

Class-16

**Environmental -
Justice - Legislations – Ethics**

11th November, 2022

Environmental Justice

In 1998, the EPA defined **environmental justice** as

“No group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.”

Environmental justice is closely related to civil rights

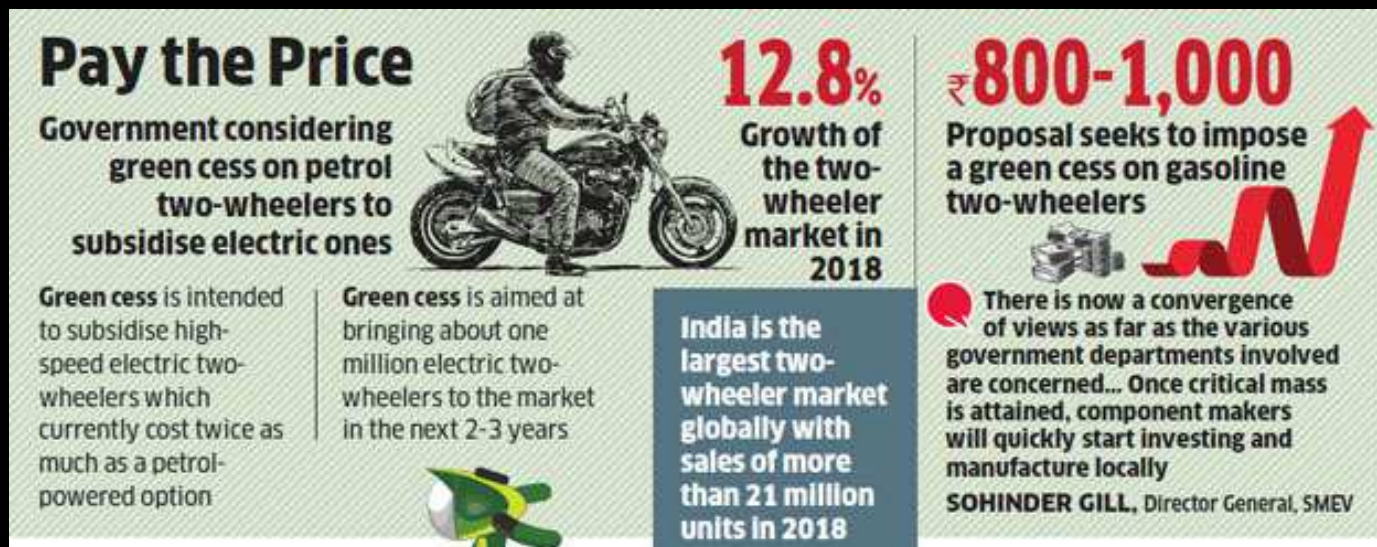
Studies show that the affluent members of society generate most of the waste, while the impoverished members tend to bear most of the burden of this waste.

Environmental Taxation

Green tax or environmental tax is a tax imposed on environmental pollutants or on goods whose repeated use contributes to pollution.

Green Tax is levied on older vehicles as an old engine is detrimental to the environment. Thus, the owner of the old vehicle has to pay Green Tax for polluting the environment. Such a tax is levied on both private and commercial vehicles..

Green Cess



Legislation - Constitutional Provisions & Environment

- Art 21 “Right to pollution free environment.”
- Art 48-A “ The state shall endeavor to protect & improve the environment and to safeguard the forests and wildlife of the country.
- Art 51-A(g) “duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.”

Environmental Legislations

1. General
2. Forest and wildlife
3. Water
4. 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.
- 1989 - The objective of Hazardous Waste Rules is to control the generation, collection, treatment, import, storage, and handling of hazardous waste.
- 1998 - The Biomedical waste 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.
- 2000 - The Municipal Solid Wastes Rules, apply to every municipal authority responsible for the collection, segregation, storage, transportation, processing, and disposal of municipal solid wastes.
- 2002 - The Noise Pollution (Regulation and Control) (Amendment) Rules lay down terms and conditions as are necessary to reduce noise pollution, permit use of loud speakers or public address systems during night hours on or during any cultural or religious festive occasion

Forest and wildlife

- *1927 - The 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 - The 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 forests that sustain them.*
- *1980 - The Forest (Conservation) Act and Rules, 1981, provides for the protection of and the conservation of the forests.*
- *2002 - The Biological Diversity Act is an act to provide for the conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising out of the use of biological resources and knowledge associated with it.*

Water

- 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. Industries must seek permission to discharge waste into effluent bodies. The 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 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 - The Coastal Regulation Zone Notification puts regulations on various activities, including construction. It gives some protection to the backwaters and estuaries.
- 2010 – Wetland Rules

Air

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

Environment Protection Act, 1986

- "environment" includes water, air and land and the inter- relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property
- "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;

"environmental pollution" means the presence in the environment of any environmental pollutant;

- *"handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;*

- *"hazardous substance" means any substance or preparation which, by reason of its chemical or physio-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plant, micro-organism, property or the environment;*

- *"occupier", in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises and includes in relation to any substance, the person in possession of the substance;*

Requirements under EPA

- Sec 7- no person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed*
- Sec 8 – 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*

Ramsar Convention

The Ramsar conservation an international treaty for the conservation and sustainable use of wetlands.

It is also known as the Convention on Wetlands. Named after the city of Ramsar in Iran, where the Convention was signed in 1971.

Ramsar Convention has two fold objectives:

Conservation and sustainable utilization of wetlands;
Stop the encroachment and loss of wetlands.

The Ramsar Convention works closely with six organizations.

Birdlife International

International Union for Conservation of Nature (IUCN)

International Water Management Institute (IWMI)

Wetlands International

WWF International

Wildfowl & Wetlands Trust (WWT)

Key features of the Ramsar Convention

1. *Recognizes wetlands (goods and services) as vital for human wellbeing (food and water security) and poverty alleviation*
2. *supports practical wetland sustainable utilization by countries*
3. *open, collaborative and flexible mechanisms - both ecosystems and species*
4. *supports implementation*

What is wetland??

Under the text of the Convention(Article 1.1), wetlands are defined as: •

“Areas of marsh, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters”

Ramsar covers

Natural and human-made wetlands

Inland/freshwater:

Marshes, rivers, lakes, reservoirs etc.

Coastal/marine

Lagoons, estuaries, mangroves, coral reefs, seagrass beds etc.

above ground and underground - karst caves

but not deep oceans

Five major wetland types are generally recognized:

Marine (coastal wetlands including coastal lagoons, rocky shores, and coral reefs);

Estuarine (including deltas, tidal marshes, and mangrove swamps);

Lacustrine (wetlands associated with lakes);

Riverine (wetlands along rivers and streams);

Palustrine (meaning “marshy”—marshes, swamps and bogs).

What is the Ramsar Convention on Wetlands?

Oldest of the global environmental conventions

The only global convention focusing attention on wetlands

Covers very wide range of wetlands - from ocean to mountains

Celebrated annually on World Wetlands Day - 2 February

India became a contracting party to the Ramsar Convention in October 1981

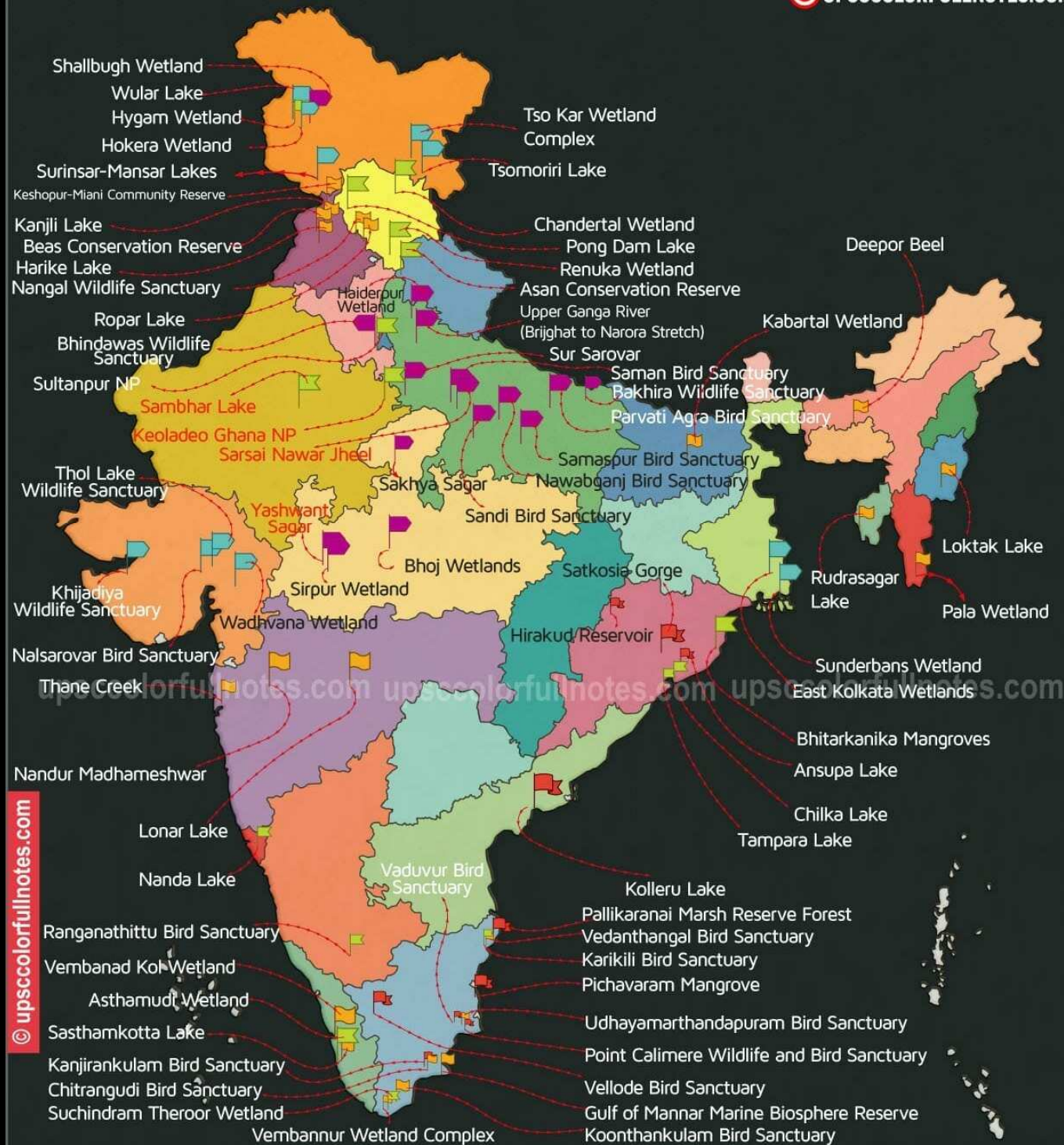
Implemented on 1st Feb, 1982, designated Chilka Lake (Orissa) and Keoladeo National Park (Rajasthan) as its first two Ramsar Sites

As of Aug, 2022: Globally : 2,453 India: 75: TN- 14 (Max) 11 sites added in 2022

Sundarbans – Largest and Renuka Wetland - Smallest

75 RAMSAR WETLANDS SITES 2022

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Environmental Ethics

Ethics is one branch of philosophy; that involves systematizing and recommending concepts of right and wrong conduct.

Ethics can help us understand what actions are wrong and why they are wrong.

Environmental ethics is a field that concerns human beings' ethical relationship with the natural environment

Sometimes an individual's ethical commitments can conflict with each other.

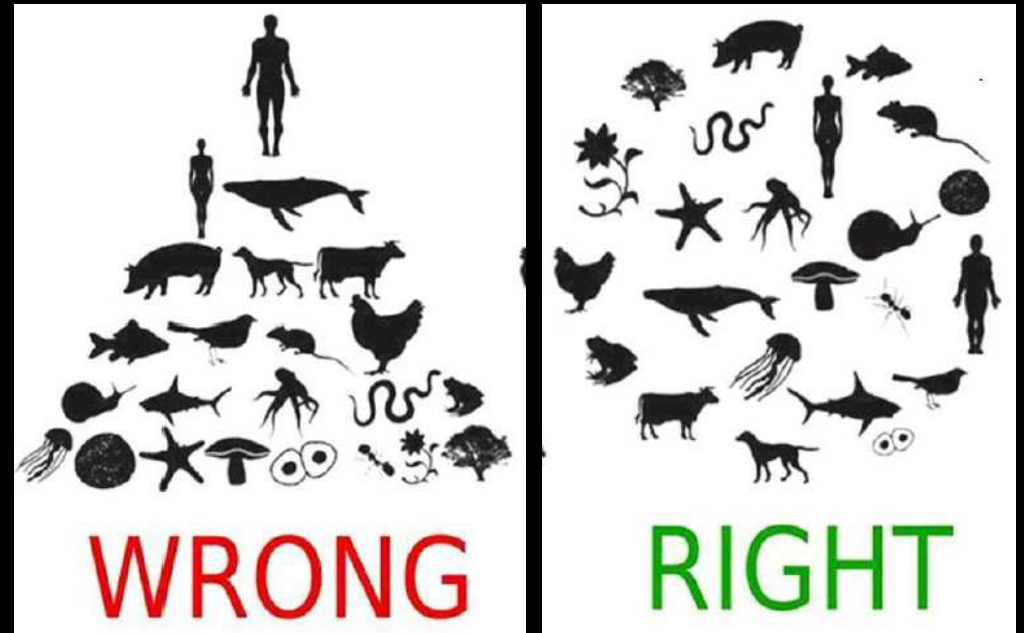
In many cases, what is good for the environment is also good for people.

Guiding Principle

The concept of environmental ethics brings out the fact that all the life forms on Earth have the right to live. By destroying nature, we are denying life forms of this right, which is unethical.

The food web clearly indicates that human beings, plants, animals, and other natural resources are closely linked with each other. All of us are creations of nature and we depend on one another and the environment.

Respecting the existence of not just other humans but also the non-human entities, and recognizing their right to live is our primary duty.



Ethical Decisions

Should humans continue to make gasoline-powered vehicles?

Should humans continue to clear out forests for the sake of human consumption?

Is it right for humans to knowingly cause the extinction of a species for the convenience of humanity?

What environmental obligations do humans need to keep for future generations?

Types of Environment Ethics

1. Anthropocentrism

Humans are of central importance and Earth's resources belong to them.

2. Biocentrism

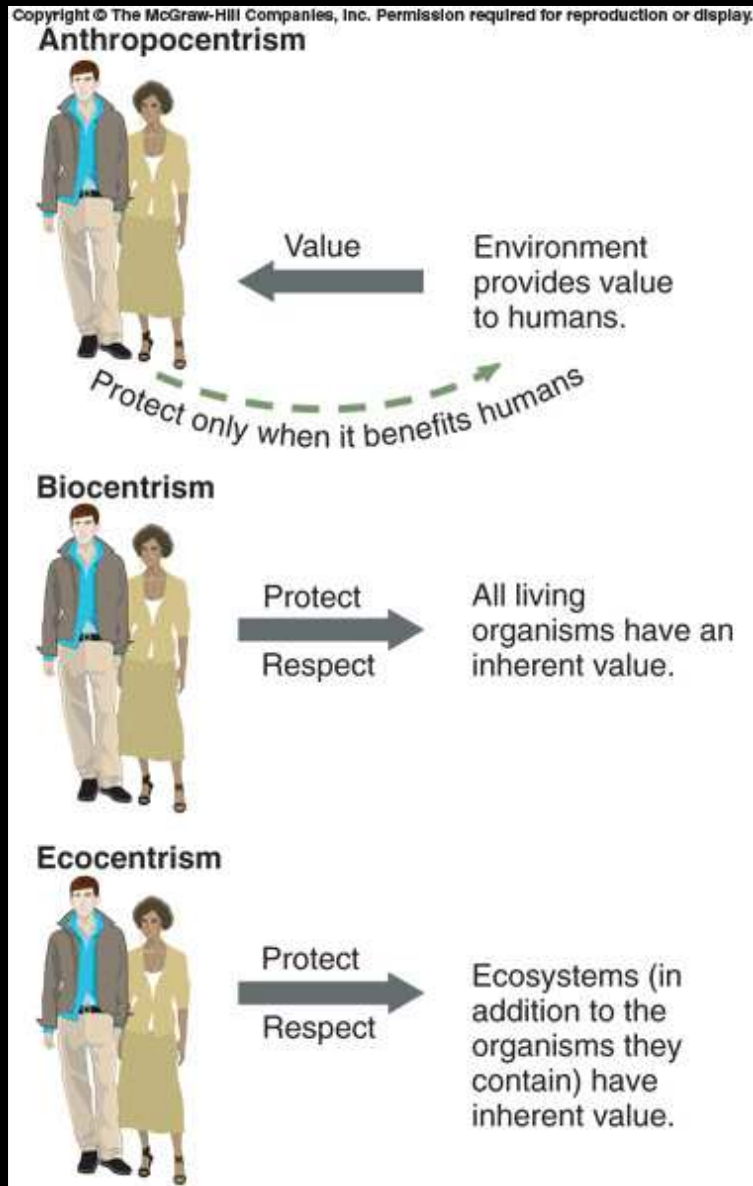
Humans and animals have equal value.

3. Ecocentrism

Everything (living or non-living) has intrinsic value and are interconnected



Three Philosophical Approaches to Environmental Ethics



- *“A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise....We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.”*

—Aldo Leopold

A Sand County Almanac, 1949

1) Anthropocentrism

It is the idea that the Earth and its resources exist for human consumption.

According to Anthropocentrists, environmental ethics involve protecting the Earth for the use of future generations.

Instrumental importance of non-human species and not intrinsic importance.

Mostly practiced in Western Traditional environmental ethics.



2) Biocentrism

All natural things have intrinsic value.

The environment is seen as an end in itself, and not valued only as a means to human ends.

In biocentric view, we have a moral duty to protect the environment and living things even when they do not benefit our interests.

Human interests do not take precedence over the natural world.

3) Ecocentrism

Philosophy believes the importance of an ecosystem as a whole. Humans are only one part of a complicated system that is the Earth. Equal importance is given to living and non-living components of ecosystems.

Holistic school of thought that sees little importance in individuals. Ecocentrists are concerned only with how individuals influence ecosystems as a whole.

Common in Eastern Traditional environmental ethics.

Marshall's Categories

Alan Marshall developed a postmodern version of human-nature relationships. According to Marshall, three general ethical approaches have emerged over the last 40 years:

1. Libertarian Extension
2. Ecologic Extension
3. Conservation Ethics

1. Libertarian Extension : It echoes a civil liberty approach.

Commitment to extend equal rights to all members of a community.

In Environmentalism, community refers to non-humans as well as humans.

Deep Ecology - argues for the intrinsic value or inherent worth of the environment.

This belief falls under both Libertarian Extension and Ecologic Extension ethical approaches.

2. Ecologic Extension:

Places emphasis not on rights, but on recognition of fundamental interdependence of all biological entities.

Whereas Libertarian Extension can be thought of as a political reflection of the natural world, Ecologic Extension is best thought of as a scientific reflection of the natural world.

This category could include James Lovelock's Gaia hypothesis

3. Conservation Ethics

It focuses only on the worth of the environment in terms of its utility or usefulness to humans.

It contrasts the intrinsic value ideas of deep ecology, hence is often referred to as shallow ecology.

Preservation of the environment on the basis that it has extrinsic value – instrumental to the welfare of human beings.

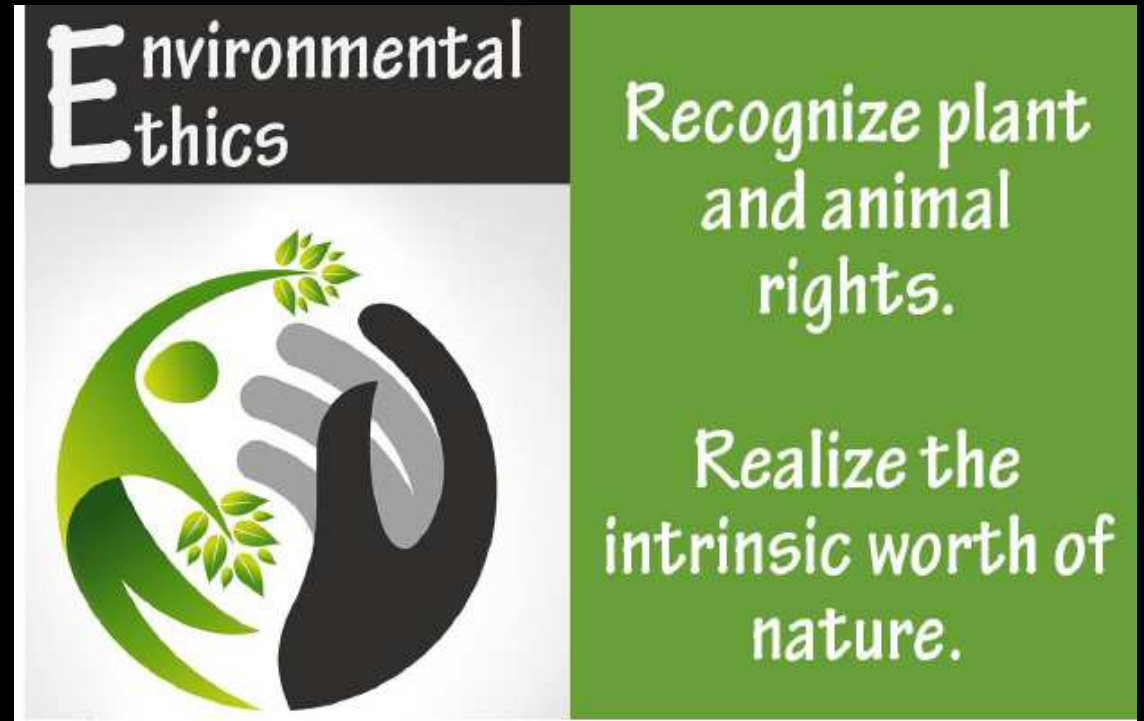
It is argued that this ethic formed the underlying arguments proposed by governments at the Kyoto Summit in 1997.

Conclusive Thoughts

Environmental ethics try to answer the question of whether human beings have any moral obligation towards the non-human entities in nature. For the sake of development and convenience, is it morally right to burn fuels though pollution is caused?

Is it morally right to continue with technological advances at the cost of the environment?

Climate change is known to have a negative impact on plant diversity. It is a fact that the increasing pollution levels are hazardous for not only humans but also for plants and animals.



Given this, isn't it our moral responsibility to protect the environment?