

## **Study of Different Laws for Environmental Protection and Management**

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### **Abstract**

*The term 'environment' refers to all elements, factors, and conditions that have an impact on an organism's growth and development. Environment includes both biotic and a-biotic factors that have influence on them. Environment is very important for human existence; hence it is our responsibility to protect it. Some laws and regulations are established to protect the environment while also targeting the control of environmental degradation further. Management and conservation are the two most important aspects of environmental laws. This study deals with several aspects of India's environmental protection laws and acts. This research also sheds light on the necessity and significance of environmental legislation, as well as several international environmental protection organizations that aim to conserve and manage the environment.*

**Keywords:** *Environmental pollution, conservation, management, environmental laws*

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### **I. Introduction**

Environmental law is a collective term encompassing aspects of the law that provide protection to the environment. A related but distinct set of regulatory regimes, now strongly influenced by environmental legal principles, focus on the management of specific natural resources, such as forests, minerals, or fisheries. Other areas, such as environmental impact assessment, may not fit neatly into either category, but are none the less important components of environmental law.

Environmental law looks at all the factors that pertain to an economy and its production and industry to assess its impact on the environment and to propose regulations that will reduce environmental harm. It is mostly considered with regulations and treaty agreements between countries, corporations, and public interest initiatives that promote the conservation of natural resources and enhance energy efficiency.

Environmental law works to protect land, air, water, and soil. Negligence of these laws results in various punishments like fines, community service, and in some extreme cases, jail time. Without these environmental laws, the government would not be able to punish those who treat the environment poorly.

Environmental law is concerned with the control of pollution on the one hand and the conservation of natural resources on the other hand. It also has relevance to product design in the form of environmentally friendly materials, emission controls and energy-efficient devices.

### **Need and Necessity of environmental laws**

Environmental law is necessary to combat issues related to the environment and conservation of natural resources. For instance, environmental laws pertain to issues like global warming, climate change, greenhouse gas emissions, acid rain, hunting of endangered species, deforestation, depletion of natural resources, pollution of water, air and soil. The need for protection and conservation of environment and sustainable use of natural resources is reflected in the constitutional framework of India and also in the international commitments of India. The Constitution under Part IVA (Art 51A-Fundamental Duties) casts a duty on every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. Further, the Constitution of India under Part IV (Art 48A-Directive Principles of State Policies) stipulates that the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.

### **Importance of Environmental Law**

The environment is important for human existence. To protect the environment, it is important to have some legislation in place. The environmental laws provide a guideline so that we can take care of the environment in an effective manner. We have different legal organizations and charitable institutions that take care of the environment and implement the rules.

The two basic factors that come under environmental law is conservation and management. This is a common law that includes conventions, treaties, regulations and statutes to preserve and protect the environment.

It also required to be ensured that the law is followed when it comes to taking care of the environment and maintaining a balance between humanity and nature. Negligence of these laws results in various punishments.

**1. Protect human health and the environment**

The main job of environmental law is to protect human health as well as the environment. It is all about making balance. The role of the environment is to ensure that the practices used in the environment do not cause harm to the environment, human or animal health. The areas like air quality, water quality, waste management, contaminant cleanup, chemical safety, resource sustainability come under this law. Therefore, environmental laws play a huge part in protecting humans, animals, habitats, and resources. There are some practices that interfere with the safety of human health and the environment, and the work of the law is to protect people in such instances. For instance, the use of harmful pesticides in agriculture that makes a really bad impact on human and animal health is one of the areas where environmental law is concerned. Without these laws, there would be no regulations concerning pollution, contamination, hunting, or even response to disasters.

**2. Waste management in a proper way**

Waste management is one of the biggest problems that the world is facing today. It is a very serious problem, and finding efficient and environmentally friendly waste management procedures is very important. With proper waste management, it will be easy to protect the environment. The environmental law is to make sure that the process of waste management does not impact the environment or human health badly and also that waste materials are disposed of according to the set standards and procedures. For example-Sweden even made it to the level of importing waste from other countries by developing perfect waste managing and recycling machinery.

**3. Govern industries and manufacturing**

The setting up industries and manufacturing plants are not possible without the environmental law. The environmental law will make sure that industries meet all the legal obligations that are required to respect and save our environment. It is the duty of an environmental lawyer to make sure that industries meet all the laws, and they are also concerned about the protection of the surroundings and environment.

**Worldwide Environmental Protection Bodies**

Globally, everyone is paying attention towards protection of environment. So, in order to protect environmental health, some organizations are there around the world in an effort to analyze, track, and conserve the global environment. These organizations may be nonprofits, governmental, trusts, or non-governmental. Additionally, environmental organizations work at different levels around the world, including international, national, regional, or local. Some of them are given below:

- **World Nature Organization (WNO)**

Planning for the World Nature Organization began in 2010 by the developing countries which are most threatened by climate change. These nations are located around the Pacific Ocean and the Caribbean as well as a few countries in Africa. The Preparatory Commission published the WNO Treaty in June of 2012, but lack of interest left the agreement unsigned. This organization did not come into effect in May of 2014 as planned. Its goal was to promote economically friendly businesses, technology, energy, and activities.

- **United Nations Environment Programme (UNEP)**

The United National Environment Programme was founded in June of 1972 after the UN Conference on the Human Environment. It is responsible for a number of environmental issues concerning various UN agencies. Some of these responsibilities include: developing international environmental agreements, encouraging environmental science, and creating development policies with national governments. Experts of the UNEP have contributed to guidelines of treaties and policies in terms of potential contaminants. The United Nations Environment Programme (UNEP) is the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment.

- **International Union for Conservation of Nature (IUCN)**

The International Union for Conservation of Nature was established in 1948 and is comprised of over 1,200 government and non-government members. Its mission is to promote nature conservation and the sustainable use of natural resources around the globe. This environmental organization also focuses on issues such as poverty, gender equality, and sustainable business practices in order to achieve its objective. This organization is responsible for publishing the IUCN Red List which categorizes biological species by their conservation status. It is involved in data gathering and analysis, research, field projects, advocacy, lobbying and education. IUCN's mission is to "influence, encourage and assist societies throughout the world to conserve nature and to ensure that any use of natural resources is equitable and ecologically sustainable."

- **Intergovernmental Panel on Climate Change (IPCC)**

The IPCC works under the UN as an intergovernmental and scientific organization, established in 1988 by the World Meteorological Organization and the previously mentioned UNEP. Its purpose is to offer the world an unbiased, scientific assessment of climate change and its effects. The IPCC reports are based on published literature by non-IPCC scientists on a voluntary basis. In 2007, this organization, along with Al Gore, received the Nobel Peace Prize.

## **Some Major Environmental Laws in India**

### **1. The Water Act, 1974**

This act (water prevention and control of pollution) provides for the prevention and control of water pollution and the maintenance or restoration of wholesomeness of water. As such, all human activities having a bearing on water quality are covered under this Act. Subject to the provisions in the Act, no person without the previous consent of the State Pollution Control Board (SPCB) can establish any industry, operation or any treatment and disposal system or an extension or addition there to which is likely to discharge sewage or trade effluent into a stream or well sewer or on land and have to apply to the SPCB concerned to obtain the consent to establish as well as the consent to operate the industry after establishment.

### **2. The water (prevention and control of pollution) CESS Act, 1977**

The main purpose of this Act is to levy and collect cess on water consumed by certain categories of industry specified in the schedule appended to the Act. The money thus collected is used by CPCB and SPCBs to prevent and control water pollution.

### **3. The Air (prevention and control of pollution) Act, 1981**

The objective of the Air Act 1981 is to prevent, control and reduce air pollution including noise pollution. Under provisions of this Act, no person shall, without previous consent of the SPCB, establish or operate any industrial plant in air pollution control area the investor has to apply to the SPCB/Pollution Control Committee (PCB) to consent. No person operating any industrial plant shall emit any air pollution in excess of the standards laid down by the SPCB and have to comply with the stipulated conditions.

### **4. The Environment (protection) Act, 1986**

This is an umbrella Act for the protection and improvement of environment and for matters connected, which provides that no person carrying on any industry, operation or process should discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed. Several rules relative to various aspects of management of hazardous chemicals, wastes, etc. have been notified. Under this Act, Central Govt. has ruscinated, prohibited location of industries in different areas so as to safeguard the environment. Many standards for air emissions, discharge of effluent and noise have been evolved and notified. Subject to the provision of this Act, Central Govt. has the power to take all measures as it deemed necessary for the purpose of protection and improving the environment. Procedures, safeguards, prohibition and restriction on the handling of hazardous substances along with the prohibition and restriction on the location of industries in different areas have notified.

### **5. The Hazardous Wastes (management and handling) Rules, 1989 & 2000.**

Hazardous wastes have been categories in 18 categories. Under this rule, project proponent handling hazardous waste must report to the concerned authorities regarding handling of wastes, obtain authorization for handling wastes, maintain proper records, file annual returns, label all packages, consignments etc., report any accident immediately in for report import-export of hazardous waste. MOEF notified the HW (M&H) Amendment Rules in January 6, 2000 (MOEF, 2000). Under this rule, toxic chemicals, flammable chemicals and explosive have been redefined to be termed as hazardous chemical. As per new criteria, 684 hazardous chemicals.

### **6. The Manufacturer, Storage and Import of Hazardous Chemical Rules, 1989 & 2000.**

Under these rules, any kind of hazardous industry have to identify likely hazard and their anger potential. They also have to take adequate steps to prevent and limit the consequences of any accident at site. Material safety Data Sheets (MSDS) for all the chemicals in handling has to be prepared. Workers on site are required to be provided with information, training and necessary equipment to ensure their safety. Onsite Emergency Plan is to be prepared before initiating any activity at the site. Off-site. Emergency Plan is to be prepared by the District Controller in close collaboration with the project proponents for any accident envisaged on site. The public in the vicinity of the plant should be informed of the nature major accident that may occur on site and Do's and

Don'ts to be followed in case of such an occurrence. Import of hazardous chemicals is to be reported to the concerned authority within 30 days from the date of import. MOEF made significant amendments in the MSIHC Rules, 1989 on January 20, 2000. Under new amendments, new schedule I is incorporated with the increase in the number of hazardous chemicals. Renewal of authorization will be subject to submission of Annual Returns for disposal of hazardous waste; reduction in the waste generated or recycled or reused; fulfillment of authorization conditions and remittance processing and analysis fee. State government as well as occupier or its association shall be responsible for the identification site for common waste disposal facility. Public hearing is also made mandatory to be conducted by the state government before notifying any common hazardous waste disposal site. Central/State government will provide guidance for the design, operation and closure of common waste facility/landfill site. It is mandatory to obtain prior approval from the SPCB for design and layout the proposed hazardous waste disposal facility.

#### **7. Public Liability Insurance Act, 1991.**

This Act, unique to India, on the owner the liability to immediate relief in respect of death or to any person or damage to any property resulting from an accident while handling hazardous any of the notified hazardous chemicals. This relief has to be provided on no fault basis. The owner handling hazardous chemical has to take an insurance policy to meet this liability of an amount equal to its Paid-up capital or up to Rs. 500 million, whichever less. The policy has to be renewed every year. New undertaking will have to take this policy before starting their activity. The owner also has to pay an amount equal to its annual premium to the Central Government's Environment Relief Fund (ERF). The reimbursement of medical expenses up to Rs. 12,500/-. The liability of the insurance is tied to Rs. 50 million per accident up to Rs. 150 million per year or up to the tenure of the policy.

Any claims process to this liability will be paid from the ERF. In case the award still exceeds, the remaining amount shall have to be met by the owner. The payment under the Act is only for the immediate relief; owners shall have to provide the compensation if any, arising out of legal proceeding.

#### **8. The National Environment Tribunal Act, 1995.**

This Act is enacted to provide for strict liability for damages arising out of incidents occurring during handling of hazardous substances and for establishment of National Environment Tribunal effective and expunction disposal of cases arising from such accidents, with a view to giving relief and compensation damages to person, and the environment.

#### **9. The Chemical Accidents (Emergency, Planning, Preparedness and response) Rules, 1996.**

These rules provided a statutory backup for setting up of a Crisis Group in districts and states, which have Major Accident Hazard (MAH) installations for providing information to the public. The rules define the MAH installations, which include industrial activity, transport and isolated store at a site handling hazardous chemicals in quantities specified. As per the rules, GOI has constituted a Central Crisis Group (CCG) for the management of chemical accidents a set up an alert system. The Chief Secretaries of all the States have also constituted Standing State Crisis Groups (SSCG) to plan and response to chemical accidents in the state. The District Controller has to constitute District as Local Central Crisis Groups (DCG and LCG). The CCG is the apex body in the country to deal with and provide expert guidance for planning and handling major chemical accidents. It continuously monitors the post-accident saturation and suggests measures for prevention occurrence of such accidents. MOEF, GOI has published a state-wise list of experts and concerned officials. The is the apex body of the state chaired by the Chief Secretary Consisting of GOI officials, technical experts and industry representatives and deliberates on planning, preparedness and mitigation of chemical accidents to reduce the loss of life, property and ill-health. These rules enable preparation of on and off- site emergency plans, updation and conduction of mock-drills.

#### **10. The Biomedical Waste (Management and Handling) Rules, 1998.**

This act regulates the disposal of biomedical wastes including anatomical waste, blood, body fluids medicines, glass wares and animals wastes by the health care institution (i.e., nursing homes, clinics, dispensaries, veterinary institutions, animal houses pathological laboratories and banks etc. in the cities having population more than 30 Lakh or all the hospitals with bed strength more than 500. They are required to install and commission requisite facilities like incinerators, autoclaves, microwave system etc. the treatment of biomedical waste. All the persons handling such sides are required to obtain permission from the Appropriate Authority. Segregation of biomedical waste at source been made mandatory for all the institutions and organizations dealing with them. These rules make the generator of biomedical wastes liable to segregate, pack, store, transport, treat and dispose the biomedical waste in an environmentally sound manner.

### **11. Municipal Wastes (Process and Disposal) Draft Rules, 1999.**

Under these rules, municipal authority is made responsible for implementation of the provisions of these rules and for any in structural development for collection, storage, segregation transportation, processing and disposal of MSW and to comply with these rules. Annual report is to be submitted by Municipal authority in Form-I to the District Magistrate/ Deputy Commissioner who shall have the power to enforce these rules. We shall be managed as per Schedule-II. Disposal of MSW shall be through landfill as per specifications and standards laid down in schedule-III. The standards for compost and disposal of treated leachate shall be followed by Municipal Authorities as per Schedule-IV.

### **12. The Recycled Plastic Manufacture and Usage Rules, 1999.**

Under these rules, use of carry bags or containers made of recycled plastics for storing, carrying dispensing or packaging of foodstuffs is prohibited. Carry bags or containers made of plastics can be manufactured only when

(i) virgin plastic in its natural shade or white is used

(ii) recycled plastic is used for purposes other than storing and packaging foodstuff using pigments and colorants as per IS: 9833: 1981. Recycling of plastics is to be undertaken strictly in accordance with the Bureau of Indian standards Specification IS: 14534: 1998, the Guideline for Recycling of plastics. Manufacture has to print on each packet of carry bags as Made of Recycled Material or Virgin Plastic. The minimum thickness of carry bags should not be less than 20 microns. Finally, Plastic Industry Association through their member units has to undertake self-regulatory measures.

### **13. The Fly Ash Notification, 1999.**

The notification to conserve topsoil and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants have been issued on September 14, 1999. Under these directives it is mandatory for every brick manufacture within a radius of 50 km from coal or lignite based thermal power plant to mix at least 25% of ash (fly ash/bottom ash/pond ash) with soil on weight-to-weight basis to manufacture clay bricks or tiles or blocks used in construction activities. Every coal or lignite based thermal power plant has to make available ash, for at least ten years from the date of publication of this notification, without any payment or any other consideration, for the purpose of manufacturing ash-based products. Every coal or lignite based thermal power plant commissioned subject to environmental condition stipulating the submission of an action plan has to achieve the same within 9 years (15 years for plants not covered by environmental clearance). As per the directive, Central and state Govt. Agencies, the State Electricity Boards, NTPC and the management of thermal power plants have to facilitate utilization of ash and ash-based products in their respective schedule of specifications. All the local authorities have also to specify in their respective building bye-laws and regulations about the use of ash and ash-based products.

### **14. The Batteries: Management and Handling (Draft) Rules, 2000.**

The MOEF issued the Batteries (M&H) (Draft) Rules, 2000 to control the hazard associated with backyard smelting and unauthorized reprocessing of lead acid batteries. The lead acid batteries are widely used automobiles such as cars, trucks, buses, two-wheelers and inverters. As per the provision, battery manufactures, importers, assemblers and re-conditioned have to collect old batteries on a one-to-one basis against the sale of new batteries. The batteries so collect have to be sent to recyclers, registered with MOEF for recycling them in eco-friendly manner, unless battery manufactures them have such recycling facilities. Registration is accorded by the MOEF to only those units, which have in place appropriate manufacturing technology, pollution prevention systems and suitable arrangements for waste disposal. Importers of new batteries, dealers as well as organization auctioning used batteries have been brought under the purview of these rules. Only those re-processors registered with MOEF would be able to participate in sale by auction or contract. As a result, middlemen and backyard smelters are debarred from participation in any auction within the country. Manufactures have to incorporate suitable provisions for buyback, in case of bulk sale of batteries by the manufacturers to bulk consumers. Recycling of ferrous metals such as lead and zinc helps to save energy vis-à-vis primary metal production and is environment-friendly if reprocessing is done with suitable arrangements for pollution a control and waste disposal. They also help conserving precious metal resources.

### **Some Other Laws Related to Environment Management**

In addition to the above content, in India, there are also some other laws relating to environment, namely

- The Wildlife Protection Act, 1972

The Wild Life (Protection) Act, 1972 was enacted with the objective of effectively protecting the wild life of this country and to control poaching, smuggling and illegal trade in wildlife and its derivatives. The Act was amended in January 2003 and punishment and penalty for offences under the Act have been made more stringent. The Ministry has proposed further amendments in the law by introducing more rigid measures to

strengthen the Act. The objective is to provide protection to the listed endangered flora and fauna and ecologically important protected areas.

- The Forest Conservation Act, 1980

The Forest Conservation Act, 1980 was enacted to help conserve the country's forests. It strictly restricts and regulates the de-reservation of forests or use of forest land for non-forest purposes without the prior approval of Central Government. To this end the Act lays down the pre-requisites for the diversion of forest land for non-forest purposes.

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, It recognizes the rights of forest-dwelling Scheduled Tribes and other traditional forest dwellers over the forest areas inhabited by them and provides a framework for according the same.

- The Indian Forest Act, 1927

It consolidates the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

- Public Liability Insurance Act, 1991

The Public Liability Insurance Act, 1991 was enacted with the objectives to provide for damages to victims of an accident which occurs as a result of handling any hazardous substance. The Act applies to all owners associated with the production or handling of any hazardous chemicals.)

- The Biological Diversity Act, 2002

The Biological Diversity Act 2002 was born out of India's attempt to realize the objectives enshrined in the United Nations Convention on Biological Diversity (CBD), 1992 which recognizes the sovereign rights of states to use their own Biological Resources. The Act aims at the conservation of biological resources and associated knowledge as well as facilitating access to them in a sustainable manner. The National Biodiversity Authority in Chennai has been established for the purposes of implementing the objects of the Act.

- Coastal Regulation Zone Notification, 2011

The Ministry of Environment and Forests had issued the Coastal Regulation Zone Notification vide Notification no. S O. 19(E), dated January 06, 2011 with an objective to ensure livelihood security to the fishing communities and other local communities living in the coastal areas, to conserve and protect coastal stretches and to promote development in a sustainable manner based on scientific principles, taking into account the dangers of natural hazards in the coastal areas and sea level rise due to global warming.

- The National Green Tribunal Act, 2010

This is an Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.

## II. Conclusions

Human life is inextricably linked to the environment. As a result, it is critical that we protect our environment and assist nature in maintaining ecological equilibrium. There has been a lot of environmental damage in the recent past. Pollution of the air, water, and land has occurred, and there appears to be no definitive solution in sight. Scientific progress and fast industrialization have had an impact. Nowadays, environmental preservation is extremely vital as the globe enters a new era without taking into account any of the major pollution issues that have arisen as a result of fast industrialization. Laws governing environmental management are critically necessary for long-term growth. These rules aid in minimizing environmental disruptions and ensuring that development proceeds sustainably. Laws governing environmental management are critically necessary for long-term growth. Acts of environmental conservation are crucial in maintaining ecological balance. These regulations encourage mankind to use natural resources responsibly and to adopt eco-friendly technology. To reap the most benefit, environmental protection rules must be properly enforced in order to ensure enough natural resource supplies not just for the future but also for the present.

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