

**ENVIRONMENTAL ACTS**

D.Vidhi\*, A.Revathi

Govt.Degree College for Women (A), Guntur

\*Corresponding author: Email: dagavidhi1994@gmail.com

**ABSTRACT**

Man, Society and Environment have mutual relationship. Nature and society are interdependent and duty of man to protect them is inherent. This basic percept envisages the protection of environment. However, rapid economic development, technological and scientific advancement have increased their impact on the natural environment. They have added environmental degradation and ecological imbalances. Hence, there are variety of specific legislations that are passed to protect the environment and ecology. Apart from these legislations, a comprehensive legislation i.e. Environment (Protection) Act, 1986 and various Rules under this Act have been made to prevent, control and abate all types of pollutions.

**1. INTRODUCTION**

The Constitution of India clearly states that it is the duty of the state to 'protect and improve the environment and to safeguard the forests and wildlife of the country'. The Department of Environment was established in India in 1980. This later became the Ministry of Environment and Forests in 1985. The EPA (Environment Protection Act), 1986 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, for example, Handling and Management of Hazardous Waste Rules in 1989.

**2. The Environment Protection Act (EPA) 1986:** It was enacted under article 253 of the Indian constitution. To protect and improve environmental quality, control and reduce pollution from all sources.

1986 - The Environment (Protection) Rules Standards of emission or discharge of environmental pollutants.

1989 - The objective of Hazardous Waste (Management and Handling) Rules to control the generation, collection, treatment, import, storage, and handling of hazardous waste.

1989 - The Manufacture, Storage, and Import of Hazardous 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 Introduced to protect the environment, nature, and health, in connection with the application of gene technology and Microorganisms.

1991 - The Public Liability Insurance Act and Rules Amendment, 1992 S Drawn up for the purpose of providing immediate relief to the persons affected by accident while handling any hazardous substance.

1995 - The National Environmental Tribunal Act Created to award compensation for damages to persons, property, and the environment arising from any activity involving hazardous.

1998- The Biomedical waste (Management and Handling) Rules Legal binding on the health care institutions to streamline the process of proper handling of hospital waste.

1999 - The Environment (Siting for Industrial Projects) Rules, 1999 Lays down detailed provisions relating to areas to be avoided for siting of industries & precautionary measures to be taken for site selection.

2000 - The Municipal Solid Wastes (Management and Handling) Rules, 2000 Apply to every municipal authority responsible for the collection, transportation, processing, and disposal of municipal solid wastes.

2000 - The Ozone Depleting Substances (Regulation and Control) Rules have been laid down for the regulation of production and consumption of ozone depleting substances.

2001 - The. Batteries (Management and Handling) Rules, 2001 Rules shall apply to every person involved in the manufacture, processing, sale, purchase, and use of batteries or components to regulate and ensure the environmentally safe disposal of used batteries.

2002 - The Noise Pollution (Regulation and Control) (Amendment) Lay down such terms and conditions as are necessary to reduce noise pollution. Such as use of loud speakers or public address systems during night hours (from 10.00 p.m. to 6.00 a.m.) on or during any cultural or religious festival.

2002 - The Biological Diversity Act occasion is an act to provide for the sustainable use & conservation of biological diversity.

**2.1. Penalties:** If a Section -15 –EPA deals with these. if a person fails to comply any provision or any direction issued under this act then he shall be punished for each failure as :-

- Imprisonment, which may extend to 5 years, or fine which may extend to Rs one lakh or both.
- If failure continues after conviction for 1st failure an additional fine which may be Rs 5000 for everyday can be imposed.
- If failure continues for 1 year the offender shall be imprisoned which may extend up to 7 years.

**3. FOREST AND WILDLIFE**

1927 - The Indian Forest Act Forest and wildlife and Amendment, 1984, It was enacted to 'consolidate the law related to forest, the transit of forest produce, and the duty leviable on timber and forest produce'.

1972 - The Wildlife Protection. Act, Rules 1973 and Amendment 1991, Provides for the protection of birds, animals and plants and for all matter connected there with.

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

**3.1. Penalties:**

- Wildlife protection act (9 sept.1972).
- Section 51 deals with penalties. Any person who contravenes any provision or rule of this act shall be punished with imprisonment for extent of 3 years, or fine extending up to Rs 25000 or both.
- The Indian Forest Act Under section 33 of this act imprisonment for a term of 6 months or more or fine of Rs 5,000 or both is the penalty for any person who violates any of the rule under this act.

**4. WATER**

1882 - The Easement Act: Allows private rights to use a resource that is, 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 - The 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 poisonous 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 – The 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.

The CPCB (Central Pollution Control Board) was constituted under this act. 1977 - The Water (Prevention Control of Pollution) Cess Act Provides for the levy and collection of fees on water consuming industries and local authorities.

1991 - The Coastal Regulation Zone Notification. Puts regulations on various activities, including construction. It gives some protection to the backwaters and estuaries.

**5. AIR**

Normal composition of Air

- Nitrogen – 78.09 %
- Oxygen – 20.94 %
- Argon – 0.93 %
- Carbon dioxide – 0.32 %

1948 – The Factories Act and Amendment in 1987 to express concern for the working environment of the workers

1981 - The Air (Prevention and Control of Pollution) Act. Enacted under article 253 of the Indian constitution. Provides for the control and abatement of air pollution.

1982 - The Air (Prevention and Control of Pollution) Rules Defines the procedures of the meetings of the Boards and the powers entrusted to them.

1982 - The Atomic Energy Act. Deals with the radioactive waste.

1987 - The Air (Prevention and Control of Pollution) Amendment Act. Empowers the central and state pollution control boards to meet with grave emergencies of air pollution.

1988 - The Motor Vehicles Act. States that all hazardous waste is to be properly packaged, labelled, and transported.

**5.1. Penalties:**

Section 37 deals with these

- Punishment for violating any of the rule under this act shall be :-
- Imprisonment for term which shall not be less than one year or 6 months & may extend to 6 years or with fine.
- In case failure continues an additional fine of Rs 500 per day.
- If failure continues beyond one year the punishment shall be imprisonment for term which shall not be less than 2 years & may extend to 7 years & with fine.

**6. CONCLUSION**

Environment pollution are affecting not only individual but also entire countries all over the world. The awareness towards improving the quality of environment has increased substantially and all efforts are being made at different levels to minimize environmental pollution and thus help in improving the quality of life.