



## ENVIRONMENTAL LEGISLATION

The awareness and consideration for environment covers several environmental issues such as pollution of water, air and soil, land degradation, industrialization, urbanization, depletion of natural resources etc.

Environmental Law plays a very crucial and important role in regulating the use of natural resources and in protecting the environment. The success of environmental legislations mainly depends on the way they are enforced. Legislation also serves as a valuable tool for educating masses about their responsibility in maintaining healthy environment.

Numerous legislations have already been put forth at national and international levels. In this lesson, you will learn about some important environmental legislations. Indian legislations are called Acts whereas the international legislations are in the form of conventions, protocols and treaties.



### OBJECTIVES

After completing this lesson, you will be able to:

- *describe the constitutional provision for environmental protection and conservation in India;*
- *list and describe the various Indian environmental laws along with their objectives;*
- *describe the various pollution related acts such as water, air and environment act;*
- *explain the various global conventions and their objectives in the field of environment.*

### 23.1 ENVIRONMENTAL LEGISLATION

The genesis of various legislations in the country lies in the environmental problems. There should be effective **legislations to protect the environment** or else the need for resources



### Notes

by the growing population will create havoc on the environment. The other important aspect is enforcement of these laws. To safeguard our environment from further degradation and pollution these must be enforce laws forcefully and effectively.

### 23.1.1 Need for legislation

In the recent past, numerous environmental problems have become threatening for human welfare. An important aspect of environmental problems is that their impact is not confined to the source area but spills over far and wide area.

Effective legislation is needed in order to prevent misuse and degradation of the environment. To curb the destructive practices of unscrupulous people, forest mafia groups, poachers, polluters and over exploitation of environmental resources, effective legislation is necessary. Pollution is an important factor and it does not observe political territories or legislative jurisdictions. Thus environmental problems are **intrinsically global** in nature. Therefore, to prevent such problems environmental legislation is not needed only at the national level but also at the international level.



### INTEXT QUESTIONS 23.1

1. Why is the need for legislation for solving environmental issues?  
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2. Why is enforcement of legislation necessary?  
\_\_\_\_\_

### 23.2 NATIONAL LEGISLATION

At national level serious efforts have been made for the improvement and protection of environment by incorporating changes the constitution of India. Our constitution, originally, did not contain any direct provision regarding the protection of natural environment. However, after the United Nations Conference on Human Environment, held in Stockholm in 1972. Indian constitution was amended to include protection of the environment as a constitutional mandate.

Although India had an Elephant's Preservation Act of 1879 and a Forest Act of 1927, environment related legislation came very late in 1972 with Wild Life Protection Act 1971.

As we all know, India is one of the twelve mega diversity countries. There are innumerable species, whose potential is not even known till date. Biodiversity has direct consumption value in agriculture, medicine and industry apart from it being a nations' wealth. There is constitutional provision in India for biodiversity conservation.



The forty second amendment Clause (g) to Article 51A of the Indian constitution made it a fundamental duty to protect and improve the natural environment.

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

There is a directive, given to the State as one of the Directive Principles of State Policy regarding the protection and improvement of the environment. Article 48A states “**The State shall endeavour 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 to ensure a healthy environment for the country. This later became the Ministry of Environment and Forests in 1985. This Ministry has overall responsibility for administering and enforcing environmental legislations and policies.

The constitutional provisions are backed by a number of legislations – **Acts and rules**. Most of our environmental legislations are Acts of the Parliament or the State Legislatures. These Acts generally delegate powers to regulating agencies, to make rules for the purpose of their implementation. The Environment Protection Act of 1986 (EPA) came into force soon after the Bhopal Gas Tragedy and is considered umbrella legislation as it fills many lacunae in the existing legislations. Thereafter, a large number of environmental legislations have been passed to deal with specific environmental problems. For example in the recent past the use of CNG for public transport vehicles has been made mandatory in Delhi. This has reduced air pollution in Delhi.



### INTEXT QUESTIONS 23.2

1. On which subject the United Nations conference was held in 1972?  
\_\_\_\_\_
2. Where this conference was held?  
\_\_\_\_\_
3. In which year was EPA passed?  
\_\_\_\_\_
4. Which fuel has been made mandatory for public transport vehicles in Delhi for reducing air pollution?  
\_\_\_\_\_  
\_\_\_\_\_

**Notes****23.3 POLLUTION RELATED ACTS**

Among all the components of the environment air and water are necessary to fulfill the basic survival needs of all organisms. So, to protect them from degradation the following acts have been passed.

- Water Acts
- Air Acts
- Environment Act

A few important legislations of each category with brief description are given below:

**23.3.1 (i) The Water (Prevention and Control of Pollution) Act of 1974 and Amendment, 1988**

The main objective of this act is to provide prevention and control of water pollution and maintaining or restoring of wholesomeness and purity of water (in the streams or wells or on land). Some important provisions of this Act are given below:

- The Act vests regulatory authority in State Pollution Control Boards and empowers these Boards to establish and enforce **effluent standards** for factories discharging pollutants into water bodies. A Central Pollution Control Board performs the same functions for Union Territories and formulate policies and coordinates activities of different State Boards.
- The State Pollution Control Boards control sewage and industrial effluent discharges by approving, rejecting or impose conditions while granting consent to discharge.
- The Act grants power to the Board to ensure compliance with the Act by including the power of entry for examination, testing of equipment and other purposes and power to take the sample for the purpose of analysis of water from any stream or well or sample of any sewage or trade effluents.
- Prior to its amendment in 1988, enforcement under the Water Act was achieved through criminal prosecutions initiated by the Boards, and through applications to magistrates for injunctions to restrain polluters. The 1988 amendment strengthened the Act's implementation the pollution provisions. Board may close a defaulting industrial plant or withdraw its supply of power or water by an administrative order; the penalties are more stringent, and a citizen's suit provision supports the enforcement machinery.

**(ii) The Water (Prevention and Control of Pollution) Cess Act of 1977**

The Water Cess Act was passed to generate financial resources to meet expenses of the Central and State Pollution Boards. The Act creates economic incentives for pollution control and requires local authorities and certain designated industries to pay a cess (tax)



for water effluent discharge. These revenues are used to implement the Water Act. The Central Government, after deducting the expenses of collection, pays the central board and the states such sums, as it seems necessary. To encourage capital investment in pollution control, the Act gives a polluter a 70% rebate of the applicable cess upon installing effluent treatment equipment.

### 23.3.2 The Air (Prevention and Control of Pollution) Act of 1981 and amendment, 1987

To implement the decisions taken at the United Nations Conference on the Human Environment held at Stockholm in June 1972, Parliament enacted the nationwide Air Act. The main objectives of this Act are to improve the quality of air and to prevent, control and abate air pollution in the country. Important provisions of this Act are given below:

- The Air Act's framework is similar to that of the Water Act of 1974. To enable an integrated approach to environmental problems, the Air Act expanded the authority of the central and state boards established under the Water Act, to include air pollution control.
- States not having water pollution boards were required to set up air pollution boards.
- Under the Air Act, all industries operating within designated air pollution control areas must obtain a "consent" (permit) from the State Boards.
- The states are required to prescribe emission standards for industry and automobiles after consulting the central board and noting its ambient air quality standards.
- Act granted power to the Board to ensure compliance with the Act including the power of entry for examination, testing of equipment and other purposes and power to take the sample for the purpose of analysis of air or emission from any chimney, fly ash or dust or any other outlet in such a manner as may be prescribed.
- Prior to its amendment in 1987, the Air Act was enforced through mild court-administered penalties on violations. The 1987 amendment strengthened the enforcement machinery and introduced stiffer penalties. Now, the boards may close down a defaulting industrial plant or may stop its supply of electricity or water. A board may also apply to the court to restrain emissions that exceed prescribed limits. Notably, the 1987 amendment introduced a citizen's suit provision into the Air Act and extended the Act to include noise pollution.

### 23.3.3 Environment Acts

The most important legislation in this category is The Environment (Protection) Act of 1986. Through this Act Central Government gets full power for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating pollution. Details of this Act are given below:

**Notes****(i) The Environment (Protection) Act of 1986**

In the wake of the Bhopal tragedy, the government of India enacted the Environment (Protection) Act of 1986. The purpose of the Act is to implement the decisions of the United Nations Conference on the Human Environment of 1972, in so far as they relate to the protection and improvement of the human environment and the prevention of hazards to human beings, other living creatures, plants and property. The Act is an “umbrella” for legislations designed to provide a framework for Central Government, coordination of the activities of various central and state authorities established under previous Acts, such as the Water Act and the Air Act.

In this Act, main emphasis is given to “Environment”, defined to include water, air and land and the inter-relationships which exist among water, air and land and human beings and other living creatures, plants, micro-organisms and property. “Environmental pollution” is the presence of pollutant, defined as any solid, liquid or gaseous substance present in such a concentration as may be or may tend to be injurious to the environment.

“Hazardous substances” include any substance or preparation, which may cause harm to human beings, other living creatures, plants, microorganisms, property or the environment.

The main provisions of this Act are given below:

Section 3 (1) of the Act empowers the centre to “take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution”. Specifically, the Central Government is authorized to set new national standards for the quality of the environment (ambient standards) as well as standards for controlling emissions and effluent discharges; to regulate industrial locations, to prescribe procedures for managing hazardous substances; to establish safeguards preventing accidents, and to collect and dismantle information regarding environmental pollution.

- By virtue of this Act, Central Government has armed itself with considerable powers which include, coordination of action by state, planning and execution of nation wide programmes, laying down environmental quality standards, specially those governing emission or discharge of environmental pollutants, placing restriction on the location of industries and so on.
- The coverage of powers include handling of hazardous substances, prevention of environmental accidents, inspection of polluting units, research, establishment of laboratories, dissemination of information, etc.
- The Environment (Protection) Act was the first environmental legislation to give the Central Government authority to issue direct orders, included orders to close, prohibit or regulate any industry, operation or process or to stop or regulate the supply of



## Notes

electricity, water or any other service to an industry, operation and process. Another power granted to the Central Government was to ensure compliance with the Act which included the power of entry for examination, testing of equipment and other purposes and power to analyze the sample of air, water, soil or any other substance from any place.

- The Act explicitly prohibits discharges of environmental pollutants in excess of prescribed regulatory standards. There is also a specific prohibition against handling hazardous substances except those in compliance with regulatory procedures and standards. Persons responsible for discharge of pollutants in excess of prescribed standards must prevent or mitigate the pollution and must also to report the governmental authorities.
- The Act provides provision for penalties. Any person who fails to comply with any of the provisions of the Act, or the rules, orders, or directions issued under the Act shall be punished. For each failure or contravention the punishment included a prison term up to five years or fine up to Rs. 1 lakh, or both. The Act imposed an additional fine of up to Rs. 5,000 for every day of continuing violation. If a failure or contravention, occurs for more than one year after the date of conviction, an offender may punished with imprisonment term, which may be extend to seven years.
- The Environment (Protection) Act contains significant innovations for its enforcement, not contained in any other pollution control legislation at the time of the Act's adoption. Section 19 provides that any person, in addition to authorized government officials, may file a complaint with a court alleging an offence under the Act. This "Citizens' Suit" provision requires that the person has to give notice of not less than 60 days of the alleged offence of pollution to the Central Government or the competent authority. Under the Act, the Central Government may, by notification in the office Gazette, make rules for the enforcement of the Act.



## INTEXT QUESTIONS 23.3

1. Match the following:

## Column "A"

- (i) 70% rebate of applicable cess upon installing effluent treatment equipment
- (ii) The Air Act
- (iii) The Environment Act
- (iv) The Water Act

## Column "B"

- (a) 1974
- (b) 1986
- (c) the Water Cess Act, 1977
- (d) 1981



## Notes

## 23.4 BIODIVERSITY RELATED ACTS

India is one of the few countries, which had a forest policy since 1984. To protect forest and wild life following legislations have been enacted.

### 23.4.1 The Wild Life (Protection) Act of 1972 and Amendment, 1982

In 1972, Parliament enacted the Wild Life Act (Protection) Act. The Wild Life Act provides for state wildlife advisory boards, regulations for hunting wild animals and birds, establishment of sanctuaries and national parks, regulations for trade in wild animals, animal products and trophies, and judicially imposed penalties for violating the Act. Harming endangered species listed in Schedule 1 of the Act is prohibited throughout India. Hunting species, like those requiring special protection (Schedule II), big game (Schedule III), and small game (Schedule IV), is regulated through licensing. A few species classified as vermin (Schedule V), may be hunted without restrictions. Wildlife wardens and their staff administer the act.

An amendment to the Act in 1982, introduced a provision permitting the capture and transportation of wild animals for the scientific management of animal population.

India is a signatory to the Convention of International Trade in Endangered Species of Fauna and Flora (CITES, 1976). Under this convention, export or import of endangered species and their products are governed by the conditions and stipulations laid down therein. Indian government has also started some conservation projects for individual endangered species like Hungal (1970), Lion (1972), Tiger (1973), Crocodiles (1974), Brown-antlered Deer (1981) and Elephant (1991-92).

#### (ii) The Forest (Conservation) Act of 1980

First Forest Act was enacted in 1927. This is one of the many surviving colonial legislations. It was enacted to consolidate the law related to forest, the transit of forest produce and the duty livable on timber and other forest produce. Subsequently, the Forest (Conservation) Act was promulgated in 1980 to make certain reforms over the preceding Act of 1927. The 1927 Act deals with the four categories of the forests, namely reserved forests, village forests, protected forests and private forests.

A state may declare forestlands or waste lands as reserved forest and may sell the produce from these forests. Any unauthorized felling of trees quarrying, grazing and hunting in reserved forests is punishable with a fine or imprisonment, or both reserved forests assigned to a village community are called **village forests**.

The state governments are empowered to designate protected forests and may prohibit the felling of trees, quarrying and the removal of forest produce from these forests. The preservation of protected forests is enforces through rules, licenses and criminal prosecutions. Forest officers and their staff administer the Forest Act. Alarmed at India's rapid deforestation and resulting environmental degradation, Centre Government enacted the Forest (Conservation) Act in 1980. Under the provisions of this Act, prior approval of





the Central Government is required for diversion of forestlands for non-forest purposes. An Advisory Committee constituted under the Act advises the Centre on these approvals.

### 23.4.2 Biodiversity Act 2000

India's richness in biological resources and indigenous knowledge relating to them is well recognized. One of the major challenges is in adopting an instrument which helps realize the objectives of equitable benefit sharing enshrined in the Convention. Towards this, legislation on biodiversity was developed following an extensive consultative process. The legislation aims at regulating access to biological resources so as to ensure equitable sharing of benefits arising from their use. The Biological Diversity Bill, which was introduced in the Parliament on 15<sup>th</sup> May, 2000, was referred to the department related Parliamentary Standing Committee for Science, Technology, Environment and Forests for examination and report.

After examination of witnesses and recording evidences, the Standing Committee approved the Bill with some amendments. The Cabinet approved the proposal for moving the official amendments based upon the recommendations of the Committee. The Biological Diversity Bill 2002 has been passed by the Lok Sabha on 2<sup>nd</sup> December, 2002 and by the Rajya Sabha on 11<sup>th</sup> December, 2002.

### Salient features of the biodiversity legislation

The main intent of this legislation is to protect India's rich biodiversity and associated knowledge against their use by foreign individuals and organizations without sharing the benefits arising out of such use, and to check biopiracy. The Act provides for setting up of a **National Biodiversity Authority (NBA)**, **State Biodiversity Boards (SBBs)** and **Biodiversity Management Committees (BMCs)** in local bodies. NBA and SBB are required to consult BMCs in decisions relating to use of biological resources or related knowledge within their jurisdiction and BMCs are to promote conservation, sustainable use and documentation of biodiversity.

All foreign nationals or organizations require prior approval of NBA for obtaining biological resources and associated knowledge for any use. Indian individuals/entities require approval of NBA for transferring results of research with respect to any biological resources to foreign nationals/organizations. Collaborative research projects and exchange of knowledge and resources under these projects are exempted provided they are drawn as per the policy guidelines of the Central Government and have its approval the objectives of conservation, sustainable use and benefit sharing. However, Indian citizens/entities/local people including vaid and hakims to have free access to use biological resources within the country for their own use, medicinal purposes and research purposes.

While granting approvals, NBA will impose terms and conditions to secure equitable sharing of benefits. Before applying for any form of IPRs (Intellectual Property Rights) in or outside

## MODULE - 7

### Environmental Management



#### Notes

## Environmental Science Senior Secondary Course

India for an invention based on research or information on a biological resource obtained from India, prior approval of NBA will be required. There is an enabling provision for setting up a framework for protecting traditional knowledge. The monetary benefits, fees, royalties as a result of approvals by NBA to be deposited in National Biodiversity Fund, which will be used for conservation and development of areas from where resource has been accessed, in consultation with the local self-government concerned. There is provision for notifying **National Heritage Sites** important from standpoint of biodiversity by State Governments in consultation with local self-government. There also exists provision for notifying items, and areas for exemption provided such exclusion does not violate other provisions. This is to exempt normally traded commodities so as not to adversely affect trade.

This bill seeks to check biopiracy, protect biological diversity and local growers through a three-tier structure of central and state boards and local committees. These will regulate access to plant and animal genetic resources and share the benefits. The proposed National Biodiversity Authority (NBA) will deal with all cases of access by foreigners. Its approval will be required before obtaining any **intellectual property right** on an invention based on a biological resource from India, or on its traditional knowledge. It will oppose such rights given in other countries. The NBA will enjoy the power of a civil court. In addition, centre may issue directives to state if it feels a naturally rich area is threatened by overuse, abuse or neglect.



### INTEXT QUESTIONS 23.4

1. Which country has had a forest policy since 1894?  
\_\_\_\_\_
2. In which year was the first Forest Act enacted?  
\_\_\_\_\_
3. Expand the abbreviation NBA, SBB, BMC, and IPR  
\_\_\_\_\_
4. Name the organization whose prior approval is necessary for foreigners to obtain biological resources and knowledge associated with it.  
\_\_\_\_\_  
\_\_\_\_\_

### 23.5 INTERNATIONAL LEGISLATIONS

There is no international legislation body with authority to pass legislation similar to national legislations, nor are there international agencies with power to regulate resources at a



global scale. As a result, international legislation must depend on the agreement of the parties concerned. Certain issues of multinational concern are addressed by collection of policies, agreements, and treaties that are loosely called International Environmental Legislations. Most of the international legislations are international agreements to which nations adhere voluntarily. These agreements are generally finalized through international conventions or treaties. Nations that have agreed to be bound by the convention are known as Parties. Convention provides a framework to be respected by each party, which has to adopt its own national legislations to make sure that convention is implemented at national level. To support the conventions, some time protocols are also to be framed. **A protocol is an international agreement that stands on its own but is linked to an existing convention.** This means that the climate protocol shares the concerns and principles set out in the climate convention. It then builds on these by adding new commitments-which are stronger and far more complex and detailed than those in the convention.

### 23.5.1 Wetland Convention (Ramsar Convention)

It is an international convention came in force in 1975. The convention provides the framework for international cooperation for the conservation and wise use of wetland habitats. The United Nations Educational, Scientific and Cultural Organisation (UNESCO) serves as the Depository for the Convention, and its secretariat, the Ramsar Bureau, is in Gland, Switzerland. India became signatory to this convention on in 1981.

The Convention aims to halt the loss of wetlands and to ensure the conservation of fauna and flora and their ecological processes. Obligations of parties include:

- designating one or more wetlands for inclusion in the list of Wetlands of International Importance (e.g. six Ramsar wetlands in India).
- promoting wise judicious use of wetlands, including mangroves.
- promoting conservation of wetlands through establishment of nature reserves.
- irrespective of their listing under the Convention and managing wetlands for the benefit of water fowl.
- promoting training in the field of wetland research, managing and warding.
- consulting with other parties about implementation of the convention, especially with regard to trans frontier wetlands, shared water systems, shared species, and development of wetland projects.

### 23.5.2 Montreal Protocol

The United Nations Environment Programme (UNEP) has been addressing this issue since 1977. Under the auspices of UNEP, the nations of the world arrived at *The Convention for the Protection of the Ozone Layer* in Vienna in 1985. Through this

## MODULE - 7

### Environmental Management



#### Notes

## Environmental Science Senior Secondary Course

convention, nations committed themselves to protecting the ozone layer and to co-operate with each other in scientific research to improve understanding of the atmospheric processes and serious consequences of ozone depletion. The convention provides for future protocols and specified procedures for amendment and dispute settlement.

To pursue the objectives of convention for the protection of ozone layer *the Montreal Protocol on Substances* that deplete the Ozone layer was agreed to by nations in 1987 and has since been amended five times so far. Its control provisions were strengthened through five amendments to the Protocol adopted in London (1990), Copenhagen (1992), Vienna (1995), Montreal (1997) and Beijing (1999). The Protocol aims to reduce and eventually eliminate the emission of man-made ozone depleting substances.

The Vienna Convention and Montreal Protocol are considered as highly effective regime for reducing and possibly, in the future, eliminating –emissions of ozone depleting chemicals into the atmosphere.

The Montreal Protocol uses three kinds of provisions as economic incentives to encourage participation and compliance with the Protocol's control regime; (1) entry into force requirements, (2) controls on trade with non-parties, and (3) research and technology transfer benefits. The Protocol promotes technology transfer to developing countries, thereby offering economic incentives for developing countries to join and comply through a network of 507 monitoring stations located all over the country. Under the National Ambient Air Quality Monitoring Programme, 290 station covering over 90 cities/towns are being monitored by the CPCB (Central Pollution Control Board).

### 23.5.3 Climate Conventions

Global warming (greenhouse effect) is probably the greatest threat to the future of the planet. It is mainly caused by gases (gases like carbon dioxide, methane, nitrous oxide, CFCs, water vapors) emitted by industrialized countries on the burning of fossil fuels (coal, oil and gas) for electricity, heating and transport. Because of gases that have been emitted in the past, and are still pouring into the atmosphere it is already too late to prevent some climate change. However, if we start reducing emissions now, we may be able to avoid some of the worst effects.

Today, action occurs at every level to produce, to avoid, and to understand the risks associated with climate change. Many nations have prepared national plans and are actively pursuing programmes and policies that will result in green gas emission reduction. At the global level, countries, around the world have expressed a firm commitment stop climate change and strengthen international action and broader participation under the auspices of the UN Framework Convention on Climate Change (UNFCCC).

UN Framework Convention on Climate Change (UNFCCC) is the landmark international treaty unveiled at the United Nations Conference on Environment and Development in Rio



de Janeiro in June 1992. The UNFCCC commits signatory countries to limit anthropogenic (i.e., human induced) greenhouse gas emissions to levels that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure the food production is not threatened and to enable economic development to proceed in a sustainable manner.

In pursuance with the objectives of the Convention on Climate Change the **Kyoto Protocol** was agreed upon in December 1997 in Kyoto, Japan.

The Protocol calls on all parties – developed nations and developing nations – to take a number of steps to formulate national and regional programmes to improve “local emission factors”, activity data, models, and national inventories of greenhouse gas emissions and sinks that remove these gases from the atmosphere. All parties are also committed to formulate, publish and update climate change mitigation and adoption measures, and to cooperate in promotion and transfer of environmentally sound techniques and in scientific and technical research on the climate system.

#### **Carbon tax**

Many countries now impose tax on green house gas emission from fossil fuel emissions. Taxes motivate industries to improve efficiency and develop CO<sub>2</sub> capturing technologies.

#### **Carbon sequestration**

Automobiles, power plants and industries add a lot of CO<sub>2</sub> from burning of fossil fuels. To mitigate the emission, large scale tree plantations may be created improving agricultural practices also to sequester CO<sub>2</sub> from the atmosphere.

### **23.4.4 Biological Diversity Convention**

The Convention on Biological Diversity (CBD) was adopted during the United Nations Conference on Environment and Development (UNCED - or the “Earth Summit”) in Rio de Janeiro on 5 June 1992. CBD has been instrumental in highlighting conservation of biodiversity on the international agenda and its implementation on national level. More than 150 states have signed the Convention, and it entered into force on 29 December 1993. By May 1998 a total of 174 states had ratified the Convention, making it one of the most widely adopted environmental treaties of all times. India ratified the Convention in 1994.

The CBD places emphasis on decision making at the national level. The CBD has 42 articles.

## MODULE - 7

### Environmental Management



#### Notes



### INTEXT QUESTIONS 23.5

1. Define intimation environmental legislations.

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2. What is protocol.

\_\_\_\_\_

3. Explain abbreviations CFCs, CBD.

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4. Which gases are responsible for global warming.

\_\_\_\_\_



### ACTIVITIES

#### Activity 1

Only Central Government legislation is discussed in this unit, prepare a list of environmental legislations of your state and municipality area.

#### Activity 2

Write a case study on Environmental Movement of your area or nearby area. Highlight its important achievements.



### WHAT YOU HAVE LEARNT

- The various national and international legislations, which have been framed to stop environmental degradation.
- India is one of the few countries of the world that have made specific reference in the constitution to the need for environmental protection and improvement. The Central Government and State Governments have utilized this provision to pass various Acts in order to protect the environment from destruction.
- There is a great contribution of UN in addressing global environmental challenges. To implement the agenda of UN, there is movement towards environment protection on a worldwide scale through special conventions, protocols and multilateral agreements.
- Despite of the presence of satisfactory legislative measures and administrative set-up, it is difficult to enforce the legislation due to lack of expertise, shortage of funds, and no seriousness on the part of implementing authority.



- The main objective of water act of 1974 is to provide prevention and control of water pollution and maintaining or restoring of wholesomeness and purity of water.
- The main objective of Air Act 1981 is to improve the quality of air and to prevent, control and abate air pollution in the country.
- Through environment acts Central Government gets full power for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating pollution.
- Most of the international legislation is international agreements to which nations adhere voluntarily.
- A protocol is an international agreement that stands on its own but is linked to an existing convention.
- The aim of Wetland convention is to halt the loss of wetlands and to ensure the conservation of flora and fauna and their ecological process.
- The objective of Montreal protocol is aims to reduce and eventually eliminate the emission of man-made ozone depleting substances.



### TERMINAL EXERCISE

1. What are Environmental legislations and how are they important for environmental improvement and conservation?
2. What are National Legislations and International Legislations? How are they are different from each other?
3. Describe in brief some pollution related acts.
4. What are Ramsar Convention and Montreal Protocol? Describe in brief.
5. Describe the Environmental Protection Act, 1986
6. What is main aim of biodiversity act and its salient features?
7. What are the main objectives of climate convention?
8. Write short note on (a) Water Act (b) Air Act, (c) Wildlife Act, (d) Forest Act.



### ANSWER TO INTEXT QUESTIONS

#### 23.1

1. Legislation is needed in order to prevent misuse and degradation of the environment.
2. An important aspect of environmental problem is that their impact is not confined to the source area but spills over far and wide.

## MODULE - 7

### Environmental Management



#### Notes

#### 23.2

1. Human Environment
2. Stockholm.
3. 1986
4. CNG

#### 23.3

- (1) c (2) d (3) b (4) a

#### 23.4

1. India
2. 1927
3. National Biodiversity Authority, State Biodiversity Boards, Biodiversity Management Committee, Intellectual Property Right.
4. National Biodiversity Authority

#### 23.5

1. Certain issues of multinational concern addressed by collection of policies, agreements and treaties that are loosely called international environmental legislation.
2. A protocol is an international agreement that stands on its own but is linked to an existing convention.
3. Chloro- fluoro carbon (CFC), Convention on Biological Diversity
4. CO<sub>2</sub>, methane, NO<sub>2</sub>, CFCs and water vapour