



ENVIRONMENT PROTECTION ACTS

■ The Government of India and State governments have implemented a number of protection act,

1. Environment (Protection) Act, 1972.
2. Air (Prevention and Control of Pollution) Act, 1981 amended in 1987.
3. Water (Prevention and Control of Pollution) Act 1974, 1978.
4. Water (Prevention and Control of Pollution) Amendment Act, 1987.
5. Wildlife (Protection) Act, 1972.
6. Forest (Conservation) Act, 1980



ENVIRONMENT (PROTECTION) ACT, 1986

■ This is a general legislation law in order to rectify the gaps and laps in the above Acts. This Act empowers the Central government to fix the standards for quality of air, water, soil and noise and to formulate procedures and safe guards for handling of hazard substances.

Objectives of environmental act

- (i) to protect and improvement of the environment.
- (ii) to prevent hazards to all living creatures and property.
- (iii) to maintain harmonious relationship between humans and their environment.



Important features of Environment Act

1. The Act further empowers the Government to lay down procedures and safe guards for the prevention of accidents which cause pollution and remedial measures if an accident occurs.
2. The Government has the authority to close or prohibit or regulate any industry or its operation, if the violation of the provisions of the Act occur.
3. The penal sections of the Act contain more stringent penalties. Any person who fails to comply or who contravenes any provision of the Act shall be punishable with imprisonment for a term extending to five years or be punishable with fine up to Rupees one lakh or both.



4. If the violation continues, an additional fine of Rupees five thousands per day may be imposed for the entire period of violation of rules.
5. The Act fixes the liability of the offence punishable under Act on the person who is directly in charge.
 - Whether he/she is the director or Manager or Secretary or any other officer, unless he/she proves that it was committed without his/her knowledge or consent.
6. The Act empowers the officer of Central government to inspect the site or the plant or the machinery for preventing pollution; and to collect samples of air, water, soil or other material from any factory or its premises for testing.




➤ The Environment (Protection) Act is the most comprehensive legislation with powers for the central government to directly act, avoiding many regulatory authorities or agencies.

AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

➤ This Act was enacted in the Conference held at Stockholm in 1972. It deals with the problems relating to air pollution. It envisages the establishment of Central and State Control Boards endowed with absolute powers to monitor air quality and pollution control.

Objectives of air act are

- (i) to prevent, control and abatement of air pollution.
- (ii) to maintain the quality of air.

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- (iii) to establish a board for the prevention and control of air pollution.

Important features of Air Act

- (a) The Central Board may lay down the standards for the quality of air.
- (b) The Central Board coordinates and settle disputes between state boards, in addition to providing technical assistance and guidance to State Boards.
- (c) The State Boards are empowered to lay down the standards for emissions of air pollutants from industrial units or automobiles or other sources.
- (d) The State Boards are to collect and disseminate information related to air pollution and also to function as inspectorates of air pollution.



- (e) The State Boards are to examine the manufacturing processes and the control of equipment to verify whether they meet the standards prescribed.
- (f) The State Board can advise the State Government to declare certain heavily polluted areas as pollution control areas and can advice to avoid the burning of waste products which cause air pollution in such areas.
- (g) The directions of the Central Board are mandatory on State Boards.
- (h) The operation of an industrial unit is prohibited in a heavily polluted areas without the consent of the Central Board’.
- (i) Violation of law is punishable with imprisonment for a term which may extend to three months or fine up to Rupees ten thousand or both.



➤ This Act applies to all pollution industries. The Air Act, like Water Act, confers wide powers on State Boards to order closure of any industrial unit or stoppage or regulation of supply of water, electricity or other services, if it is highly polluting.

WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

➤ This act provides for maintaining and restoring the sources of water. It also provides for preventing and controlling water pollution.

Objectives of the water act

- (i) prevention and control of water pollution.
- (ii) maintaining or restoring the wholesomeness of water.
- (iii) establishing central and state boards for the prevention and control of water pollution.



Important features of Water Act

1. This Act aims at, to protect the water from all kinds of pollution and to preserve the quality of water in all aquifers.
2. The Act further provides for the establishment of Central Board and State Boards for prevention of water pollution.
3. The States are empowered to restrain any person from discharging a pollutant or sewage or effluent into any water body without the consent of the Board.
4. Any contravention of the guidelines or standards would attract penal action including prison sentence ranging from three months to six years.



5. The Act is not clear about the definition of pollutant, discharge of pollutant, toxic pollutant which allows scope for misinterpretation at the time of decision whether the law is violated or not.

■ The Amendment Act of 1988 requires permission to set up an industry which may discharge effluent.

State Pollution Control Board

■ The consent of the State Pollution Control Board is needed to

- (i) Take steps to establish any industry or any treatment and disposal system or any extension or addition there to, which is likely to discharge or trade effluent into a stream or well or river or on land.



(ii) Use any new or altered outlet for the discharge of a sewage.

(iii) Begin to make any new discharge of sewage.

➤ In the event of a violation of the conditions imposed, the State Board may serve on the offender a notice imposing any such conditions as it might establish, such outlet or discharge that is a violation of the conditions.

➤ The Act further empowers the State Board to order closure or stoppage of supply of electricity, water or any other services to the polluting unit. Non-compliance of the order may attract imprisonment for a term of one and half years to six years and fine which may extend to Rupees five thousand for every day, if the default continues.



WILDLIFE (PROTECTION) ACT, 1972, AMENDED IN 1983, 1986

- This act is aimed to protect and preserve wildlife. Wild life refers to all animals and plants that are not domesticated. India has rich wildlife heritage. It has 350 species of mammals, 1200 species of birds and about 20,000 known species of insects. Some of them are listed as ‘endangered species’ in the Wildlife (Protection) Act.
- Wildlife is an integral part of our ecology and plays an essential role in its functioning. The wildlife is declining due to human actions, the wildlife products - skins, furs, feathers, ivory etc., have decimated the populations of many species.
- Wildlife populations are regularly monitored and management strategies formulated to protect them.



Objectives of the wildlife act

- (i) to maintain essential ecological processes and life-supporting systems.
- (ii) to preserve biodiversity.
- (iii) to ensure a continuous use of species.

Important features

1. The act covers the rights and non-rights of forest dwellers.
2. It provides restricted grazing in sanctuaries but prohibits in national parks.
3. It also prohibits the collection of non-timber forest.
4. The rights of forest dwellers recognized by the Forest Policy of 1988 are taken away by the Amended Wild life Act of 1991.



FOREST (CONSERVATION (OR) PRESERVATIVE) ACT, 1980

- This act provides conservation of forests and related aspects. This act also covers all type of forests including reserved forests, protected forests and any forested land.
- This Act is enacted in 1980. It aims at to arrest deforestation.

Objectives of forest act

- (i) to protect and conserve the forest.
- (ii) to ensure judicious use of forest products.



Important features of Forest Act

- (i) The reserved forests shall not be diverted or dereserved without the prior permission of the central government.
- (ii) The land that has been notified or registered or forest land may not be used for non-forest purposes.
- (iii) Any illegal non-forest activity within a forest area can be immediately stopped under act.

Important features of Amendment Act of 1988

- (i) Forest departments are forbidden to assign any forest land 'by way of lease or otherwise to any private person' or non-government body for re-afforestation.