

Environment (Protection) Act, 1986

It is the umbrella legislation which authorises the Central Government to

(i) protect and improve environmental quality,

(ii) control and reduce pollution from all sources, and

(iii) restrict or prohibit the selling and/or operation of any industrial facility on environmental grounds.

The roots of the enactment of the EPA lies in the United Nations Conference on the Human Environment held at Stockholm in June, 1972 (Stockholm Conference), in which India participated, to take appropriate steps for the improvement of the human environment.

The Act implements the decisions made at the Stockholm Conference.

According to the Act, the term “environment” includes water, air and land and the inter-relationship which exists among and between water, air, land, human beings, other living creatures, microorganisms, plants, and property.

The main provisions of the Act are given below:

(i) Powers of the Central Government: The Central Government shall have the power to take all such measures as it deems necessary or useful for the purpose of protecting and improving the quality of the environment and preventing, controlling, and decreasing environmental pollution.

(ii) Restriction on Pollutant Discharge: No person carrying on any industry, operation or process shall discharge or emit any environmental pollutants or permit to do so in excess of such standards as may be prescribed.

(iii) Compliance with Procedural Safeguards: No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed.

(iv) Powers of Entry and Inspection: Any person empowered by the Central Government shall have a right to enter (with the assistance deemed necessary) at any place:

For the inspection of compliance of any orders, notifications and directions given under the Act

(v) Appointment of Government Analyst: The Central Government or any officer empowered by it in this behalf, shall have power to take, for the purpose of analysis, samples of air, water, soil or other substance from any premises, factory, etc., as may be prescribed.

(vi) Establishment of Environmental Laboratories: The Central Government may, by notification in the Official Gazette, establish one or more environmental laboratories; and recognise one or more laboratories or institutes as environmental laboratories to carry out the functions assigned to an environmental laboratory under this Act.

(vii) Penalties for Offences: Whoever fails to comply with or violate any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or violation, be punishable with imprisonment or with fine or with both.

Drawbacks of the Act

Complete Centralisation of the Act: A potential drawback of the Act could be its centralization. While such wide powers are provided to the Centre and no powers to the state governments, the former is liable to its arbitrariness and misuse.

No Public Participation: The Act also says nothing about public participation as regards environmental protection.

Incomplete Coverage of Pollutants: The Act does not address modern concept of pollution such as noise, overburdened transport system and radiation waves which are also an important cause for the deteriorating environment.

Air (Prevention and Control of Pollution) Act, 1981

This is an act to provide for the prevention, control and reduction of air pollution in the country so as to preserve the quality of air.

The salient features of the Air (Prevention and Control of Pollution) Act 1981 are given below:

- (i) Act is applicable to the whole of India.
- (ii) Under *Section 19* of the Act, the State Government in consultation with the State Pollution Control Board (SPCB) has the power to declare Air Pollution Control Area, in which provisions of the Act shall be applicable.
- (iii) As per provisions in *Section 21(1)* and (2), no person can establish or operate any industrial plant without the previous consent of the State Pollution Control Board.
- (iv) Every application for consent shall be made in Form I and shall be accompanied by a prescribed fee. Within a period of four months after the receipt of application, the Board shall complete the formalities to either refuse or grant consent. During processing consent for the application, the Board may seek any information about the industry after giving notice in Form II.
- (v) Under *Section 22*, 22(A) operating any industrial plant to cause emission of any air pollutant in excess of standard laid down by the State Board is liable for legal action by the Board.
- (vi) Under *Section 2(a)*, the term air pollutant is defined as any solid, liquid or gaseous substance present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment.

Power of State Government

Under **Section 19**, the State Government may, after consultation with the State Board, by notification in the official gazette, declare, in such manner as may be prescribed, any area or areas within the state as air pollution control area or areas for the purposes of this Act.

Under **Section 21.3**, no person shall without the previous consent of the State Pollution Control Board, establish or operate any industrial plant in an Air Pollution Control Area.

Under **Section 22.4**, no person operating any industrial plant in any Air Pollution Control Area shall discharge or cause or permit to be discharged, the emission of any air pollutant in excess of the laid-down standards by the State Pollution Control Boards.

Under **Section 19.1**, the State Government after consultation with the State Pollution Control Board, may

- (i) Prohibit burning of any material causing or likely to cause air pollution in an Air Pollution Control Area
- (ii) Prohibit the use of any appliance or fuel causing or likely to cause air pollution in an Air Pollution Control Area

Forest (Conservation) Act, 1980

In 1980, the Forest (Conservation) Act was enacted for providing protection to forests and to regulate diversion of forestlands for non-forestry purposes.

Salient Features

- (i) Prior approval of the Central Government is essential for de-reservation of forest lands and/or diversion of forest lands for non forestry purposes.
- (ii) It is a regulatory act, not prohibitory.
- (iii) The Forest (Conservation) Act is an interface between conservation and development.
- (iv) It permits sensible and regulated use of forestland for nonforestry purposes.

During 1950–80, the rate of diversion of forestland for nonforestry purposes was 1.5 lakh hectares per annum. After enactment of the Forest (Conservation) Act, 1980, the rate came down to about 35 thousand hectares per annum.

At the time of granting approval under the Forest (Conservation) Act, following conditions are insisted upon:

- Compensatory afforestation

- Treatment of catchment area
- Reclamation of mining area in phases
- Provisioning for safety zone area
- Rehabilitation of project affected families
- Plan for wildlife management, etc.

On the directions of the apex court in 2002, a new present value of the forestland being diverted is being charged from the user agencies.

Water (Prevention and Control of Pollution) Act, 1974

“As defined in the Act, water pollution means such contamination of water or such alteration of the physical, chemical, or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other uses or to the life and health of animals or plants or of aquatic organism.”

(i) The water (Prevention and Control of Pollution) Act was enacted for prevention and control of water pollution and maintaining or restoring of wholesomeness of water. The Central and State Pollution Control Boards have been constituted under sections 3 and 4 of the later Act respectively.

(ii) Obligations on the part of industries and local bodies are:

- To obtain prior consent to establish and operate industry for new discharge of domestic sewage or trade effluent under section 25 of the Act
- Board within four months will either refuse or grant consent

(iii) Power of State Board:

- To obtain information under Section 20
- Carry out any related work under Section 30
- Collect and analyse samples of streams/wells or trade effluent under sections 17(2) and 52

(d) To give direction for closure/prohibition or regulation under Section 33A

(e) Enter and inspect any place, examine any plants/records, etc., and seize if necessary under Section 23

Wildlife Protection Act, 1972

The objectives of the Wildlife Protection Act are

- (i) to maintain essential ecological processes and life-supporting systems
- (ii) to preserve biodiversity; and
- (iii) to ensure protection and conservation of wildlife.

Salient Features

(i) Under Section 3, the appointment of Director, Chief Wildlife Warden and other officers is done by the Central Government.

(ii) Under Section 6, Wildlife Advisory Board is constituted by the State Government or the Union Territory Administration. Under Section 7, the Wildlife Advisory Board shall meet at least twice a year.

(iii) The duties of the Wildlife Advisory Board, under Section 8, are to advise the State Government about

(a) The selection of areas to be declared as.

- National parks under Section 35,
- Sanctuaries under Section 18, etc.

(b) The formulation of the policy for protection and conservation of wildlife and specified plants

- (c) The measures to be taken for harmonising the protection and conservation of wildlife with the needs of the tribals and other forest dwellers
- (iv) Under Section 44, the Act prohibits dealing in animal articles without licence.
- (v) Under Section 38 A, the Central Government shall constitute the Central Zoo Authority which has various roles or functions as described in Section 38 C.

Major Highlights of the Wildlife Protection Act, 1972

- (i) It provides for protection to listed species of flora and fauna and establishes a network of ecologically important protected areas.
- (ii) The act consists of 60 sections and VI schedules divided into eight chapters.
- (iii) It empowers the central and state governments to declare any area a wildlife sanctuary, national park or closed area. Industrial activities are banned in these protected areas.
- (iv) It provides for authorities to
 - (a) administer and implement the Act;
 - (b) regulate the hunting of wild animals;
 - (c) protect specified plants, sanctuaries, national parks, etc., and
 - (d) restrict trade in wild animals or animals articles.
- (v) The Act prohibits hunting of animals except with permission of an authorised officer when an animal has become dangerous to human life or property or as disabled or diseased as to be beyond recovery.

INITIATIVES AND ROLES OF NONGOVERNMENTAL ORGANISATIONS (NGOs) IN ENVIRONMENTAL PROTECTION

Privately owned organisations involved in providing financial and technical assistance to less developed countries are known as Non-Governmental Organisations (NGOs).

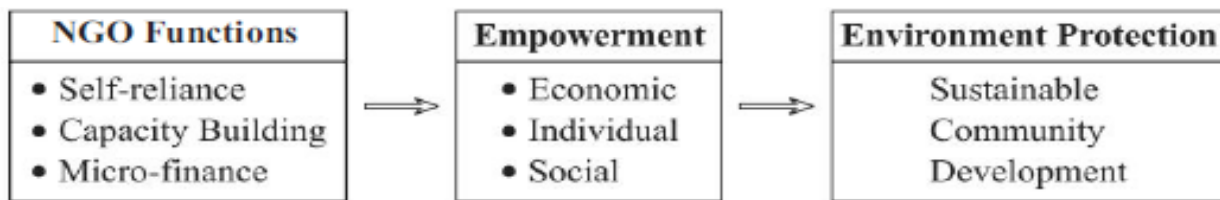
They have no participation or representation of any government. An NGO is any non-profit, voluntary citizen's group which performs a variety of services and humanitarian functions.

Functions and Advantages of NGOs

- (i) They are good at reaching and mobilising the poor and remote communities.
- (ii) They work with and strengthen local institutions.
- (iii) They help empower poor people to gain control of their lives by counselling, support service, training, micro-credit, etc.
- (iv) They carry out projects at lower costs and more efficiently than government agencies.
- (v) They promote sustainable development, through economic development, social development and environmental protection.
- (vi) They do funding of projects.
- (vii) They help in critical analysis of social environments.

Roles of NGOs in Environmental Protection

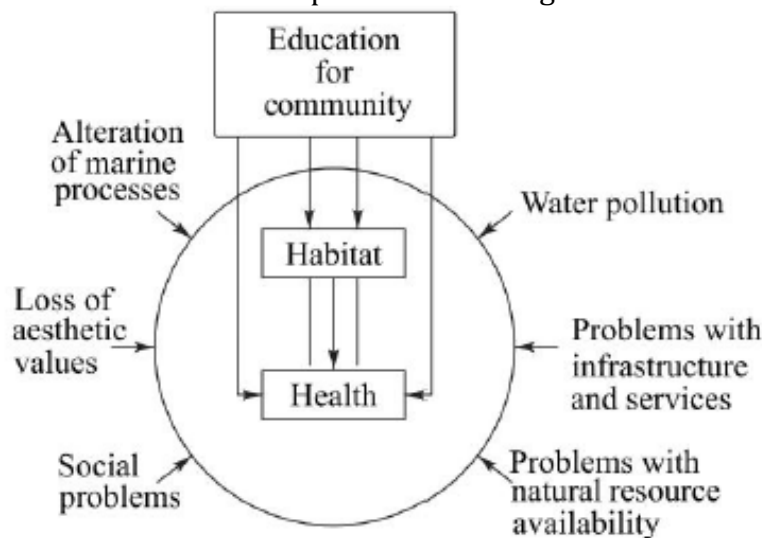
- (i) NGO's help in increasing local economic diversity.
- (ii) They help in development of local markets, local production, local processing of previously imported goods, and greater cooperation among local economic entities. Thus, they help on attaining self-reliance.
- (iii) They educate people on reduction in the use of energy and careful management with recycling of waste products.
- (iv) They educate and motivate local people to protect and enhance biological diversity. They make them understand careful stewardship of natural resources.
- (v) They give commitment of the sustainable communities to social justice. The relationship between NGO functions, empowerment and sustainable community development is illustrated in Fig



NGOs, through some programmes and functions such as microfinance, capacity building and self-reliance, help communities to be empowered and finally contribute towards environmental protection.

ENVIRONMENTAL EDUCATION

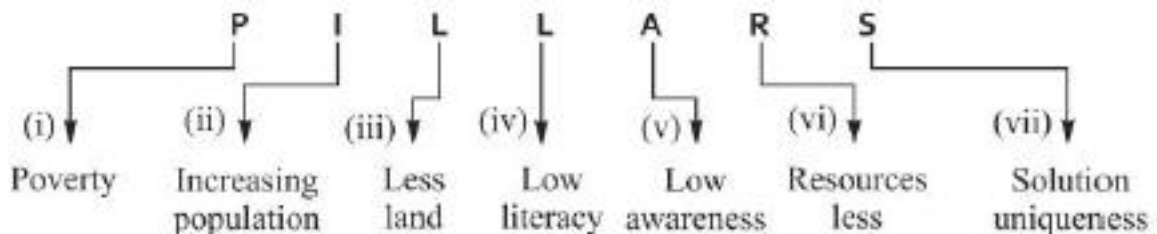
Community-based environmental education helps in building knowledge and skills. It also helps in building an infrastructure for change that is sustainable, equitable, and empowering. The simplified framework is illustrated in Fig. It shows that community based environmental education can protect health and habitat from the various problems existing in the world.



Challenges

In India, the development and environmental protection challenges are enormous due to the following reasons:

- (i) Poverty
- (ii) Increasing Population
- (iii) Less Land
- (iv) Low Literacy Levels
- (v) Low Awareness
- (vi) Less Resources and Corruption
- (vii) No Applicability of Global Solutions

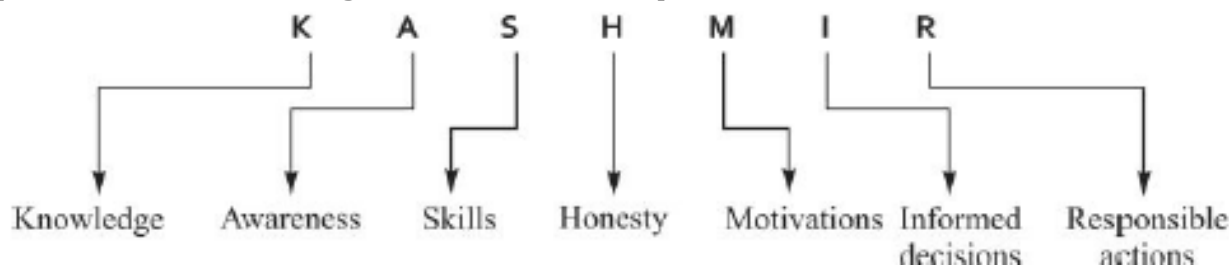


Environmental Education and Its Focuses

Environmental education refers to organised efforts to teach how natural environments function and how people can manage their behaviour and ecosystems in order to live sustainably.

Environmental education focuses on efforts to make the world a heaven like Kashmir is in India:

- (i) Increasing people's awareness and knowledge about the environment and environmental challenges
- (ii) Developing necessary skills and expertise to address the challenges
- (iii) Fostering attitudes, motivations, and commitments to make informed decisions and take responsible action for solving environment-related problems



WOMEN'S EDUCATION

The act or process of imparting or acquiring knowledge, skill, or judgment to women is known as women's education.

Various Schemes Launched for Women's Education in India

(i) **The Sarva Shiksha Abhiyan (SSA)** serves as an umbrella scheme for schemes directly and indirectly beneficial to the girl child:

(a) The National Programme for the Education of Girls at an Elementary Level (NPEGEL) provides free uniforms and text books.

(b) The Education Guarantee Scheme under SSA also aims to provide vocational and nonformal education to out-of-school children, of which, girls are the main beneficiaries.

(ii) **The Kasturba Gandhi Balika Vidyalaya** sets up residential schools at the upper primary region—primarily for girls from SC, ST, and OBC families as well as minority communities.

(iii) **The Early Childhood Care and Education (ECCE)** aims at setting up preschools to prepare children for schooling. It has an indirect bearing on education for girls as with her siblings in school, the girl child need not assume sibling care responsibilities during school hours and can therefore, attend school.

(iv) **Mahila Samakhya (MS) Programme**—It seeks to benefit women of all ages, especially those from economically and socially marginalised groups. It aims to integrate formal and nonformal education for girls, education schemes for adult women and vocational training for girls and women.

(v) **The Mid-Day Meal (MDM) Scheme**—The presence of midday meals in the schools

(a) increases chances for girls attending schools

(b) reduces caste biases as it forces children of all castes to eat together

(vi) **The education schemes of the Ministry of Women and Child Development (MWCD).**

The Balika Samriddhi Yojana, the Integrated Child Development Services and the Kishori Shakti Yojana are designed and funded by MWCD.

Obstacles in Educating Women

(i) The society dominated by males fears that its power will be taken away by women with education.

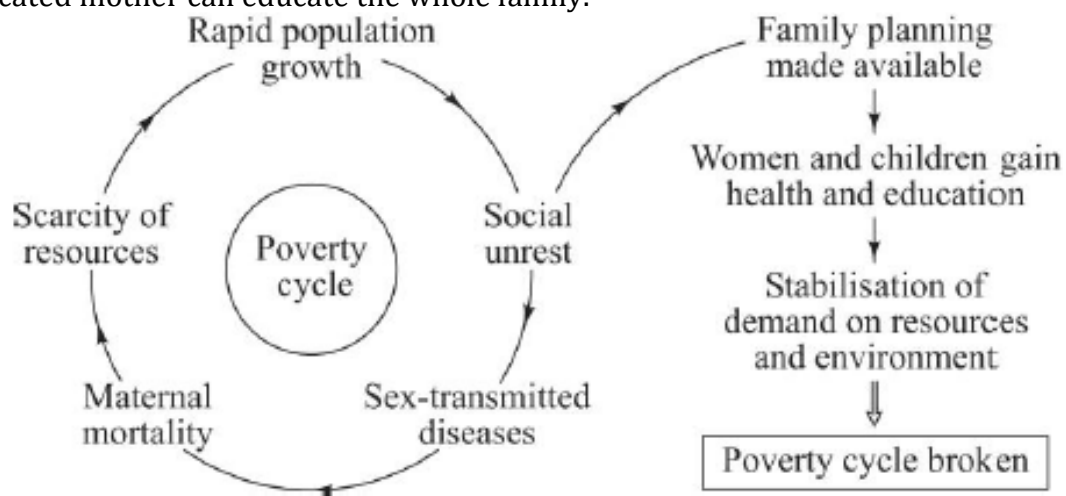
(ii) The societies are afraid to lose their cultural identity by women's education and globalisation.

(iii) Poverty and scarcity of resources force the poor to send their children for work and not to school.

(iv) Girls are trapped in a vicious downward circle of denied rights which generates a number of problems like social unrest, high maternal mortality rates, etc.

Advantages of Women's Education

- (i) Education provides girls and women with an understanding of basic health, nutrition and family planning. It leads directly to better reproductive health, improved family health, economic growth, lower rates of child mortality and malnutrition. It is also a key in the fight against the spread of HIV and AIDS.
- (ii) Educating girls and women is an important step in overcoming poverty and raising incomes. Educated girls have better skills needed for most of the new job categories.
- (iii) Educated women are more aware of the problems in society and have ideas on how to solve them. They contribute better to a society.
- (iv) A woman with knowledge is more respectable. She has the power to make people listen to her and the charisma that makes people follow her.
- (v) An educated mother can educate the whole family.



Roles of Women in Environment Protection

- (i) An educated woman can easily motivate other women (who are generally shy).
- (ii) She can conduct different campaigns (health care, environment protection, etc.) for local people located in the rural and urban areas. Education will enhance awareness for the preservation of natural resources.
- (iii) She can raise the interest of her family members towards education.
- (iv) Only she can discuss sensitive issues like family planning and the relevant precautionary and preventive measures needed.
- (v) She can attract the attention of media, government, NGO's, etc., regarding initiation of developmental activities for sustainable development (e.g. proper waste disposal, cleanliness, tree plantation, etc.). She can mobilise funds through voluntary donations for social activities.

