

# The Wild Life (Protection) Act of 1972

- The Wild Life Act (Protection) Act, 1972 was enacted for the protection of plant and animals.

### Salient Features of Wildlife Protection Act

- This Act provides for the protection of a listed species of animals, birds, and plants, and also for the establishment of a network of ecologically-important protected areas in the country.
- It helped India become a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (**CITES**).

- It provides for the establishment of wildlife sanctuaries, national parks, etc.
- Its provisions paved the way for the formation of the **Central Zoo Authority**.
- The Act created **six schedules** which gave varying degrees of protection to classes of flora and fauna.
- The **National Board for Wildlife** was constituted as a statutory organization under the provisions of this Act.
  - This is an advisory board that offers advice to the central government on issues of wildlife conservation in India.
  - It is also the apex body to review and approve all matters related to wildlife, projects of national parks, sanctuaries, etc.
  - The chief function of the Board is to promote the conservation and development of wildlife and forests.
  - It is chaired by the Prime Minister.
- The Act also provided for the establishment of the **National Tiger Conservation Authority**.

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- It is a statutory body of the Ministry of Environment, Forest and Climate Change with an overall supervisory and coordination part, performing capacities as given in the Act.
- Its mandate is to strengthen **tiger conservation in India**.
- It gives statutory authority to **Project Tiger** which was launched in 1973 and has put the endangered tiger on a guaranteed path of revival by protecting it from extinction.

- It has **six schedules** which give varying degrees of protection.
- **Schedule I and part II of Schedule II provide absolute protection-** offences under these are prescribed the highest penalties.
- Species listed in **Schedule III and Schedule IV** are also **protected, but the penalties are much lower.**
- **Schedule V** includes the animals which **may be hunted.**
- The specified endemic plants in **Schedule VI** are **prohibited** from cultivation and planting.

### Schedule I

- This Schedule covers **endangered species**.
- These species need rigorous protection and therefore, the harshest penalties for violation of the law are under this Schedule.
- Species under this Schedule are prohibited to be hunted throughout India, except under threat to human life.
- Absolute protection is accorded to species on this list.
- The Trade of these animals is prohibited.
- Examples: tiger, blackbuck, Himalayan Brown Bear, Brown Antlered Deer, Blue whale, Common Dolphin, Cheetah, Clouded Leopard, hornbills, Indian Gazelle, etc.

### Schedule III & IV

- This list is for species that are not endangered.
- This includes protected species but the penalty for any violation is less compared to the first two schedules.
- Examples: hyena, Himalayan rat, porcupine, flying fox, Malabar tree toad, etc.

### Schedule VI

- This list contains plants that are forbidden from cultivation.
- Examples: pitcher plant, blue vanda, red vanda, kuth, etc.

### Schedule II

- Animals under this list are also accorded high protection.
- Their trade is prohibited.
- They cannot be hunted except under threat to human life.
- Examples: Kohinoor (insect), Assamese Macaque, Bengal Hanuman langur, Large Indian Civet, Indian Fox, Larger Kashmir Flying Squirrel, Kashmir Fox, etc.

### Schedule V

- This schedule contains animals that can be hunted.
- Examples: mice, rat, common crow, fruit bats, etc.

## Environment (Protection) Act of 1986

- In the wake of the **Bhopal tragedy**, the government of India enacted the Environment Act of 1986.
- The purpose of the Act is to implement the decisions of the **United Nations Conference on the Human Environment of 1972**.
- The decisions relate to the protection and improvement of the human environment and the prevention of hazards to human beings, other living creatures, plants and property.

- **“Environment”** is 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, microorganisms 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.**

## **Salient Features:**

- Section 3(1) of EPA: Centre is empowered 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”.

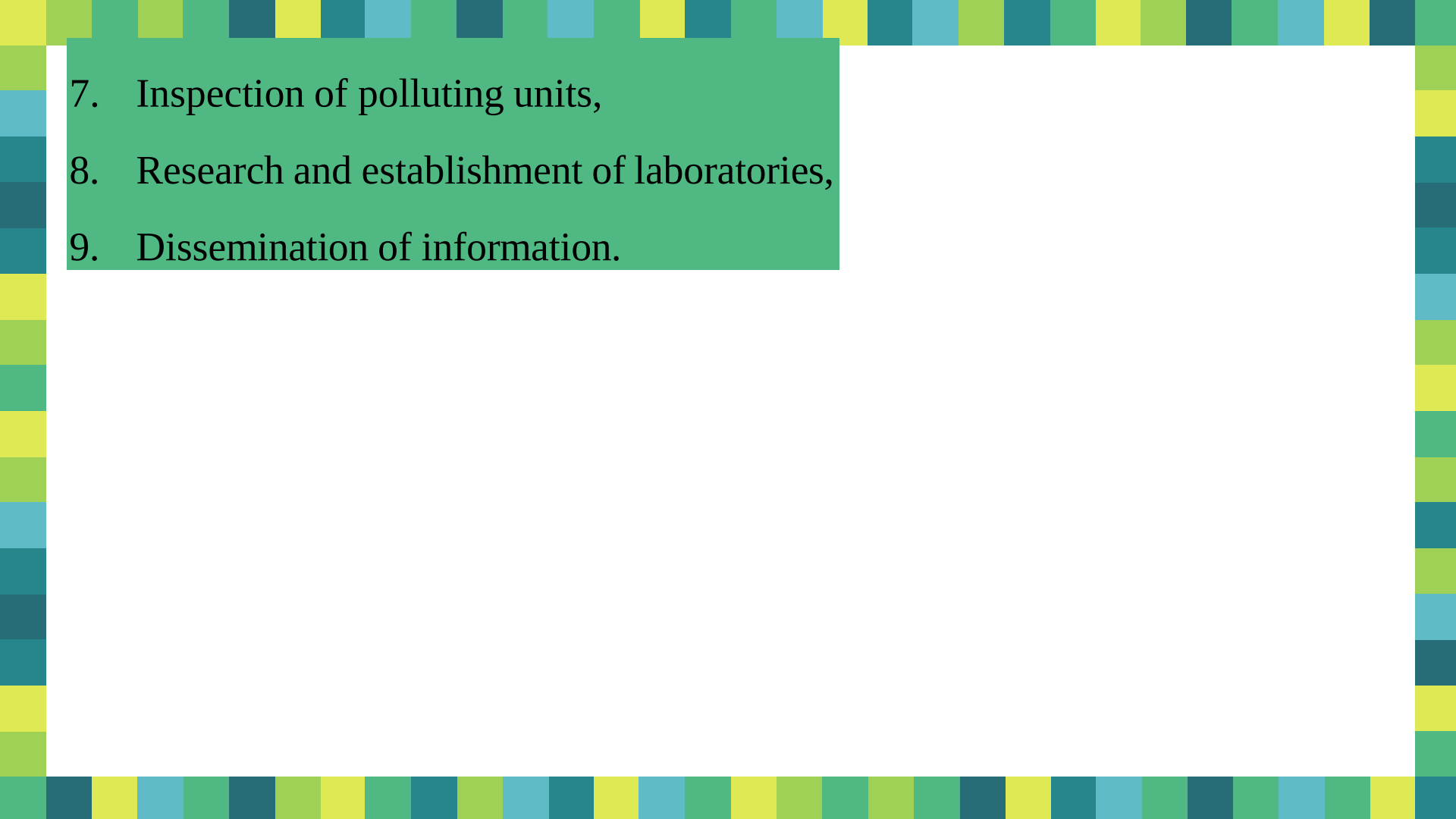
## Salient Features:

- The Central Government can set new national standards for the quality of the environment (ambient standards) as well as standards for controlling emissions and effluent discharges:
  1. To **regulate** industrial **locations**,
  2. To prescribe procedures for **managing hazardous substances**;
  3. To establish **safeguards** preventing accidents, and
  4. To collect and dismantle information regarding environmental pollution.

## **Salient Features:**

### **Powers of Central Government under EPA:**

1. Coordination of action by state,
2. Planning and execution of nation wide programmes,
3. Laying down environmental quality standards, especially those governing emission or discharge of environmental pollutants,
4. Placing restriction on the location of industries
5. Handling of hazardous substances,
6. Prevention of environmental accidents,

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7. Inspection of polluting units,
  8. Research and establishment of laboratories,
  9. Dissemination of information.

- **Hazardous Microorganisms/Genetically Engineered Organisms or Cells 1989**

- Biosafety concerns have led to the development of regulatory regime in India.

Aim of 'Rules 1989' is to protect environment, nature and health in connection with application of gene technology and micro-organisms

- 1. Recombinant DNA Advisory Committee (RDAC):** The functions are of an advisory nature. It recommends safety regulations for India in recombinant research, use and applications.
- 2. Review Committee on Genetic Manipulation (RCGM)** established under the Department of Biotechnology, Ministry of Science and Technology, to monitor the safety related aspects in respect of on-going research projects.
- 3. Genetic Engineering Approval Committee (GEAC):** it is the apex body constituted in the MoEF under 'Rules 1989', under the **Environment Protection Act, 1986**.
- 4. State Biotechnology Coordination Committee (SBCC's)** have a major role in monitoring. It also has powers to inspect, investigate and take punitive action in case of violations of statutory provisions.
- 5. District Level Committees (DLCs)** have a major role in monitoring the safety regulations in installations engaged in the use of genetically modified organisms/hazardous microorganisms and its applications in the environment.
- 6. Institutional Biosafety Committee (IBSC)** is established under the institution engaged in GMO research to oversee such research and to interface with the RCGM in regulating it.

- **The Ozone Depleting Substances Rules**

- The rules are framed under the jurisdiction of **Environment (Protection) Act**.
- These Rules set the deadlines for phasing out of various ODSs, besides regulating production, trade import and export of ODSs and the product containing ODS.

- **National Ganga River Basin Authority (NGRBA)**

- National Ganga River Basin Authority (NGRBA) is a financing, planning, implementing, monitoring and coordinating authority for the Ganges River, functioning under the **Ministry of Water Resources**.
- The mission of the organization is to safeguard the drainage basin which feeds water into the Ganges by protecting it from pollution or overuse.
- In 2014, the NGRBA has been transferred from the Ministry of Environment and Forests to the **Ministry of Water Resources, River Development & Ganga Rejuvenation**.
- It was established by the Central Government of India, in 2009 under Section 3(3) of the **Environment Protection Act, 1986**, which also declared Ganges as the '**National River**' of India.

## ● Composition of NGRBA

- The **Prime Minister** chairs the authority.
- Members belonging to the government sector are as follows:
  - Prime Minister of India
  - Minister of Environment and Forests (Union Minister)
  - Minister of Finance
  - Minister of Urban Development
  - Minister of Water Resources
  - Minister of Power
  - Minister of Sciences and Technology
  - Chief Ministers of Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West Bengal
  - Ministry of Environment and Forests (state minister)
  - Ministry of Environment and Forests, secretary.

- **Forest (Conservation) Act of 1980**

- First Forest Act was enacted in 1927.
- Alarmed at India's rapid deforestation and resulting environmental degradation, Centre Government enacted the Forest (Conservation) Act in 1980.
- **Forest officers** and their staff administer the Forest Act.
- 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.
- The Act deals with the four categories of the forests, namely reserved forests, village forests, protected forests and private forests.

- **Reserved forest**

- 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

- **Village forests**

- Reserved forests assigned to a village community are called village forests.

- **Protected 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 enforced through rules, licenses and criminal prosecutions.

- **Biodiversity Act 2000**

- India's richness in biological resources and indigenous knowledge relating to them is well recognized.
- 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 was introduced in the Parliament in 2000 and was passed in 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**.
- 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.
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- The Act provides for setting up of a **National Biodiversity Authority (NBA), State Biodiversity Boards (SBBs) and Biodiversity Management Committees (BMCs)** in local bodies.
- 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 India for an invention based on research on a biological resource obtained from India, **prior approval of NBA will be required.**
- The monetary benefits, fees, royalties as a result of approvals by NBA will be deposited in **National Biodiversity Fund.**
- NBF 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.

- **Forest Rights Act, 2006**

- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- Forest Rights Act, 2006 provides for the restitution of deprived forest rights across India.
- The Act is providing scope of **integrating conservation and livelihood rights of the people.**

- **FRA is tool**

- To empower and strengthen the local self-governance
- To address the livelihood security of the people
- To address the issues of Conservation and management of the Natural Resources and conservation governance of India.

- **For the first time Forest Rights Act recognizes and secures**

- Community Rights in addition to their individual rights
- Right to protect, regenerate or conserve or manage any community forest resource which the communities have been traditionally protecting and conserving for sustainable use.
- Right to intellectual property and traditional knowledge related to biodiversity and cultural diversity
- Rights of displaced communities & Rights over developmental activities

- **Salient Features**

- Nodal Agency for the implementation is **Ministry of Tribal Affairs (MoTA)**.
- This Act is applicable for Tribal and Other Traditional Forest Dwelling Communities.
- The maximum limit of the recognizing rights on forest land is **4 ha**.
- **National Parks and Sanctuaries have been included along with Reserve Forest, Protected Forests for the recognition of Rights.**
- The Act recognizes the right of ownership access to collect, use, and dispose of minor forest produce by tribals.
- Minor forest produce includes all non-timber forest produce of plant origin.
- As per the Act, the **Gram Sabha** has been designated as the competent authority for initiating the process of determining the nature and extent of individual or community forest rights.

- **Critical Wildlife Habitats (CWH)**

- The Critical Wildlife Habitats (CWH) have been envisaged in **Forest Rights Act, 2006**.
- Critical wildlife habitats (CWHs) are areas inside wildlife sanctuaries, national parks and tiger reserves – known as ‘protected areas’ – where people’s activities like cattle grazing or collecting leaves compete with the needs of wildlife.
- **MoTA is the nodal authority for FRA.**

- The Chief Wildlife Warden of a state will notify a seven-member expert committee, chaired by a chief conservator of forest in-charge of a national park or sanctuary, for the purpose of identification of **CWH in a national park or sanctuary**.
- The Expert Committee will identify areas within national parks and sanctuaries, based on scientific and objective criteria relevant to the protected area.
- The Expert Committee shall issue a public notice 15 days in advance on the intention to notify CWH.
- The public notice shall include details of areas required to be kept inviolate, criteria adopted for CWH identification, implication of the notification, and options of resettlement and rehabilitation schemes.
- The Expert Committee shall carry out open consultations with all stakeholders, and the proceedings and objections will be documented appropriately.
- The committee will submit the CWH proposal to the Chief Wildlife Warden.
- The decision on the proposal will be taken by the Standing Committee of the **National Board for Wildlife**.
- A MoTA representative would be invited during the deliberation of the proposal by the standing committee.
- Following the committee's recommendation, the notification of CWH will be published in the official gazette.

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

Some important provisions of this Act are given below:

- The Act vests regulatory authority in **State Pollution Control Boards** to establish and enforce effluent standards for factories.
- A **Central Pollution Control Board** performs the same functions for Union Territories and formulate policies and coordinates activities of different State Boards.
- The Act grants power to SPCB and CPCB to test equipment and to take the sample for the purpose of analysis.
- Prior to its amendment in 1988, enforcement under the Act was achieved through criminal prosecutions initiated by the Boards.
- The **1988 amendment act empowered SPCB and CPCB to close a defaulting industrial plant.**

- **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.
- The Central Government, after deducting the expenses of collection, pays the central and state boards 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.**

- **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**.
- 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.
- The Act grants power to **SPCB** and to test equipment and to take the sample for the purpose of analysis from any chimney, fly ash or dust or any other.
- Prior to its amendment in 1988, enforcement under the Act was achieved through criminal prosecutions initiated by the Boards.
- The 1988 amendment act empowered SPCB and CPCB to close a defaulting industrial plant.
- Notably, the 1987 amendment introduced a citizen’s suit provision into the Air Act and extended the Act to include **noise pollution**.

- **Coastal Regulation Zone (CRZ)**

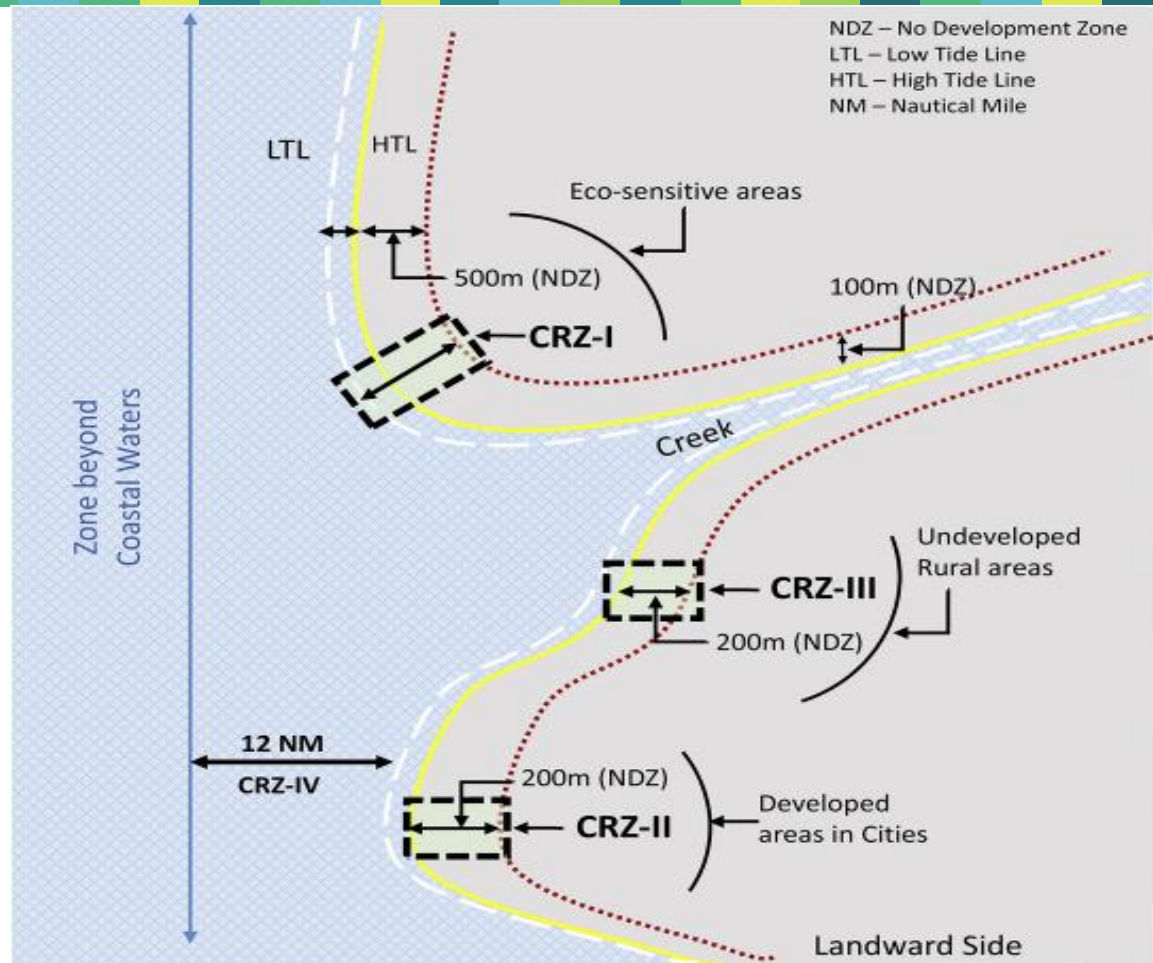
- The coastal stretches of seas, bays, estuaries, creeks, rivers and back waters which are **influenced by tidal action** are declared "Coastal Regulation Zone" (CRZ) in 1991.
- India has created institutional mechanisms such as National Coastal Zone Management Authority (NCZMA) and State Coastal Zone Management Authority (SCZMA) for enforcement and monitoring of the CRZ Notification.
- These authorities have been delegated powers under **Section 5 of the Environmental (Protection) Act, 1986** to take various measures for protecting and improving the quality of the coastal environment and preventing, abating and controlling environmental pollution in coastal areas.

- **Classification Criteria and Regulatory Norms**

- The coastal regulation zone has been classified for the purpose of regulation of the permitted activities.

- **CRZ-I:**

- **Ecological sensitive area and the area between High Tide Line (HTL) and Low Tide Line (LTL).**
- **No new construction is permitted** except for a few specified most essential activities like support activities for Atomic Energy Plants and Defence requirements, facilities required for disposal of treated effluents and other port related water front activities.



- **CRZ-II:**

- The area that have been developed up to or close to the shore line which includes the designated urban areas that are substantially built up.
- Buildings permitted only on the landward side of the existing authorized structures as defined in the notification.

- **CRZ-III:**

- The areas that are relatively undisturbed and those which do not belong to either CRZ-I or CRZ-II which includes mainly the rural area and those not substantially built up within designated urban areas.
- The area up **to 200 meters from HTL is earmarked as "No Development Zone"**.
- **No construction is permitted within this zone** except for repairs to the existing authorized structures.
- **Development of vacant plots between 200 and 500 meters of HTL is permitted in CRZ III** for the purpose of construction of dwelling units and hotels/beach resorts subject to certain conditions.

- **CRZ-IV**

- The activities impugning on the sea and tidal influenced water bodies will be regulated except for traditional fishing and related activities undertaken by local communities.
- No untreated sewage, effluents, pollution from oil drilling shall be let off or dumped.

## **Environment Ministry notifies CRZ Regulations 2019; replaces CRZ norms of 2011**

### **Two separate categories for CRZ-III (Rural) areas**

CRZ-III A: The A category of CRZ-III areas are densely populated rural areas with a population density of 2161 per square kilometer as per 2011 Census. Such areas have a No Development Zone (NDZ) of 50 meters from the High Tide Line (HTL) as against 200 meters from the High Tide Line stipulated in the CRZ Notification, 2011.

CRZ-III B - The B category of CRZ-III rural areas have population density of below 2161 per square kilometer as per 2011 Census. Such areas have a No Development Zone of 200 meters from the HTL.

### **Tourism infrastructure permitted in coastal areas**

The new norms permit temporary tourism facilities such as shacks, toilet blocks, change rooms, drinking water facilities, etc. in Beaches

## **Streamlining of CRZ Clearances**

The procedure for CRZ clearances has been streamlined. Now, the only such projects which are located in the CRZ-I (Ecologically Sensitive Areas) and CRZ IV (area covered between Low Tide Line and 12 Nautical Miles seaward) will be dealt with for CRZ clearance by the Ministry. The powers for clearances with respect to CRZ-II and III have been delegated at the State level.

CRZ-IV, which includes the shallow belt of coastal waters extending up to 12 nautical miles, is not only a crucial fishing zone for small fishers but also bears the maximum brunt of waste from offshore activities, such as oil exploration, mining and shipping. The 2011 notification had thus laid importance on regulation of pollution from such offshore activities. Instead of strengthening the regulation, the 2018 notification allows land reclamation for setting up ports, harbours and roads; facilities for discharging treated effluents; transfer of hazardous substances; and construction of memorials or monuments.

The environmental legislations in India can be categorised as follows

## 1. **General**

- 1986- The Environment (Protection) Act
- 1989- The objective of Hazardous Waste (Management and Handling) Rules
- 1989- The Manufacture, Use, Import, Export, and Storage of hazardous Microorganisms/ Genetically Engineered Organisms or Cells Rules
- 1991- The Public Liability Insurance Act and Rules and Amendment
- 1995- The National Environmental Tribunal Act

- 1997- The National Environment Appellate Authority Act
- 1998- The Biomedical waste (Management and Handling) Rules
- 2000- The Municipal Solid Wastes (Management and Handling) Rules
- 2000- The Ozone Depleting Substances (Regulation and Control) Rules
- 2002- The Noise Pollution (Regulation and Control) (Amendment) Rules
- 2010- National Green Tribunal Act

## 2. **Forest and wildlife**

- 1927- The Indian Forest Act and Amendment, 1984
- 1960- Prevention of Cruelty to Animals Act, 1960
- 1972- The Wildlife Protection Act, Rules 1973 and Amendment 1991
- 1980- The Forest (Conservation) Act and Rules, 1981
- 2001- Protection of Plant Varieties and Farmers' Rights Act, 2001
- 2002- The Biological Diversity Act

### 3. Water

- 1882- The Easement Act
- 1897- The Indian Fisheries Act
- 1956- The River Boards Act
- 1970- The Merchant Shipping Act
- 1974- The Water (Prevention and Control of Pollution) Act
- 1977- The Water (Prevention and Control of Pollution) Cess Act
- 1978- The Water (Prevention and Control of Pollution) Cess Rules
- 1991- The Coastal Regulation Zone Notification
- 2010– Wetland Rules

## 4. Air

- 1948– The Factories Act and Amendment in 1987
- 1981- The Air (Prevention and Control of Pollution) Act
- 1982- The Air (Prevention and Control of Pollution) Rules
- 1982- The Atomic Energy Act
- 1987- The Air (Prevention and Control of Pollution) Amendment Act
- 1988- The Motor Vehicles Act