

UNIT – 8

ENVIRONMENTAL PROTECTION LAWS

Lesson Structure

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8.0 Objective:

After going through this lesson you will be acquainted with : What are Environmental Protection Laws (EPL) and how they provide legislation and provisions for protection against pollution and for conservation of various natural resources.

8.1 Introduction:

Basic needs of human and other life forms are fulfilled by various natural resources around us. Humans, animals and plants have an inherent right to exist and thrive without hindrance and without unwanted exploitation. In present time fast growth in human population, changing life style, expanding urban structure etc. have adversely affected and are threatening healthy life, peace, food security, healthy environment and biodiversity which are so essential for sustenance of life on our planet. Sustenance of life on earth can be ensured only through sustainable development. The term sustainable development refers to any development that goes on perennially through a reproducible mechanism of resources. It recognises that development and economic growth are essential to satisfy human needs and improve our well being. Development must be based on the environmentally responsible use of the available resources-natural, human as well as economic. With fast growing population, over increasing industrialisation and expanding urbanizations, natural resources are being exploited recklessly. Now it has become imperative for each individual, the Government and the service organizations, to take a vow and work relentlessly for protection of the environment and preservation of its natural resources without which survival of life on the earth is not possible. Environmental laws and legal provision are an important component of environment protections. Almost all countries of the world have enacted their own laws for environmental protections and pollution control. Numerous legal provisions now exist and laws have been enacted at local, national and international levels, consisting of various legal guidelines that intended to protect our environment.

8.2 Environmental Legislation in India :

India being historically and culturally respectful to environment, it recognised and visualized the significance of legal provisions for environmental protection and resource conservation even before the United Nations conference on human environment held in Stockholm, Sweden in June 1972. The Bengal smoke Nuisance Act 1905 is perhaps the oldest environment protection Act in our country. The Factories (Pollution and Pesticides) Act, 1948, Mines and Minerals (Regulation and Development) Act, 1947 and the Insecticides Act, 1968 are important environmental laws of the post independence period. However, more effective environmental laws were formulated after the Stockholm Conference in 1972. In 1978 the Union Government established the department of environment. Later it was elevated as Ministry of Environment and Forest (MOEF). Now it is called Ministry of Environment, Forest and Climate Change. India amended its constitution (the-42 nd Constitutional) Amendment, 1976), through which a specific reference to ‘Environment was incorporated in the constitution and Article 48A was added under the head, Directive principles of state policy.

Article 48 A (directive- principles of state policy). “The state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.”

A completely new chapter-“Fundamental Duties of citizens have been incorporated in the constitution as Article 51 (G), which imposes a duty on every citizens.

This article runs as follows :

“It shall be the duty of every citizens of India to protect and improve the natural environment including forest, lakes, rivers and wild life and to have compassion for living creatures.”

In subsequent year, after the Stockholm conference, India embarked upon a series of legislative measure for the protection of the environment and for maintaining ecological balance. Moreover, the legislations have been amended from time to time to make them more effective. These are :

- κ The water (Prevention and control of pollution) Act, 1974, amended in 1988.
- κ The water (Prevention and control of pollution) cess Act, 1977 amended in 1991
- κ The Air (Prevention and control of pollution) Act, 1981, amended in 1988.
- κ The Environment (Protection) Act, 1986
- κ The Motor vehicle Act 1988.
- κ The Public Liability Insurance Act, 2002.
- κ The Biological Diversity Act, 2002

A few notifications related for environmental management are the following :

- κ Environmental Impact Assessment Notification, 1984
- κ Eco More Notification, 1994,
- κ Environment Audit Notification, 1997
- κ Public Hearing notification, 1997.

important rules framed by the Central Government for effective management of the environment through appropriate operations of the law etc.

- κ Hazardous waste (management and handling) Rules, 1989.
- κ Manufacture, storage and import of Hazardous chemical Rules, 1989
- κ Biomedical waste (Management and Handling) Rules, 1998.
- κ Palatic waste Rules, 1999.
- κ Municipal solid waste (Management and handling) Rules, 2000.
- κ Hazardous microorganisms and Genetically modified organism (Manufacture, uses, Import, export and storage) Rules, 1999.

Several legal provisions exist in our country related to the protection and conservation of forests and wildlife and punishment penalties to offenders of law.

Some important environmental laws, rules and notifications are being briefly described here under.

κ **The Water (Prevention and control of pollution) Act, 1974.**

The Act defines water pollution as

–Such contamination of water or

–Such alteration of the physical chemical or biological properties of water or

–Such discharge of any sewage or trade effluent or any other liquid gaseous or solid substance into water (whether directly or indirectly)—as may or likely to create a nuisance of health or safety to domestic, commercial, industrial, agricultural or other legitimate uses or to the life and health of animals or plants or aquatic organisms.

The objective of the Act are to provide.

–For prevention and control of water pollution and the maintaining or storing of wholesomeness of water.

–For the establishment, with a view to carrying out the purposes aforesaid of Board for the prevention and control of water pollution and

–For Governing on and assigning to such boards power and functions relating there to and for matters connected therewith.

1 **The Air (Prevention and control of Pollution) Act 1981.**

–According to the Act, air pollution means any solid liquid or gaseous substances present in the atmosphere in such concentration as may be or tend to be injurious to human being or other living creature or plants or property of environment. Air Pollution means the presence in the atmosphere of any air pollutant.

The objective of the Act are to provide

–For the prevention, control and abatement of air pollution

–For the establishment with a view to carrying out the afore said purposes of boards

–For conferring on and assigning to such boards powers and functions relating there to and for matters connected therewith.

1 The Environment (Protection) Act 1986.

It is the most comprehensive legislation which incorporates all possible aspects related to environmental protection and improvement. In fact, it is an umbrella legislation which was designed to provide a framework for the coordination of central and state government and authorities established under the water (prevention and control of pollution) Act 1974 and the Air (prevention and control of pollutions) Act, 1974, 1981.

As per the act

–Environment includes water, air and the inter-relationship which exist among and between water, air and land, and human beings, other living creatures, plants, microorganism and property.

–Environmental pollution means any solid, liquid or gaseous substances present in such concentration as may be or tend to be injurious to environment.

–Environment pollutions means the presence, in the environment, of any environment pollutent.

–regulating the location of industries.

–Management of hazardous wastes.

From time to time the Centra Government frames rules, issues notifralications and guideline under the Environment Protection Act (ENA) for the protection of environmentally sensitive areas

1 Wildlife Protection Act 1972 (amended in 1991 and 2002)

This act was passed by the Indian Parliament to protect India's wildlife animals, plants and birds. The main objective of the Act is to enforce prohibition of hunting or specified animals and protection and management of wildlife in situ and exsitu conservation concern.

K Environmental Impact Assessment Notification-1994.

Environment Impact Assessment (EIA) is a strategy to identify evaluate and predict the likely short term and long term environmental, economic and social impact of developmental activities and to take necessary remedial measures to ensure sustained development with minimum environmental degradation of some proposed developmental project before they are actualy set up in India after the enactment of the environmental protection) Act of 1986. EIA has become mandatory for certain categories of projects and development activities which have been brought under its previecs the preview of EIA include :

- River valley projects.
- Hydal power projects.
- Thermal power projects.
- Mining projects
- Industries
- Ports and harbours
- Human settlements (new towns and cantonments)
- Tourism projects
- projects in ecologically fragile areas.
- Transport and communication projects.

8.3 Prevention, Control and Abatement :

Prevention means to check the harmful effect on human kind or prevent the pollution. Several steps can minimise the pollution as follows :

- κ Rise to multitude of legal mechanism including prior assessment of emergent laws.
- κ Licensing or authorization that set out the condition for operation and the consequences for violation of the condition.
- κ Adoption of strategies and polices.
- κ Emission limit and product process standard.
- κ The use of best available technique and similar technique.
- κ Establish more environmental laboratories.
- κ Fix the penalty for conservation of provisions of the Act and the rules, orders and direction.
- κ Common effluent treatment plants are encouraged to be constructed in industrial complex to facilitate treatment of waste water.

8.4 Environmental Ethics :

Ethics are concerned with moral values or what is wrong and what is right irrespective of the culture and society. Environmental ethics is the moral basis of environmental responsibility. There are some important view which can help our environment as

A. Anthropocentric View : Our environmental responsibility is to ensure that the earth remains hospitable and pleasant for human being. This is the developmental ethic.

B. By Biocentric Views : All forms of life humans, animals and plants-have an inherent right to exist and live without hindrance. This is the preservation ethic.

C. Ecocentric views : The environment deserves care and consideration in itself and not because it serves the interest of humans, animals and plants. This is the conservation ethic.

8.5 Summary :

Environmental pollution is an important threat for population. Pollution can be controlled and prevented through the several Rules and regulation implemented by Central Pollution Control Board, State Pollution Control Board and its related legal authorized body under Environmental Protection Act 1986 (Legislation and provisions). Apart from the provisions lots of miscellaneous action taken by authorized body in good faith.

8.6 Questions for Exercise :

1. Describe the environmental legislation in India.
2. What are the main provisions of the environmental protection Act?
3. Discuss the Prevention, control and Abatement of environmental pollution.
4. What is environmental ethic ? Explain different views in detail.
5. Explain the term

(A) EPH (B) GAP (C) NGT

8.7 Suggested Readings :

1. Environmental Policy – Making India–The process and its prevention-Teri Report
2. Indian Environmental Legislation, List from MOEF.
3. Environmental Studies –D. L. Munjunath–PEARSON
4. Environmental protection and the law–Chetan Singh Mehta.–Ashish Publishing House. New Delhi.
5. Green Earth A Textbook of Environment Education–Prof. Bihari Singh, Kr. Ramjee Pd. Singh, Srijan Publishers Pvt. Ltd., New Delhi.

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