

LECTURE NOTES

EEDM

Indian Environmental Legislation

Branch: **Electronics**

Semester: **Sixth**

Subject Teacher:

VISHWAJEET, Lecturer Electronics,

Mahamaya Polytechnic of Information Technology,

Salempur, Hathras

LAW

MEANING

1. Environmental Legislation means a plan of action adopted by the Government rationalizing the course of action.
2. The environmental Legislation tries to enact all the laws of environment in a justifiable manner
3. The environmental Legislation although varies from country or continent focuses on a common goal of secure and sustainable living at earth.



LAW

Objectives of Environmental Policy

This takes its origin from National Environmental Policy Act (NEPA) of US on Jan.1,1970

- A A Policy being framed which will encourage productive and enjoyable harmony between man and his environment**
- A To promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man**
- A To enrich the understanding of the ecological systems and natural resources important to the Nation.**





In Indian Constitution, two articles related to Environmental Protection are:

1. Article 38 A (Directive Principle of State Policy)

“The state shall endeavour to protect and improve the environment and to safeguard the forests & wildlife of the country”

2. Article 51 A (g) (Fundamental duties of citizens)

“It shall be the duty of citizen of India to protect & improve the natural environment including forests, lakes, rivers and wildlife & to have compassion for living creatures”

LAW

History

🐯 Bengal Smoke Nuisance Act, 1905, got amended in 1973

🐯 The Factories Act, 1948

🐯 Mines & Minerals

(Regulations & Development) Act, 1957

Formulated during Post Independent Period
After 1970, - a series of Acts have been passed.



Environmental Protection & Pollution Prevention

– as National Policy Motto

Rules, Operation, Framework to implement,
monitor the execution of act – drafted by high
power committee



Environmental Legislations in India

Water

Acts:

1. The Water (Prevention & Control) Act, 1974 (amended upto 1988)
2. The Water (Prevention & Control) Act, 1974 (amended upto 1991)

Rules:

1. The Water (Prevention & Control) Rules, 1975
2. The Water (Prevention & Control of Pollution) Cess (Amendment) Act & Rules, 2003



Air

The Air (Prevention & Control Act, 1981 (Amended upto 1987)

The Air Rules (Prevention & Control) (1982 & 1983)



ENVIRONMENT

The Environmental Protection Act, 1986

The Environment Protection rules, 1993, 1994

(Environmental Statement, Standard and Clearance)

A photograph of a forest path. The path is a narrow, dirt trail that winds through a lush, green forest. The ground is covered in vibrant green ferns and other low-lying plants. Tall, slender trees with dense foliage line the path, creating a sense of depth and enclosure. The lighting is soft and diffused, suggesting a misty or overcast day. A semi-transparent text box is overlaid on the upper left portion of the image.

**The Forest (Conservation) Act, 1980
(amended upto 1992)**

Forest conservation Rules, 1981

Forest



**The Wildlife
Protection
Act (1980)**

**The Wildlife
(Protection)
Amendment
act (2002)**

LAW

Ancient Monuments & Archeological Sites and Remains Act, 1958





The Hazardous Waste (Management and Handling) Rules, 1989

Manufacture, Storage and Import of Hazardous Chemical Rules, 1989

LAW

Environmental Legislations

They are categorized into

i. Administrative Law

ii. Information Laws

iii. Natural Resource Laws

iv. Pollution Control Laws

International Acts

**(Mostly followed and applied by the
guidelines of USEPA)**



LAW

Administrative Law

Administrative Procedures Act

It broadly speaks about the rules and regulations related with administration and enactment provisions of the environmental and other related laws

The **Administrative Procedure Act (APA)** (P.L. 79-404) is the [United States federal law](#) that governs the way in which [administrative agencies](#) of the [federal government of the United States](#) may propose and establish [regulations](#). The APA also sets up a process for the [United States federal courts](#) to directly review [agency](#) decisions. It is one of the most important pieces of [United States administrative law](#). The Act became law in 1946.

Information Laws:

The National Environmental Policy Act, 1969, 1992

The Freedom of Information Act

The Occupational safety and Health Act,

The Emergency Planning and Community Right to Know Act, 1986



LAW

The Endangered Species Act, 1973



The Coastal Zone Management Act,
1972, 1990

Natural Resource
Law



Pollution Control Laws

- The Clean Air Act, 1970,1977,1990**
- The Resource Conservation and Recovery Act, 1976, 1992**
- The Comprehensive Environmental Response, Compensation & Liability Act, 1992**
- The Noise Control Act, 1972, 1992**
- The Safe Drinking Water Act, 1974**
- The Federal Water Pollution Act, 1990**
- The Toxic Substance Control Act, 1992**
- The Federal Insecticide, Fungicide and Rodenticide Act, 1972**
- The Pollution Prevention Act, 1990**

National Environmental Policy Act

This law includes

- i. National Environmental Policy
- ii. Action –forcing provisions that ensure the implementing agencies to consider the National Environmental Policy in their decision making process.

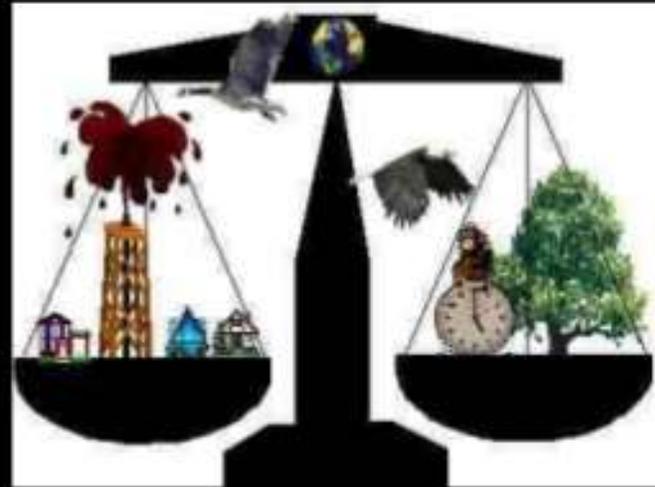


Features of the Law

- Establishes the environmental Policy
- Multidisciplinary approach to consider the environmental effects
- President's council on Environmental Quality (CEQ)
- The CEQ prepares the regulations implementing the law applicable to all agencies'
- Environmental Impact Statement
 - Before implementing any major or significant or federal action the agency must consider
 - i. Environmental impacts of the action
 - ii. Identify unavoidable environmental impacts
 - iii. Make this information available to public

ACTS to be Viewed in Detail:

- i. Water Pollution
- ii. Air Pollution
- iii. Environmental Protection
 - a. Environmental Clearance
 - b. Environmental Standards
 - c. Ozone Layer Depletion
- iv. National Environment Appellate Authority
- v. National Environment Tribunal
- vi. Forest Conservation
- vii. Case Studies



Policy and Laws in British India

In the field of forest protection, the enactment of the Forest Act, 1865 was the first step at asserting the State monopoly right over the forests. The customary rights of rural communities to manage forests were curtailed by the Act.

The Shore Nuisance (Bombay and Kolaba) Act of 1853 and the Oriental Gas Company Act of 1857 imposed restrictions on the fouling of water. The Merchant Shipping Act of 1858 dealt with prevention of pollution of sea by oil.

In 1860, for the first time, an attempt was made to control especially water and atmospheric pollution through criminal sanctions under the Indian Penal Code, 1860.

Policy and Laws in India after Independence

The **Factories Act of 1948** required all factories to make effective arrangements for waste disposal and empowered State Government to frame rules implementing this directive.

Under the **River Boards Act of 1956**, river boards established and empowered to prevent water pollution of inter-state rivers.

Some States took initiative in the field of environmental protection viz., **Orissa River Pollution Prevention Act, 1953**, and, **Maharashtra Prevention of Water Pollution Act, 1969**.

The **Wildlife (Protection) Act, 1972**, aimed at rational and modern wild life management.

The **Water (Prevention and Control of Pollution) Act, 1974**, provides for the establishment of pollution control boards at Centre and States to act as watchdogs for prevention and control of pollution.

The **Forest(Conservation) Act, 1980** aimed to check deforestation, diversion of forest land for non-forestry purposes, and to promote social forestry.

The **Air(Prevention and Control of Pollution) Act,1981**, aimed at checking air pollution via pollution control boards.

The **Environment (Protection) Act, 1986** is a landmark legislation which provides for single focus in the country for protection of environment and aims at plugging the loopholes in existing legislation. It provides mainly for pollution control, with stringent penalties for violations.

The **Public Liability Insurance Act, 1991**, provides for mandatory insurance for the purpose of providing immediate relief to person affected by accidents occurring while handling any hazardous substance.

The **National Environment Tribunals Act, 1995**, was formulated in view of the fact that civil courts litigations take a long time (as happened in Bhopal case).

The Act provides for speedy disposal of environmental related cases through environmental tribunals. Under the Act, four benches of the tribunal will be set up in Delhi, Calcutta, Madras and Bombay and 8,000 of the most Hazardous industrial units in the country will be brought under its security.

National Environment Appellate Authority Act, 1997

It provides for the established of a National Environment Appellant Authority (NEAA) to hear appeals with respect to restriction in areas in which any industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986.



In 1992, the Union Government adopted a “**National Conservation Strategy and Policy Statement on Environment and Development**” (NCS).

The preamble to the NCS adopts the policy of “sustainable development” and declares the government’s commitment to re-orient policies and action “in unison with the environmental perspective”.

The NCS proceeds to recognize the enormous dimensions of the environmental problems facing India and declares strategies for action in various spheres such as agriculture, forestry, industrial development, mining and tourism.

Special sections in the NCS deal with the rehabilitation of persons ousted by large development projects; the role of NGOs; and the special relationship between women and the environment.

The Central Government framed the **Recycled Plastic Manufacture and Usage Rules, 1999**. The Rules prohibit vendors of foodstuffs from packing their wares in bags or containers made from recycled plastics. If foodstuffs are to be sold in plastic bags, the carry bag must be made of virgin plastic.

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

The **Battery (Management and Handling) Rules, 2000**, provides for specific categories of wastes such as battery, waste oil, etc. These rules shall apply to every manufacturer, importer, re-conditioner, assembler, dealer, recycler, re-smelter, auctioneer, consumer and bulk consumer involved in manufacturer, processing, sale and purchase of batteries.

In **2000, the Noise Pollution (Regulation and Control) Rules**, framed by the Central Government under the Environment Protection Act, 1986, came into effect.

These Rules prescribed ambient air quality standards in respect of noise for industrial, commercial and residential areas as well as designated „silence zones“.

In the same year, the Central Government enacted the **Ozone Depleting Substances (Regulation and Control), rules, 2000** under the Environment Protection Act.

The producers, dealers, users engaged in the manufacture/use of ozone depleting substances such as CFCs, Halon, Cabontetrachloride (CCI₄), etc., are required to compulsorily register under the Rules.

The Environment Protection Act, 1986

Though there is a host of legislation in India aimed at protecting the environment from pollution and maintaining the ecological balance, the environment has not so far been considered in its totality. The Environment

Ecomark

Ecomark It is a label given to environmental-friendly consumer products. Any product will get eco-mark if its life-cycle (manufacturing process, raw material, product use, disposal and packaging) is environment-friendly at every stage.

In 1991, the Ministry of Environment and Forests (MoEF) decided to institute a scheme on labeling environment friendly products. Household and other consumer products can be accredited and labeled as satisfying environmental criteria, in addition to quality requirements laid down by the Bureau of Indian Standards for the product. The label is known as Ecomark.

The scheme was meant to provide incentive to the manufacturers, to assist consumers to become environmentally responsible, and to improve the quality of environment leading to sustainable management of resources. In certain categories such as toilet soaps and detergents, paints, paper and laundry soaps, the MoEF has already finalized and notified the criteria for the product.

Biodiversity Act, 2000 India is one of the twelve mega-biodiversity countries of the world and became a party to the International Convention on Biological Diversity in 1994.

The objectives of the convention are:

- ❖ The conservation of Biological Diversity,
- ❖ The sustainable use of its component, and
- ❖ The fair and equitable sharing of the benefits arising of the utilization of genetic resources.



It is worth mentioning the names of few important rules, which have been notified under the Environment (Protection) Act, 1986 in recent past for the management and control of hazardous substances, which include hazardous chemicals, waste and micro-organisms.

(i) **Hazardous Waste (Management and Handling) Rules of 1989:**

Objective is to control generation, collection, treatment, import, storage and handling of hazardous waste.

(i) The Manufacture, Storage and Import of **Hazardous Chemical Rules of 1989**

(ii) The Manufacture, use, **Import, Export and Storage of Hazardous Micro-Organisms/Genetically Engineered Organisms or Cells Rules of 1989.**

These were introduced with a view to protect the environment, nature and health in connection with the application of gene technology and micro-organisms.

(iv) **Biomedical Waste (Management and Handling) Rules of 1998**

It is a legal binding on the healthcare institutions of streamline the process of proper handling of hospital waste such as its segregation, disposal, collection and treatment.

(v) **Recycled Plastic Manufacture and Usage Rules of 1999 & Recycled Plastic Manufacture and Usage Amendment Rules Of 2002.**

(vi) **Municipal Solid Wastes (Management and Handling) Rules, 2000**

According to these rules any municipal solid waste generated in a city or a town, shall be managed and handled in accordance with the compliance criteria and the procedure laid down in Schedules of these rules.

Silk Mark – A Quality Assurance label

The scientific work for invention of cheap imitation of Natural silk may be in progress, but in the market place there are numerous other textile materials sold in the name of silk i.e. Art silk, Artificial silk and other glamorous names.

The Consumers and the genuine traders of silk had been demanding a measure from Central Silk Board in bringing in a fair practice in the Trade. Silk Mark was launched on 17th June 2004 as a response to the demand.

Silk Mark is being promoted by Silk Mark Organisation of India (SMOI), a registered society under Karnataka Society Act 1960. SMOI is an initiative of Central Silk Board, Ministry of Textiles and Government of India.

Objectives of Silk Mark

Protect the interests of the consumer.

Protect the interest of genuine traders and manufacturers of Silk

Generic Promotion of Natural Silk



Handloom mark

The Textile Committee is yet to obtain "home protection" by registering the Handloom Mark logo as a Certification Mark under the Indian Trade and Merchandise Marks Act, 1958.

Under the new Geographical Indication of Goods (Registration & Protection) Act, 1999, (which has become operational on September 15, 2003), the Textile Committee and the government have been filing applications to register handloom products as a geographical indication. Pochampally and Kota products are already registered under this provision.

Objective

- ❖ Promote handloom products in Domestic as well as International Market.
- ❖ Provide assurance to the consumers about the genuineness of the product origin.
- ❖ Improve international marketing linkages to the handloom weavers.
- ❖ Strengthen supply chain for Handloom products
- ❖ Improve price realization of the Handloom products in Domestic as well as International Market
- ❖ Improve the earnings of the handloom weaver community
- ❖ Facilitate uninterrupted workflow throughout the year to the handloom weavers.
- ❖ Develop database on the handloom supplies and weavers that will help in supporting the weavers through the existing schemes being implemented by the Govt. of India and framing of the future plans.

Khadi mark

The Ministry of Micro, Small and Medium Enterprises notified the Khadi Mark Regulations 2013 in the Gazette of India on 22 July 2013 to ensure the genuineness of Khadi i.e. hand spun and hand woven, containing natural fibers (cotton/wool/silk), produced in India. KVIC is the Nodal Agency to monitor, verify and enforce the genuineness of products being sold as Khadi.

