

## **MODULE 4**

### **SOCIAL ISSUES AND ENVIRONMENT**

#### **4.10 ENVIRONMENT LEGISLATION AND LAWS**

**4.10.1 ENVIRONMENT PROTECTION ACT-1986**

**4.10.2 AIR (PREVENTION & CONTROL OF POLLUTION) ACT**

**4.10.3 WATER (PREVENTION&CONTROL OF POLLUTION) ACT, 1974**

**4.10.4 FOREST (CONSERVATION) ACT, 1980**

**4.10.5 WILD LIFE (PROTECTION) ACT 1972**

**4.11 ISSUES INVOLVED IN ENFORCEMENT OF ENVIRONMENTAL  
LEGISLATION**

**4.12 ROLE OF CENTRAL & STATE POLLUTION CONTROL BOARDS**

[www.binils.com](http://www.binils.com)

## 4.10 ENVIRONMENT LEGISLATION LAWS

The Government of India constituted certain laws, legislations and acts to protect the environment. The laws protect the following environmental components.

1. Environmental itself
2. Air
3. Water
4. Wild life
5. Forest

The following acts are formulated to protect the environment.

- 1) The environment (protection) Act, 1986
- 2) The Air (prevention & control) pollution act, 1981, 1987
- 3) The water (prevention & control) pollution Act, 1974, 1978, 1987
- 4) The wild life (protection) Act 1972, 1983, 1986, 1991
- 5) The Forest (conservation) Act 1980

### 4.10.1 ENVIRONMENT PROTECTION ACT-1986

Environmental Protection Act is a general legislation law. It empowers the central government to fix the standards for quality of air, water, soil & noise and to formulate procedures and safeguards for handling of hazard substances.

#### **Aim of environmental protection Act (EPA)**

1. Protection & improvement of environment (Air, H<sub>2</sub>O, land)

2. Prevention of hazards to all living creatures and property (human, plants, animals)
3. Maintenance of a harmonious relationship between human beings and their environment.

### **Important Features of environment Act**

- 1) EPA provides power to the central government to control environmental pollution.
- 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 panel sections of the act contain more stringent penalties. The offenders are punishable with a maximum of 5 years imprisonment with a fine of Rs.5000 to one Lakh
- 4) 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, H<sub>2</sub>O, soil (or) other material from any factory (or) its premises for testing.

EPA empowers to the central government to directly act, avoiding many regulatory authorities (or) agencies.

### **4.10.2 AIR (PREVENTION & CONTROL OF POLLUTION) ACT**

This is an act for the prevention, control, & abatement of Air pollution. This Act deals with the problems relating to air pollution. It was enacted in 1981. It contains 7 chapters.

### **Aim of Air Act**

- 1) Prevention, Control and abatement of air pollution.
- 2) Maintaining the quality of air
- 3) Establishment of central pollution control board (CPCB) and state pollution control board, for the control of air pollution.

### **Important features of Air-Act**

1. The Central board may lay down the standards for the quality of air.
2. The state boards are empowered to lay down the standards for omissions of air pollutants from industrial units (or) automobiles (or) other sources.
3. The state boards are to examine the manufacturing processes and the control of equipment to verify whether they meet the standards prescribed.
4. The State Boards are to collect the information related to air pollution, and also to function as inspectorates of air pollution.
5. 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.
6. The directions of the Central Board are mandatory on state boards.

7. The Operation of an industrial unit is prohibited in a heavily polluted areas without the consent of the Central Board.
8. Violation of law is punishable with imprisonment for a term which may extend to three months or fine up to Rupees 10,000 (or) both.

### **4.10.3 WATER (PREVENTION&CONTROL OF POLLUTION) ACT, 1974**

Water act provides ways for the prevention and control of water pollution, and maintaining (or) restoring the qualities of H<sub>2</sub>O.

#### **Objectives of water Act**

1. Prevention & control of water pollution
2. Maintaining and restoring of water
3. Establishing Central & State Boards for the prevention & Control of water pollution.

#### **Important features:**

1. This act aims at, to protect the water from all kinds of pollution and to preserve the quality of water.
2. The Act provides for the establishment of Central Boards 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. Organizing researches on H<sub>2</sub>O pollution problems.
5. Organizing training programs on water pollution.
6. Inspection of sewage & effluents.

7. Analyzing water samples
8. The persons causing water pollution will be punished with 3 months imprisonment with a fine of Rs.5000.

#### **4.10.4 FOREST (CONSERVATION) ACT, 1980**

This Act provides conservation of forests and related aspects. This Act is enacted in 1980. It aims to arrest deforestation.

##### Objectives

1. Protection & Conservation of forest
2. Judicious use of forest.

##### Important features

1. The reserved forests shall not be diverted (or) de-reserved without the prior permission of the Central Government.
2. Forest land area should not be used for non-forest purpose.
3. Any illegal non-forest activity within a forest area can be stopped under act.
4. Protection of forest area from fire.
5. Prohibition of hunting, shooting & fishing
6. Penalties for violation under act
7. Giving punishment for offenders.

#### **4.10.5 WILD LIFE (PROTECTION) ACT 1972**

This Act is aimed to protect and preserve wild life. Wild life refers to all animals and plants that are not domesticated.

India has 350 species of mammals 1200 species of birds & 20,000 the species of insects. Some of them are listed as endangered species in wild life.

Wild life populations are regularly monitored and management strategies formulated to protect them.

### **Objectives of the wild life Act**

1. To maintain the healthy eco systems for wild animals.
2. To conserve bio diversity
3. To conserve species.

### **Important features**

1. The act covers the rights & non rights of forest dwellers
2. Establishment of sanctuaries, national parks & game reserves
3. Prohibition of non-timer collection.
4. Prevention of hunting
5. Punishing illegal hunters
6. Rights of forest dwellers recognized by the forest policy of 1988, are taken away by the Amended wild life Act of 1991.

## **4.11 ISSUES INVOLVED IN ENFORCEMENT OF ENVIRONMENTAL LEGISLATION**

The drawbacks in the formulation of environmental legislations and the problems in their effective implementation constitute the major issues in the enforcement of environmental legislations.

Though the acts are useful in maintaining a healthy environment, there are problems, issues & difficulties in implementing the laws. They are,

1. The powers are centralized around the Central Government and the State Government.
2. Lack of administrative transparency
3. Penalties are minimum
4. Lack of public & government partnership
5. Centralized power helps illegal mining, hunting and logging in remote areas.
6. A Person Cannot file a petition directly in the Court on environmental disputes. He has to get permission from the central Government.
7. In the Court of law, it is very expensive, tedious & complicated.
8. The pollution control boards lack sufficient funds.
9. It is difficult for the small industries to install pollution treatment devices.
10. The chairman of the pollution control board is a politician. Hence political influence hinders the effective implementation of laws.
11. The tribal live in the forest. They depend on the forest for their life. The forest Act affects their life. The forest Act affects their normal way of life.
12. The tribal have good knowledge, on forest. But their participation in the act is not honored.



13. The Wild life Act of Jammu & Kashmir is different from other States. Here hunting of certain endangered species is allowed for skin & fur. But it is prohibited in the neighboring states. This provides for illegal poaching in neighboring areas.

### **Public awareness**

Due to population, pollution, deforestation, overgrazing industrialization, Urbanization, our environment is totally degraded.

In order to conserve our environment, each & every one must be aware about our environment problems.

### **Objectives of Public awareness**

1. To create awareness among people of rural and city about ecological imbalances, local environment, technological development, and various development plants.
2. To organize meetings, group discussion on development tree plantation programs, exhibitions.
3. To focus on current environment problems and situation
4. To train our planners, decision makers, politicians and administrators.
5. To eliminate poverty by providing employment that overcome the basic environmental issues.
6. To learn to live simple & ecofriendly manner.

### **Methods to creates Environmental awareness**

- 1) Environmental awareness in schools & colleges

- 2) Through mass media
- 3) Cinema
- 4) Newspaper
- 5) Audio visual media
- 6) Voluntary organizations
- 7) Traditional techniques
- 8) Arranging competitions
- 9) Leaders appeal
- 10) Non-Government Organizations

#### **4.12 ROLE OF CENTRAL & STATE POLLUTION CONTROL BOARDS**

##### **Function of Central Board**

1. It advises the Central Government regarding the prevention of pollution.
2. It plans for prevention & control of pollution
3. It standardize the quality of air & H<sub>2</sub>O
4. It establish the labs for analysis of air & H<sub>2</sub>O
5. It provides technical assistance and guidance to state boards and sponsor research regarding H<sub>2</sub>O, air pollution
6. It identifies areas (or) industries causing air pollution.
7. It encourages industries to recycle & reuse the wastes.
8. It advises the industries to treat waste H<sub>2</sub>O and gases by using modern technology.

9. It emphasize to use clean technology by the industries to reduce pollution.

### **Functions of the State Board**

1. It advises the State Government regarding the prevention of pollution.
2. It has the rights to inspect the industrial plants pollution control equipments, and gives orders to take necessary steps to control pollution.
3. It encourages research & investigations regarding pollution
4. It organizes educational programs in collaboration with central board.

www.binils.com