are responsible for taking measures to protect the environment through various measures such as forestry and soil conservation.

We value the environment and are committed to protecting it. In *Atharvaveda*, it was stated that the world is a paradise that is full of blessings. It has the blessings of nature and is a peaceful place to live. It is our duty to protect the Earth from harmful effects. The Indian constitution aims to protect and preserve the natural resources of the country. It does so without taking away the enjoyment of life. The protection of the environment is a constitutional responsibility that everyone should take part in. This is why it is important that people have the necessary knowledge about it.



Many other provisions are prevailing in our legal system like under section 135 of The Companies Act, 2013 but they are not consider as strict provisions to be compulsory followed by organizations.

The Indian Legal System and manufacturing

In response to the growing number of hazardous substances being sold in India, the government has enacted various legislations aimed at curbing the activities of the manufacturing and marketing of these goods. The Water (Prevention and Control) Act, 1974, aims to control and prevent water from pollution. The Environment Protection Act 1986 aims to restore the water quality and its wholesomeness. It aims to protect the environment and improve its quality. It gives the Central Government the power to create agencies to prevent environmental pollution and to address specific problems in the country under section 3(3) of the act. The Prevention, Control, and Reduction of Air Pollution Act, 1981, the amendments were made to the Act in 1987 to provide for various activities designed to improve the air quality. In 1995, the central Environment Tribunal established a liability scheme for individuals and companies that are found to have violated the hazardous materials handling regulations. The Biological Diversity Act was enacted in 2002 in response to the efforts of India to realize the UN Convention on Biological Diversity (CBD), 1992 to use their natural resources. The goal of the Biological Resource Conservation Act is to preserve and access information about the biological resources that are important to society. The National Biodiversity Authority of India was established in Chennai to carry out the implementation of the Act. In 1980, the Forest Conservation Act was enacted to protect the forests of the country. The Forest Conservation Act aims to prevent unauthorized use and destruction of forests. It requires prior approval from the central government. The Forests Act makes it clear that certain conditions must be met in order for a forest to be used for non-forest activities.

ISO is an international organization that sets standards for quality management systems. These standards are used by organizations worldwide. The various standards that are issued by the organization are related to the various aspects of quality management systems. These standards are widely accepted in various countries. They form the basis for the requirements in various nations. These documents are required for organizations that want to establish commercial ties in a related country.

The Bureau of Indian Standards (BIS) has adopted and replicated the International Organization for Standardization's (ISO) standards. The various environmental management standards are grouped together in an identical manner. The various standards related are listed below:

In December 2007, a total of 151,572 certificates have been issued under the framework of the ISO's environmental management systems. As the first country to have over 30,000 certificates, China is followed by the U.S.A. and Spain. Other countries with similar number of environmental management certificates include Germany, France, Italy, and Spain. India came in third place with 2,640.

The requirements of the ISO 14001:2004 environmental management system are designed to help organizations manage their environment. It allows them to implement policies and procedures that comply with legal requirements and environmental concerns. The environmental management system does not specify performance standards. Instead, it focuses on the various environmental concerns that an organization can manage. The goal of the environmental management system is to provide a framework for the effective management of environmental issues. It can also be used to enhance the existing management systems. The advices contained in the environmental management system are applicable to any organization.



Other countries and their Green rules & restrictions in Manufacturing

Germany has the strictest regulations regarding the recycling and management of waste from packaging. The laws related to the packaging industry were enacted in three phases. The first phase involved the collection and recycling of various transport packaging materials. In the second phase, all returned packaging was required to be handled by retailers and manufacturers. The third phase involved the recycling of sales packaging. This included plastic containers and foil wrapping. If the voluntary green dot program can still be considered a viable alternative, then the requirement for the collection and recycling of sales packaging will be suspended. The green dot on a package indicates that the consumer has agreed to recycle used packaging materials.

Capturing and recycling all forms of recyclables goes beyond packaging. In 2006, all European car manufacturers are required to recycle their vehicles that no longer have a resale value. Almost all of the waste generated by a car must be recovered within a year.

Many European countries have programs that help identify products that are more environmentally friendly. These programs help identify products that meet certain environmental standards. They then display these on their packaging to show that they are made from sustainable materials. The European Union is becoming more aggressive in its efforts to establish regulations related to the environment. This includes the introduction of new directives and regulations related to eco-labeling.

The various environmental laws and regulations that the European Union has in place are referred to as harmonization. In most countries, antitrust laws were not enforced during the 20th century. In the US, the law was not enforced during the 20th century. Many countries, including Japan and the European Union, have started enforcing their antitrust laws following the US's lead. The European Court of Justice has ruled that there are areas of competition law where it has imposed severe penalties. Before it acquired a German hygiene company, P&G had to sell its sanitary napkin division. The Commission said that allowing P&G to keep the brand would give it a dominant position in the sanitary products market in Germany and Spain. In another case, Coca-Cola was fined by France's antitrust authority for anticompetitive practices.

The US can also intervene when a foreign company tries to acquire a US company. A Swiss company has proposed acquiring Dreyer's Ice cream, Nestle was blocked by the US government due to concerns that it would lead to higher prices and less competition in the US. Sometimes, companies are charged with antitrust violations in multiple countries.

In the US, Microsoft was able to successfully fight against antitrust charges. However, in the EU, it was charged with anticompetitive practices. The EU's antitrust regulators are currently investigating Microsoft's business practices in the region. Since President Theodore Roosevelt's time, American companies have faced many antitrust violations. Before the European Union established its antitrust legislation, the employment of competition laws in Europe was almost nonexistent.

Conclusion

The growing consumer awareness and consciousness about the environment is the main reason why organizations should be considered for inclusion in the global community. Various ethical issues and government legislation are also driving the demand for organizations to be "green". There is still a lot of work that needs to be done in terms of educating the public and conducting ethical and sustainable business activities in India. The Indian Government needs to enact legislation that will help businesses



comply with the requirements of the environment-friendly regulations. In an era of global warming and rampant pollution, organizations need to become more eco-friendly.

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