

Environmental Acts and Regulations:

- # List of prevalent Environmental Acts
- # Brief description related to the purpose with at least five important provisions Water (Prevention and control of pollution) Act 1974
- # Air (Prevention and control of pollution) Act 1981
- # Environmental Protection Act, 1986

Topic -1 # List of prevalent Environmental Acts**1974 - The Water (Prevention and Control of Pollution) Act**

To establish an institutional structure for preventing and reducing/ abating (ઘટાડવું) 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

1981 - The Air (Prevention and Control of Pollution) Act

Provides for the control and abatement (ઘટાડવું) of air pollution. It entrusts (ને સોંપવું) the power of enforcing this act to the CPCB .

1986 - The Environment (Protection) Act and Rules:

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.

1995 - The National Environmental Tribunal Act

Has been created to award compensation for damages to persons, property, and the environment arising from any activity involving hazardous substances.

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

2000 - The Municipal Solid Wastes (Management and Handling) Rules, 2000

Apply to every municipal authority responsible for the collection, segregation (Separation), storage, transportation, processing, and disposal of municipal solid wastes

2001 - The Batteries (Management and Handling) Rules, 2001 rules

Shall apply to every manufacturer, importer, assembler, dealer, consumer, involved in the manufacture, processing, sale, purchase, and use of batteries or components so as to regulate and ensure the environmentally safe disposal of used batteries.

2002 - The Noise Pollution (Regulation and Control) (Amendment) Rules

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

2002 - The Biological Diversity Act

This 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

OR

List of prevalent Environmental Acts

Water (Prevention and Control of Pollution) Act, 1974.

The Water Cess Act, 1977.

The Forest (Conservation) Act, 1980.

The Air (Prevention and Control of Pollution) Act, 1981.

The Environment (Protection) Act, 1986.

The Biological Diversity Act, 2002

Topic-2 # Brief description related to the purpose with at least five important provisions Water (Prevention and control of pollution) Act 1974

In the Constitution of India it is clearly stated that it is the duty of the state to 'protect and improve the environment and to safeguard the forests and wildlife of the country'.

It imposes a duty on every citizen 'to protect and improve the natural environment including forests, lakes, rivers, and wildlife'.

The Department of Environment was established in India in 1980 to ensure a healthy environment for the country. This later became the Ministry of Environment and Forests in 1985.

Water Act was published first in 1974 and amended in 1988. The powers/provisions of water act are as under.

1st provision.

- If in any area's pollution level is raised and it is affecting the quality of water, due to expansion of industries and other systems, water quality degrades.
- Government and its pollution board is able to control by taking some action on this issue.
- To solve the problem provision is made in the section 20 of the act. "The state government has the authority to obtain any information through surveys or by taking measurements on site of the units."
- By measuring the parameters they can identify the main problem behind the issues and give a penalties to the responsible person.

2nd provision.

- In this provision government is able to collect the samples and test them in their laboratories. results of this analysis leads them to find out the main sources of this pollution
- According to the section 21 of the act, The state government has the authority to collect the samples from any streams, or wells or of the effluents (બહાર વહી જતી), for the analysis.

3rd provision

- By this provision authorities are able to enter in any private industries and nobody is able to denied it. Otherwise government can take strict action on it
- According to the section 23 of the act, the state board has been authorized by state government to enter in any place (Industries, plant, etc.) to perform any of the above functions.

4th provision

- Under section 24 the State government has the power to prohibit the disposal of polluting material into any stream or into any well.

5th provision

- Wastewater discharge from sewage and industries are major component of water pollution, Contributing to BOD and nutrient loading of the water bodies, increasing Eutrophication, and imbalance the aquatic ecosystem
- High or low pH values in a river have been reported to affect aquatic life and alter toxicity of other pollutant in one form or the other So to control the pollution in water sector this provision is given in section 25 i.e.
- “According to the section 25 no person shall establish any industrial unit or system or any type of disposal system which is likely to discharge the sewage into the stream or well or on the open ground.”

TOPIC-3 # Air (Prevention and control of pollution) Act 1981

- In the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India got direction to think about environment and save India from environment degradation preservation of the natural resources is necessary. In which among other things, include the preservation of the quality of air and control of air pollution is required.
- The air (Prevention and Control of Pollution) Act of 1981, was very innovative. The objective of this act is to provide the prevention, control and abatement of air pollution, The act defines air pollution as the presence in the atmosphere of any solid, liquid ore gaseous substance in such concentration that it may injurious to human beings
- The provisions of the Act are to be implemented by the Central Pollution Control Board along with the state boards, in which board has to work on setting air quality standards, collecting data on air pollution, organizing training and awareness porgrammes, establishing laboratories etc...
- The Act lays down penalties for violation of its provisions, which applies to companies and their owners as well as to government departments also.
- Citizens are able to file complaints in board about related environment issues

The salient features of the act are as follows:

- **Under section 19** the board has power to declare air pollution control areas,they have power to prohibited the use of fuel or any other material which may cause air pollution
- **Under section 20** the boards has the power to establish the standards for the emission of pollutants from automobiles
- **Under section 21** the board has the power to restrict use of certain industrial plants without the previous consent of the state board, no person will be allowed to open or operate any industrial unit in air pollution control area.

- **Under section 22** no person will be allowed to discharge the emission of the air pollutants in excess of the standards laid down by the board.

Even board can take samples for testing of air quality from any industries.

TOPIC-4 #:Environmental Protection Act, 1986

- In the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India got direction to think about environment and save India from environment degradation.
- The preservation of the environment resources is very necessary. So the Central Government make a legislation, 'The Environment (Protection) Act, 1986', with an ***objective for protection and improvement of the environment.*** (which includes water, air, land, human being, other living creatures, plants, micro-organism and properties)

(There is a constitutional provision also for the environment protection. Article 48A, specify that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country and every citizen shall protect the environment (51 A). The Environment (Protection) Act is applicable to whole of India including Jammu & Kashmir.)

- The Act provide power to make rules to regulate environmental pollution, to notify standards and maximum limits of pollutants of air, water, and soil for various areas and purposes, prohibition and restriction on the handling of hazardous substances and location of industries (Sections 3-6)
- Persons carrying on industry, operation etc. not to allow emission or discharge of environmental pollutants in excess of the standards (Sec 7).
- Persons handling hazardous substances must comply with procedural safeguards (Sec 8) and occupiers must furnish the information to authority.
- The Environment (Protection) Act, 1986 has also made provision for environmental Audit as a means of checking whether or not a company is complying with the environmental laws and regulations.

Under the Environmental (Protection) Rules 1986 the State Pollution Boards have to follow the guidelines provided under Schedule VI, some of which are as follows:

- (a) They have to advise the Industries for treating the waste water and gases with the best available technology to achieve the prescribed standards.
- (b) The industries have to be encouraged for recycling and reusing the wastes.
- (c) They have to encourage the industries for recovery of biogas, energy and reusable materials.

(d) While permitting the discharge of effluents and emissions into the environment, the State Boards have to take into account the assimilative capacity of the water body.

(e) The Central and State Boards have to emphasize(Highlight) on the implementation of clean technologies by the industries in order to increase fuel efficiency and reduce the generation of environmental pollutants.

(Under the Environment (Protection) Rules, 1986 the Central Government also made Hazardous Wastes (Management and handling) Rules 1989. Under these rules it is the responsibilities of the occupier that such wastes are properly handled and disposed off without any adverse effects.)

Penalty

- Whoever Person or Owner/Occupier of companies, factories or whichever source found to be the cause of pollution may be liable for punishment for a term which may extend to five years or with fine which may extend to one lakh rupees or both (Sec 15, 16, 17).
- If not comply(Submit) fine of Rs. 5000 per day extra and if not comply for more than one year then imprisonment(Custody) may extend up to 7 years.
- Section 17 specify that Head of the department/ in-charge of small unit may be liable for punishment if the owner /occupier produce enough evidence of innocence.

The CPCB or state boards have power to close or cancel or deny the authorisation to run the factory/institution/hospital whichever is causing pollution. No suit, prosecution or other legal proceedings shall lie against govt. officer who has exercise power in good faith in pursuance of this Act (Sec 18).

MISCELINIOUS

QUESTIONS: What is Rules Laws and ACT etc.....

ANS: Law is a rule of conduct or procedure established by custom, agreement or authority
In other words it is the body of rules and principles governing the affairs of a society.
Law constitutes Acts, Statues, Amendments, Notification, Rules, Bill in Parliament.

**Legislation that has been passed by both the houses of parliament and has beeb aproved by the
Presidnet thus becoming a LAW and termed as ACT.**

“Bill passed in parliament become ACT.”An "act" is the actual law or bill trying to be passed.

An "amendment" is something added on after the fact. It can be amendments to the act, or an amendment to the Constitution.

Rules are the standard methods and procedures in relation to any provision contained in the act and these are framed by the inherent powers given in the act.

#1:<http://www.nihfw.org/NDC/DocumentationServices/Legislations/THEENVIRONMENT%28PROTECTION%29.html>

#2:<http://www.publishyourarticles.net/knowledge-hub/environmental-studies/brief-notes-on-the-environmental-protection-act-of-1986.html>

#3:<http://edugreen.teri.res.in/explore/laws.htm>