

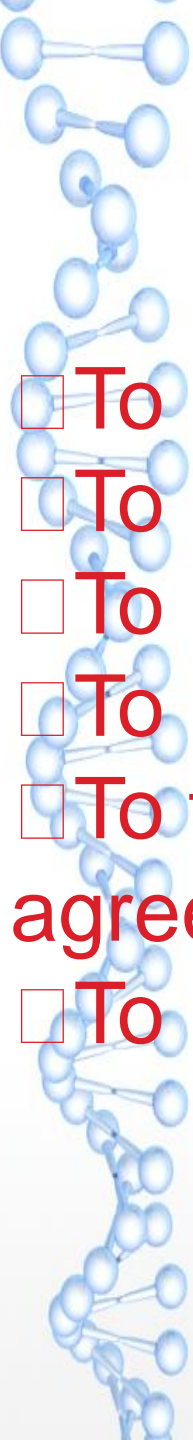


# **ENVIRONMENT PROTECTION ACTS**



# WHY ACTS ARE NECESSARY?

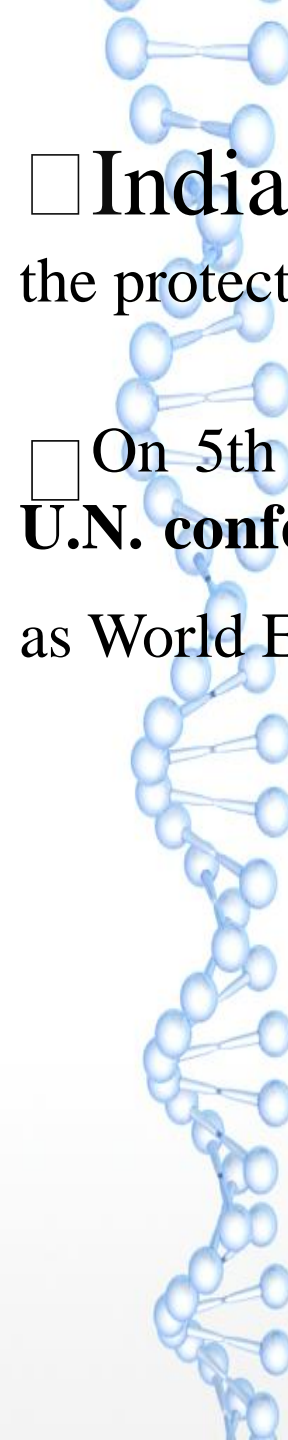
- i) article 48-A of our constitution says:
  - “the state shall endeavour to protect and improve the environment and to safe guard forests and wild life of the country.”
- ii) i) article 51A(g) of our constitution says:
  - ” it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wild life and to have compassion for living creatures”

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- To protect environmental assets
  - To regulate usage of resources
  - To protect biodiversity
  - To mediate/conflict reduction & conciliation
  - To formulate stable and un-ambiguous agreements and undertakings
  - To punish



# OBJECTIVES

- To establish CENTRAL/STATE Pollution Control Boards.
- To implement the provisions of Act
- To give powers to CENTRAL/STATE Pollution Control Boards.



**India is the 1<sup>st</sup>** country in the world to have made provisions for the protection and conservation of environment in its constitution.

On 5th June 1972, environment was 1st discussed internationally in **U.N. conference on Human Environment**. Thus 5th June is celebrated as World Environment Day.



The different Acts are:

The Wildlife Protection Act (1972).

The Water (prevention & control of pollution) Act (1974)

The Forest conservation Act (1980)

The Air (prevention & control of pollution) Act (1981)

The Environment Protection Act (1986)



# The wildlife Protection Act (1972)

❑ The Indian Board of Wildlife (IBWL) - created in 1952 actively taking up the task of setting up of Wildlife National Parks and Sanctuaries.

## **Major activities:**

❑ It defines the wildlife related terminology.

❑ It provides for the appointment of wildlife advisory board, their powers and duties etc.

❑ This act provides for the setting up National parks, wildlife sanctuaries etc.



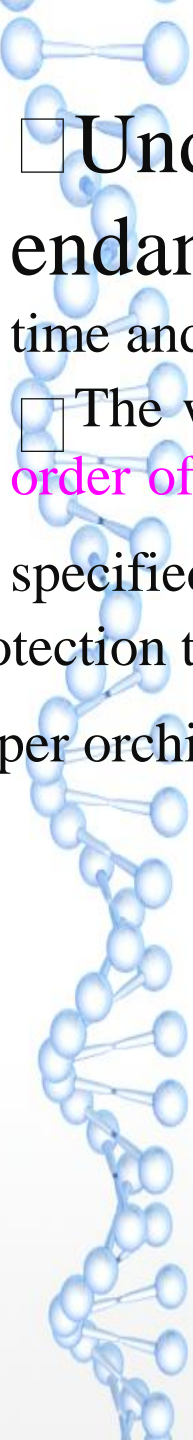
# Wild life protection act 1972

## □ OBJECTIVES:

- To safe guard wild animals, birds and plants
- To ensure continuous use of species i.e., protection and conservation of wild life
- It provides for setting up wild life advisory boards( in each state)
- Protection of rare and specified plant species
- Preparation of lists of endangered, rare, and threatened species by the Botanical Survey of India(BSI) and Zoological Survey of India(ZSI)



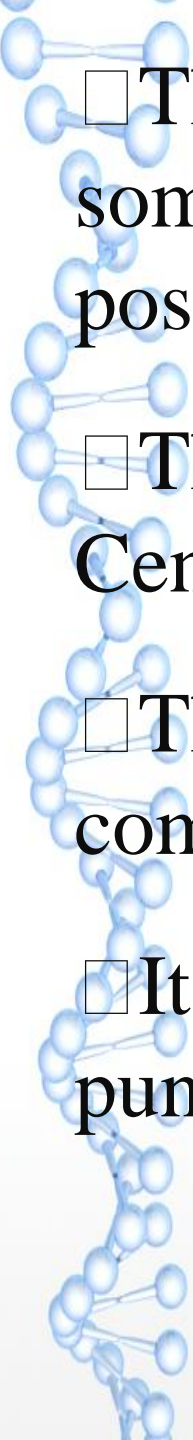
- 
- Setting up and managing National parks, wild life sanctuaries and Biosphere Reserves
  - Empowering zoo authorities for captive breeding of endangered species
  - Control of trade and commerce in some wild life species, wild life products



Under this act, comprehensive listing of endangered wildlife species was done for the 1<sup>st</sup> time and prohibition of hunting of the endangered species was mentioned.

The wild life species were recorded/notified in **Schedules I to VI in the order of their danger of extinction** and thus prohibits hunting of all animals specified in Schedules I to IV

-Protection to some endangered plants like Beddome Cycad, Blue Vanda, ladies slipper orchid, pitcher plant etc. was also provided under the act.

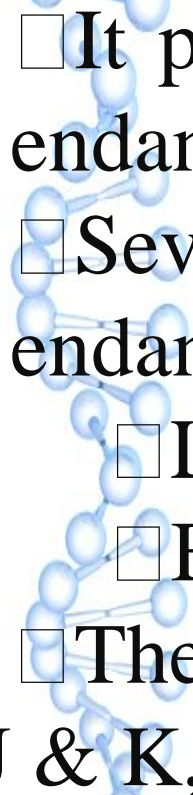


- There is provision for trade and commerce in some wildlife species with license for sale, possession and transfer etc.

- The act provides for the constitution of Central Zoo authority.

- The act imposes a ban on the trade or commerce in scheduled animals.

- It provides legal powers to officers and punishment to offenders.

- 
- ❑ It provides for captive breeding programme for endangered species.
  - ❑ Several conservation projects for individual endangered species like:
    - ❑ Lion – 1972, Tiger – 1973, Crocodile – 1974
    - ❑ Brown antlered Deer – 1981
  - ❑ The act is adopted by all states in India except J & K, which has its own act.



# PENALTIES

Fine of Rs.25,000 or imprisonment upto 3 Yrs or both



# Wild life protection act 1972

## □ AMMENDMENT: DONE IN 2002

- More stringent

- Prevents the commercial use of resources by

LOCAL PEOPLE

- It provides COMMUNITY RESERVES

- Under animals, FISH are included

# Major Drawbacks

- Mild penalty to offenders(3 years of imprisonment or a fine of Rs. 25,000 or both).
- Illegal wildlife trade in J & K.
- Personnel ownership certificate for animal articles like Tiger and Leopard skins.
- No coverage of foreign endangered species.
- Little emphasis on protection of plant genetic resources.
- It seems as if the act has been enacted just as a fall out of Stockholm Conference held in 1972 and has not included any locally evolved conservation measures.



□ Serious problems:

□ i) poaching

□ Lack of sufficient forest staff/providing weapons/jeeps/radio equipment





# Forest Conservation Act (1980)

- To control deforestation.
- To retain greater control over the frightening level of deforestation in the country
- Covers all types of forests(reserved/protected)
- Specifies penalties for offenders
- Except J & K, this act is adopted.



# The silent feature of this act are:

- 1. state govt.'s can not de-reserve forests without prior approval of Central Govt., i.e for
  - i) mining activities
  - ii) clearing naturally growing trees and
  - iii) replacing them by economically important trees (reforestation)
- 2. preservation of forests biodiversity and genetic sources
- 3. Also values meeting the needs of local people such as food, fuel wood, fodder, NTFP's



The silent feature of this act are:

Use forests only for forestry. If at all it is needed for use for other purposes, prior permission from Central Govt. (mining, reforestation etc) is required.

Provision for conservation of all types of forests.

Any illegal non-forest activity within a forest area can be stopped immediately.

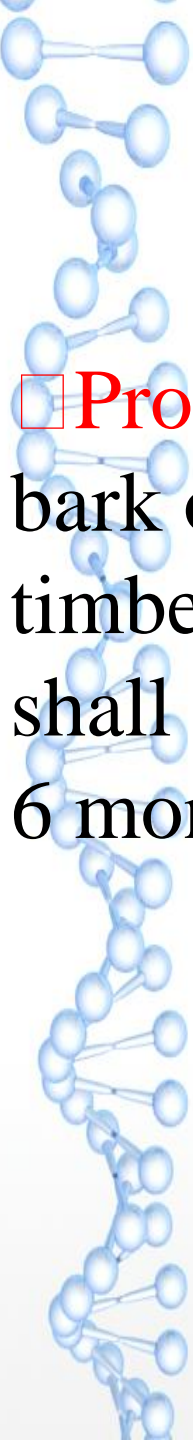


# Forest Conservation Act (1980)

□ The states cannot de-reserve forestlands without prior permission of the Central Govt .

□ **Penalties:**

□ **Reserved forests:** No person is allowed to make clearing, fire, entry of cattle is completely prohibited, collection of any forest product is punishable; punishment—Rs.500 or imprisonment for 6 months or both




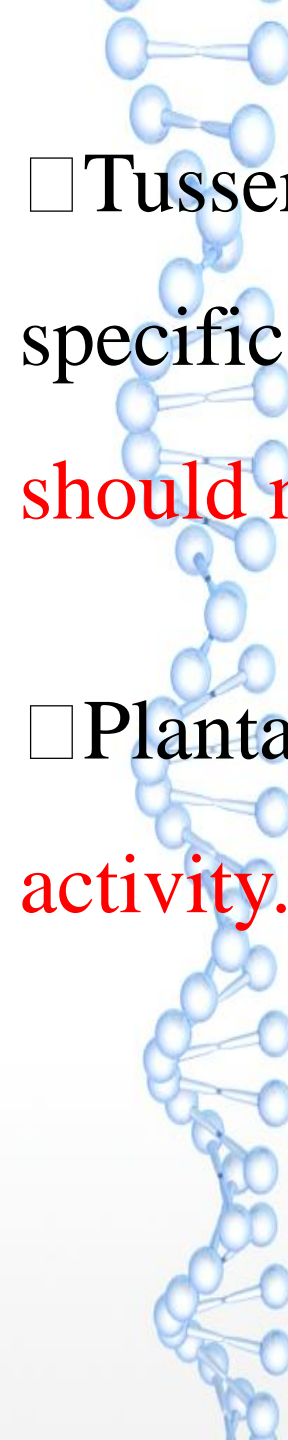
**Protected forests:** felling trees, stripping the bark or leaves of trees, setting fire, dragging timber or permitting cattle to damage any tree shall be punishable---Rs.500 or imprisonment for 6 months or both



# 1992 Amendment in the Forest Act

- Some of the activities in the forests like transmission lines, exploration, drilling and hydroelectric projects can be allowed after prior approval of Central Govt.
- Wildlife sanctuaries, National Parks etc. are totally prohibited.

- 
- Cultivation of tea, coffee, spices, rubber and plants which are **cash-crops** are included under non-forestry activities and **NOT allowed in reserved** forests.
  - Cultivation of fruit bearing trees, oil-yielding plants or plants of **medicinal values** in forest area need **to be approved by the central Govt.**



□ Tusser cultivation (a type of silk yielding insect) in specific plants like Asan and Arjun **by tribal people should not be discouraged.**

□ Plantation of **mulberry and mining are non-forestry activity.**





# Major Drawbacks

- ❑ Inherited the exploitative and consumerist elements from the forest laws of British board.
- ❑ Just transferred the powers from the states to centre, to decide the conversion of reserve forest lands to non-forest areas.
- ❑ Very poor community participation in the act affects its proper execution.
- ❑ The act failed to attract public support because it has infringed upon the human rights of the poor native people.

# Water (Prevention & Control of Pollution) Act – 1974: IMPORTANCE

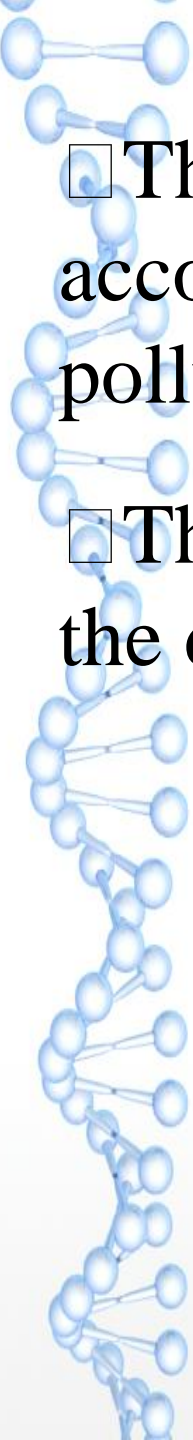
Waste waters with High levels of pollutants that enters:

- i) wet lands.
- ii) rivers
- iii) lakes
- iv) wells
- v) sea waters

**CAN CAUSE SERIOUS HEALTH HAZARDS TO**  
**i) humans ii) wild /aquatic animals**

# Water (Prevention & Control of Pollution) Act - 1974

- The salient features and provisions are:
- It provides for maintaining & restoring of whole water by preventing & controlling its pollution.
  - Maintenance and restoration of quality of all types of surface and ground water.
  - To assess pollution levels(in water)
  - Establishment of central and state boards for pollution control and conferring power for the same.



□ The act **has provisions for funds**, budgets, accounts and audit of the central and state pollution control boards.

□ The act **has provisions for various penalties** for the defaulters and procedure for the same.

# Functions of Central Pollution Control Board (CPCB)

- It advise the central govt. in matters related to prevention and control of water pollution.
- Coordinate the activities of state pollution control boards and provides them technical assistance and guidance.
- Organizes comprehensive programs on pollution related issues through mass media.



## CPCB

## SPCB

Provides Technical assistance/guidelines to SPCB's to carry-out Research and investigations

Have powers to advise state govt's regarding water pollution

Organizes training for people involved in the process

Collects and spreads information on water pollution

Organizes a comprehensive awareness programme on water pollution thru mass media

Inspects sewage/industrial effluents/treatment plants, plants and disposal systems and Collects Samples

Publishes data on water pollution

Evolves economical/reliable methods of treatment of sewage

Prepares waste water disposal/modifications in Standards/norms(in consultation with SPCB's)

Plans usage of sewage water for agriculture

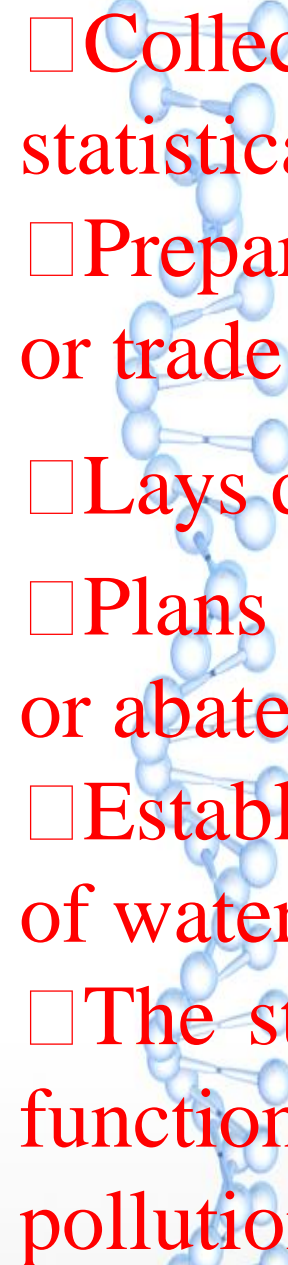
Advises state govt.s about location of industries

Establishes labs for testing of water samples



## penalties

- i) imprisonment: 3 months term.
- ii) Fine: 10,000
- iii) or both.
- If the failure continues, additional fine of Rs.5,000 per day

- 
- ❑ Collects, complies and publishes technical & statistical data related to pollution.
  - ❑ Prepare manuals for treatment & disposal of sewage or trade effluents.
  - ❑ Lays down standards for water quality parameters.
  - ❑ Plans nation-wide programs for prevention, control or abatement of pollution.
  - ❑ Establishes and recognizes laboratories for analysis of water, sewage or trade effluent samples.
  - ❑ The state pollution control boards also have similar functions and are governed by the direction of Central pollution control board.





# The Air (Prevention & Control of Pollution) Act - 1981

## INTRODUCTION:

- The air pollution sources( industry, vehicles, power plants etc.,) have to control pollutants not to cross the specifications prescribed.
- Pollution control boards have to ensure this.



# Air quality standards:india

	(**)	(**)	(**)	(**)
Industrial	500	120	5000	120
Residential	200	80	2000	80
Sensitive	100	3	1000	30
(**)µg/m <sup>3</sup>				



# The Air (Prevention & Control of Pollution) Act - 1981

□ People have to play a major role in reducing their vehicular pollution, the industry they work, informing pollution control board authorities.



# The Air (Prevention & Control of Pollution) Act - 1981

□ The silent features of this act are:

□ Provision for prevention, control and abatement of air pollution.

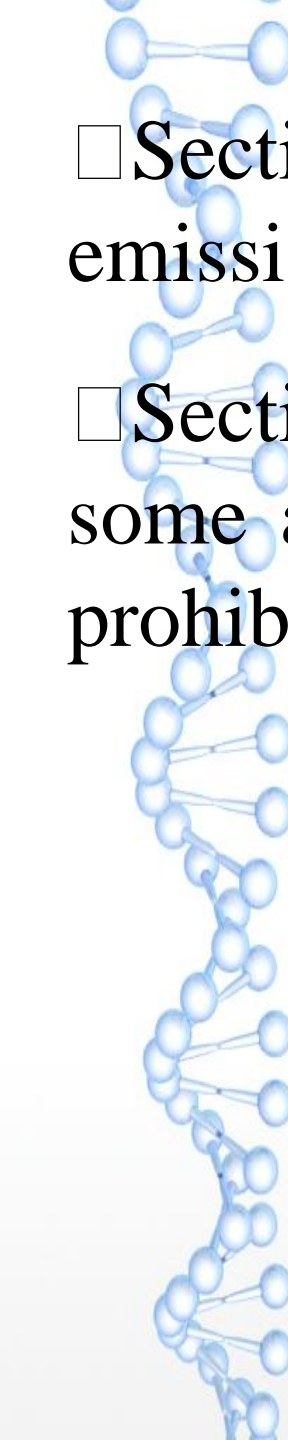
□ Responsibility of implementation of act : CPCB and SPCB

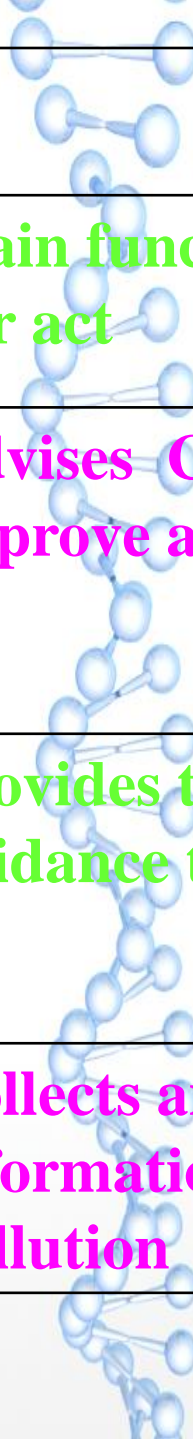
□ Confer powers and assign Functions to the Boards

□ Noise pollution has been inserted as pollution in this act in 1987.



- ❑ PCBs at central and state level have to check whether the industries are strictly following the norms or standards laid down by the board under section 17, regarding the discharge of emission of air pollutants.
- ❑ It has provisions for defining the constitution, powers and functions of PCBs, funds, accounts, audit, penalties and procedures.

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- Section 20 of this act - provisions for ensuring emission standards from automobiles.
  - Section 19 of this act - the state govt. can declare some areas as “air pollution control area” and can prohibit for use of any kind of fuel.



<b>CPCB</b>	<b>SPCB</b>
<b>Main function is to implement Air act</b>	<b>Have powers to advise state govt's regarding Air pollution</b>
<b>Advises Central Govt. how to improve air quality</b>	<b>Have right of inspect industry/manufacturing process and give orders to control air pollution</b>
<b>Provides technical assistance and guidance to State boards</b>	<b>May establish/recognize a laboratory for Air sample analysis</b>
<b>Collects and disseminates information relating to Air pollution</b>	<b>State Govt's will declare different areas as sensitive in consultation with SPCB</b>



# PENALTIES

If the industry emissions of Air pollutants are in excess of Standards laid down by the SPCB:

THEN the SPCB:

i) directs Industry to comply the Act provisions

ii) also makes applications to the court





**Punishment:**

i) imprisonment: 3 months

ii) fine: Rs. 10,000


Or both



# The Environment Protection Act (1986)

## □ WHY:

1. By 1970's we have identified that our environment state is deteriorating; though we have a No. of acts are in place.
2. the Bhopal gas tragedy in 1986 led us to plan and act for a comprehensive law .

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3. Protection of Hazards to all living creatures and property.
  4. Maintaining harmonious relationship between Humans and Environment.
  5. Prevention of excessive quantities of harmful chemicals in atmosphere and aquatic ecosystems.



## Environment:

□ Includes

Air, Water, Land  
&

The inter relationship among them and Human beings, all other living organisms and property.



The act gives powers to :

Central government to take measures to protect and improve environment

»While

State governments to coordinate the actions.



## Important functions/ Powers of central government:

1. Setting up air, water, soil standards for various places and purposes.
2. Setting up maximum permissible limits for pollutants and noise.
3. Procedure for safe handling of hazardous substances.
4. Prohibitions on handling of hazardous substances in different areas.
5. Location/ operation of Industries.



water

30 PPM

Public Savers

350 PPM

Land/ Coastal Region

100PPM

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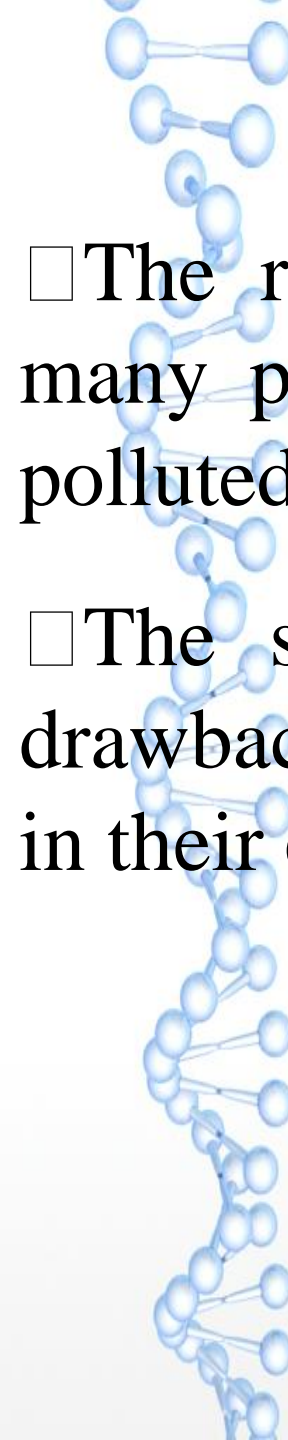
## Penalties:

1. Imprisonment - Upto 5 years.
2. Fine \_ Rs 1,00,000/-
3. Or Both the above .
4. If the violation is continued beyond one year, then imprisonment for 7 years.



# Issues Involved in Enforcement of Environmental Legislation

- There are a number of important environmental laws in the form of acts for safeguarding our environmental quality.
- However, we have not been able to achieve the target of bringing 33% of our land cover under forests. Still we are losing our wildlife.



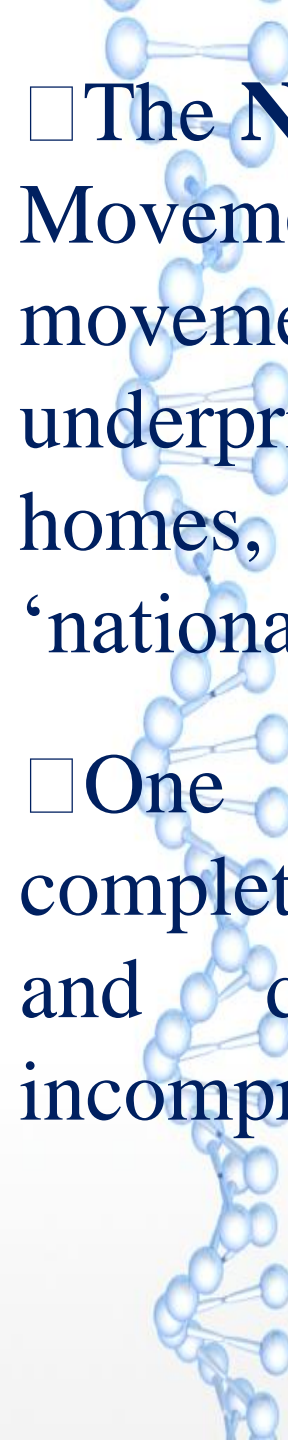
The rivers have been turned into open sewers in many places and the air in our big cities is badly polluted.

The status of environment shows that there are drawbacks in environmental legislations and problems in their effective implementation.



## Case Study - The Narmada Issue

- The controversy over the plan to build several dams on the Narmada River and its tributaries symbolizes the struggle for a just and equitable society in India.
- The construction of these dams displaces many poor and underprivileged communities, destroying their relatively self-sufficient environmentally sound economy and culture and reducing a proud people to the status of refugees or slum dwellers.



□ **The Narmada Bachao Andolan** (Save the Narmada Movement) is one of the most dynamic people's movements fighting for the rights of these underprivileged people who are being robbed of their homes, livelihoods and way of living in the name of 'national interest'.

□ One such dam, the Sardar Sarovar Dam, when completed will drown 37,000 hectares of fertile land and displace 200,000 adivasis and cause incomprehensible loss to the ecology.

