

ENVIRONMENTAL LEGISLATION(Adopted from <https://www.nios.ac.in/media/documents/333courseE/23.pdf>)

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.

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.

- 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.

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

➤ 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.