

## Environment Legislation, Acts, Rules, Notifications and Amendments

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'**. Reference to the environment has also been made in the Directive Principles of State Policy as well as the Fundamental Rights. 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.

The constitutional provisions are backed by a number of laws – acts, rules and notifications. The Environment Protection Act of 1986(EPA) came into force soon after the Bhopal Gas Tragedy and is considered an umbrella legislation as it fills many gaps in the existing laws. Thereafter a large number of laws came into existence as the problems began arising e.g. Handling and Management of Hazardous Waste Rules in 1989.

Following is a list of the environmental legislations that have come into effect:

- General
- Forest and wildlife
- Water
- Air

### General

**1986 – The Environment (Protection) Act** 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.

**1986 – The Environment (Protection) Rules** lays down procedures for setting standards of emission or discharge of environmental pollutants.

**1989 – Hazardous waste (Management and Handling) Rules** objective is to control generation, collection, treatment, import, storage and handling of hazardous waste.

**1989 – The Manufacture, Storage and Import of Hazardous Chemical Rules** defines the terms used in this context, and sets up an Authority to inspect, once a year, the industrial activity connected with hazardous chemicals and isolated storage facilities.

**1989 – The Manufacture, Use, Import, Export and Storage of hazardous Micro-organisms/ Genetically Engineered Organisms or Cells Rules** were introduced with a view to protect the environment, nature and health, in connection with the application of gene technology and micro organisms.

**1991 – The Public Liability Insurance Act and Rules and Amendment, 1992** was drawn up to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident while handling any hazardous substance.

**1995 – 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.

**1997 – The National Environment Appellate Authority Act** has been created to hear appeals with respect to restrictions of areas in which classes of industries etc are carried out or prescribed subject to certain safeguards under the EPA (Environment Protection Act).

**1998 – 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.

### **Forest and wildlife**

**1927 – Indian Forest Act and Amendment 1984** is one of the many surviving colonial statutes. It was enacted to 'consolidate the law related to forest, the transit of forest produce and the duty leviable on timber and other forest produce.

**1972 – Wildlife Protection Act, Rules 1973 and Amendment 1991** provides for the protection of birds and animals and for all matters that are connected to it whether it be their habitat or the waterhole or the forest that sustain them.

**1980 – The Forest (Conservation) Act and Rules 1981** provides for the protection of and the conservation of the forests.

### **Water**

**1882 – The Easement Act** allows private rights to use a resource i.e. groundwater, by viewing it as an attachment to the land. It also states that all surface water belongs to the state and is a state property.

**1897– Indian Fisheries Act** establishes two sets of penal offences whereby the government can sue any person who uses dynamite or other explosive substance in any way (whether coastal or inland) with intent to catch or destroy any fish or poisons fish in order to kill.

**1956 – The River Boards Act** enables the states to enroll the Central Government in setting up an Advisory River Board to resolve issues in inter state cooperation.

**1970 – Merchant Shipping Act** aims to deal with waste arising from ships along the coastal areas within a specified radius.

**1974 – The Water (Prevention and Control of Pollution) Act** establishes an institutional structure for preventing and abating water pollution. It establishes standards for water quality and effluent. Polluting industries must seek permission to discharge waste into effluent bodies. The Pollution Control Board (CPCB) was constituted under this act.

**1977 – The Water (Prevention and Control of Pollution) Cess Act** provides for the levy and collection of cess or a fees on water consuming industries and local authorities.

**1978 – The Water (Prevention and Control of Pollution) Cess Rules** contains the standard definitions and indicate the kind of and location of meters

that every consumer of water is required to affix.

**1991 – Coastal Regulation Zone Notification** puts regulations on various activities, including construction, are regulated. It gives some protection to the backwaters and estuaries.

#### **Air**

**1948 – Factories Act and Amendment in 1987** was the first to express concern for the working environment of the workers. The amendment of 1987 has sharpened its environmental focus and expanded its application to hazardous processes.

**1981 – Air (Prevention and Control of Pollution) Act** provides for the control

and abatement of air pollution. It entrusts the power of enforcing this act to the Central Pollution Control Board.

**1982 – Air (Prevention and Control of Pollution) Rules** defines the procedures of the meetings of the Boards and the powers entrusted on them.

**1982 – Atomic Energy Act** deals with the radioactive waste.

**1987 – Air (Prevention and Control of Pollution) Amendment Act** empowers the central and state pollution boards to meet with grave emergencies of air pollution.

**1988 – Motor Vehicles Act** states that all hazardous waste is to be properly packaged, labeled and transported.