

UNIT 1

**ENVIRONMENT LEGISLATIONS IN
INDIA**

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Environment Policy in India

- **National Council for Environmental Policy and Planning was set up in 1972 which was later evolved into Ministry of Environment and Forests (MoEF) in 1985.**
- **MoEF and the pollution control boards (CPCB i.e. Central Pollution Control Board and SPCBs State Pollution Control Boards) together form the regulatory and administrative core of the sector.**

Environment Policy in India

- **The Policy statement for Abatement of Pollution and the National Conservation Strategy and Policy Statement on Environment and Development were brought out by the MoEF in 1992.**
- **The EAP (Environmental Action Programme) was formulated in 1993 with the objective of improving environmental services and integrating environmental considerations into development programs.**

National Environment Policy, 2006

- It is the first initiative in strategy formulation for environmental protection in a comprehensive manner.
- It undertakes a diagnosis of the causative factors of land degradation with a view to flagging the remedial measures required in this direction.
- It recognizes that the relevant fiscal, tariffs and sectoral policies need to take explicit account of their unintentional impacts on land degradation.

Constitutional Provisions & Environment

- **Art 21** “Right to pollution free environment.”
- **Art 48-A** “ The state shall endeavor to protect & improve the environment and to safeguard the forests and wildlife of the country.
- **Art 51-A(g)** “duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.”

Environment Legislations

1. General
2. Forest and wildlife
3. Water
4. Air

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General

1986 - The Environment (Protection) Act authorizes the central government to protect and improve environmental quality, control and reduce pollution from all sources, and prohibit or restrict the setting and /or operation of any industrial facility on environmental grounds.

1989 - The objective of Hazardous Waste (Management and Handling) Rules is to control the generation, collection, treatment, import, storage, and handling of hazardous waste.

1998 - The Biomedical waste (Management and Handling) Rules is a legal binding on the health care institutions to streamline the process of proper handling of hospital waste such as segregation, disposal, collection, and treatment.

General contd...

2000 - The Municipal Solid Wastes (Management and Handling) Rules, 2000 apply to every municipal authority responsible for the collection, segregation, storage, transportation, processing, and disposal of municipal solid wastes.

2002 - The Noise Pollution (Regulation and Control) (Amendment) Rules lay down such terms and conditions as are necessary to reduce noise pollution, permit use of loud speakers or public address systems during night hours (between 10:00 p.m. to 12:00 midnight) on or during any cultural or religious festive occasion.

Forest and wildlife

- **1927 - The Indian Forest Act and Amendment, 1984**, is one of the many surviving colonial statutes. It was enacted to 'consolidate the law related to forest, the transit of forest produce, and the duty leviable on timber and other forest produce'.
- **1972 - The Wildlife Protection Act, Rules 1973 and Amendment 1991** provides for the protection of birds and animals and for all matters that are connected to it whether it be their habitat or the waterhole or the forests that sustain them.

Forest and wildlife contd...

- **1980 - The Forest (Conservation) Act and Rules, 1981**, provides for the protection of and the conservation of the forests.
- **2002 - The Biological Diversity Act** is an act to provide for the conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising out of the use of biological resources and knowledge associated with it.

Water

1974 - The Water (Prevention and Control of Pollution)

Act establishes an institutional structure for preventing and abating water pollution. It establishes standards for water quality and effluent. Polluting industries must seek permission to discharge waste into effluent bodies.

The CPCB (Central Pollution Control Board) was constituted under this act.

1977 - The Water (Prevention and Control of Pollution) Cess

Act provides for the levy and collection of cess or fees on water consuming industries and local authorities.

Water

1978 - The Water (Prevention and Control of Pollution) Cess Rules contains the standard definitions and indicate the kind of and location of meters that every consumer of water is required to affix.

1991 - The Coastal Regulation Zone Notification puts regulations on various activities, including construction, are regulated. It gives some protection to the backwaters and estuaries.

Air

- **1982 - The Air (Prevention and Control of Pollution) Rules** defines the procedures of the meetings of the Boards and the powers entrusted to them.
- **1982 - The Atomic Energy Act** deals with the radioactive waste.

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Air

- **1987 - The Air (Prevention and Control of Pollution) Amendment Act** empowers the central and state pollution control boards to meet with grave emergencies of air pollution.
- **1988 - The Motor Vehicles Act** states that all hazardous waste is to be properly packaged, labelled, and transported.

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Environment Protection Act, 1986

- "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property
- "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;
- "environmental pollution" means the presence in the environment of any environmental pollutant;

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Environment Protection Act, 1986 contd...

- "handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;
- "hazardous substance" means any substance or preparation which, by reason of its chemical or physio-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plant, micro-organism, property or the environment;
- "occupier", in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises and includes in relation to any substance, the person in possession of the substance;

Requirements under EPA

- Sec 7- no person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed
- Sec 8 – no person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed

Penalties under EPA

- Whosoever fails to comply with or contravenes any of the provisions of this Act, shall be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both
- In case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.
- If the failure or contravention referred to above continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

Who is liable to be punished?

- Companies (sec 40)
- Govt. depts. (sec 41)
- Citizens (sec 24)

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Cognizance

- Courts to take cognizance after sixty days of a complaint made by someone in the prescribed manner to the central govt. or the authority or officer authorized.
- All relevant reports to be made available to the complainant unless against public interest.

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School of Finance and Commerce

Course Code : BCOM2015

Course Name: Environment Management and Sustainability



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