

Environmental Law → Environmental law is the collection of laws, regulations, agreements and common laws that governs how humans interact with their environment.

Purpose → The purpose of environmental law is to protect the environment and create rules for how people can use natural resources.

→ Environmental laws not only aim to protect the environment from harm, but they also determine who use natural resources and on what terms.

→ Laws may regulate pollution, the use of natural resources, forest protection, mineral harvesting and animal and fish populations.

What do environmental laws regulate?

Environmental laws cover a wide range of topics including the following: →

Air Quality → Air quality laws protect the air pollution and may include measures to protect the air from things like ozone depletion.

Water Quality → Environmental laws may protect water from pollution. They may also determine who can use water and how to handle potential problems.

like treating waste water and managing surface run off.

Waste Management → Municipal waste, hazardous substances and nuclear waste all fall in the category of waste management.

Contaminant Clean up → Not all the environmental law focuses on preventing pollution. Contaminant clean up deals with addressing pollution after it happens. Laws may include protocols for clean up as well as civil and criminal punishment for polluters.

Chemical Safety → Chemical safety regulations manage things like pesticide use and chemicals in products like plastic bottles.

Hunting and fishing → Environmental laws may regulate and protect wildlife populations. Lawmakers determine who can hunt and fish and how these activities are regulated.

"Environmental law, principles, policies, directives and regulations enacted and enforced by local, national, or international entities to regulate human treatment of the non-human world."

Definitions of Terms

→ Conventions → It is an agreement between states,

not meeting particular matters, especially one less formal than a treaty.

A convention, in the sense of a meeting, is a gathering of individuals who meet at an arranged place and time in order to discuss or engage in some common interest.

→ Also, it is a set of agreed, stipulated or generally accepted social norms, standards or criteria.

→ An accord b/w states or nations, which resemble a treaty: ordinarily applied to agreement prior to an execution of an official treaty or which serve as its foundation.

An agreement b/w states, sides, or military forces, especially an international agreement dealing on a specific subject.

Some International Conventions -

- 1951 → The International Plant Protection Convention (IPPC)
- 1971 → Ramsar Convention on Wetlands
- 1973 → Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- 1979 → Convention on Migratory Species
- 1992 → Convention on Biological Diversity

2001 → International Treaty on Plant Genetic Resources for food and Agriculture.

1985 → Vienna Convention for the Protection of the Ozone layer (Effective 22 Sept. 1988)

Protocol → A protocol is a set of rules for the exchange of data^x b/w a terminal^x and^x b/w two computers^x) A protocol, contains specific aims or legal obligations agreed upon by the members who gather in a convention or conference. Usually, when a major provision is to be incorporated or regulations of the convention, a protocol is called among the countries, who are signatory of the original convention when it was signed and approved.

like, - • Kyoto Protocol, (Adopted in Kyoto, Japan on 11th Dec. 1997 and entered into force on 16th Feb. 2005.

Objective → Objective of the UNFCCC to reduce the onset of global warming by reducing the green house gases, concentration in the atmosphere to a "level that would prevent dangerous anthropogenic interference with the climate system."

• Nagoya Protocol Adopted by CBD at its 10th meeting

Resource
On 29th Oct. 2010 in Nagoya, Japan (on access to Genetic Resources and the Fair and Equitable Sharing of benefits arising from their utilization to the Convention on Biological Diversity and the conservation of biological diversity and the sustainable use of its components.

• Montreal Protocol, signed on 16th Sept. 1987 and become effective in 26th August 1989, on the substances that deplete the Ozone layer (a protocol to Vienna Convention for the Protection of the Ozone layer) is an international treaty designed to protect the ozone layer by phasing out the production of numerous substances that are responsible for ozone depletion.

An environmental protocol is a type of international law, "an intergovernmental document intended as legally binding with a primary stated purpose of preventing or managing human impacts on natural resources".

Policy :-> Environmental policy refers to the commitment of an organization to the laws, regulations and other policy mechanisms concerning environment.

-tal issues and sustainability.

These environmental issues generally include air and water pollution, solid waste management, biodiversity, ecosystem management, maintenance of biodiversity, the protection of natural resources, wildlife and endangered species.

Need → Demonstrate the organization's commitment to improving its environmental performance.

• Communicate the organization's mission, vision and beliefs towards the environment to the staff and other interested parties.

• Provide a framework for guiding the organization's ongoing environmental improvement efforts.

Objectives → • Prevent policy pollution at source

• Encourage, develop and apply the best available technical solutions

• Ensure that a polluter pays for the pollution and control arrangement.

• Focus protection on heavily polluted areas and river stretches

• Involve the public in decision making.

• like - National Environment Policy, 2006 (1st initiative)

... strategy - formulation for environmental protection
in a comprehensive manner.

Objective → Conservation of Critical Environmental Resources

• Intra-generational Equity: Livelihood Security for the poor.

• Inter-generational Equity

• Integration of Environmental concerns in Economic and social development.

• Efficiency in Environmental Resources

• Use Enhancement of Resources for Environmental Conservation.

The National Forest Policy, 1952

National Forest Policy, 1988

Act → take action; do something (Behave in the way specified).

An Act to provide for the protection and improvement of environment and matters connected therewith.

Whereas the decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for protection and improvement of human environment.

The Environment (Protection) Act 1986 was introduced after the Bhopal gas Tragedy during Rajiv Gandhi was the Prime Minister of our country.

Objectives - To protect the forests and wildlife in the country.

To improve the quality of life by protection of environment.

To co-ordinate the activities of the various regulatory agencies already in existence.

To appoint environment officers to check environmental pollution.

Establishing environmental laboratories.

like, • Wildlife Protection Act, 1972

• Forest Conservation Act, 1980

• The Environment Protection Act, 1986.

• The Water (Prevention and Control of Pollution) Act, 1974

• Scheme of labelling of environmentally friendly products (Eomark), 1991

• Public Liability Insurance Act, 1991

• Air (Prevention and Control of Pollution) Act, 1988.

• Motor Vehicle Act, 1988

19/11/20
The Biodiversity Act, 2002

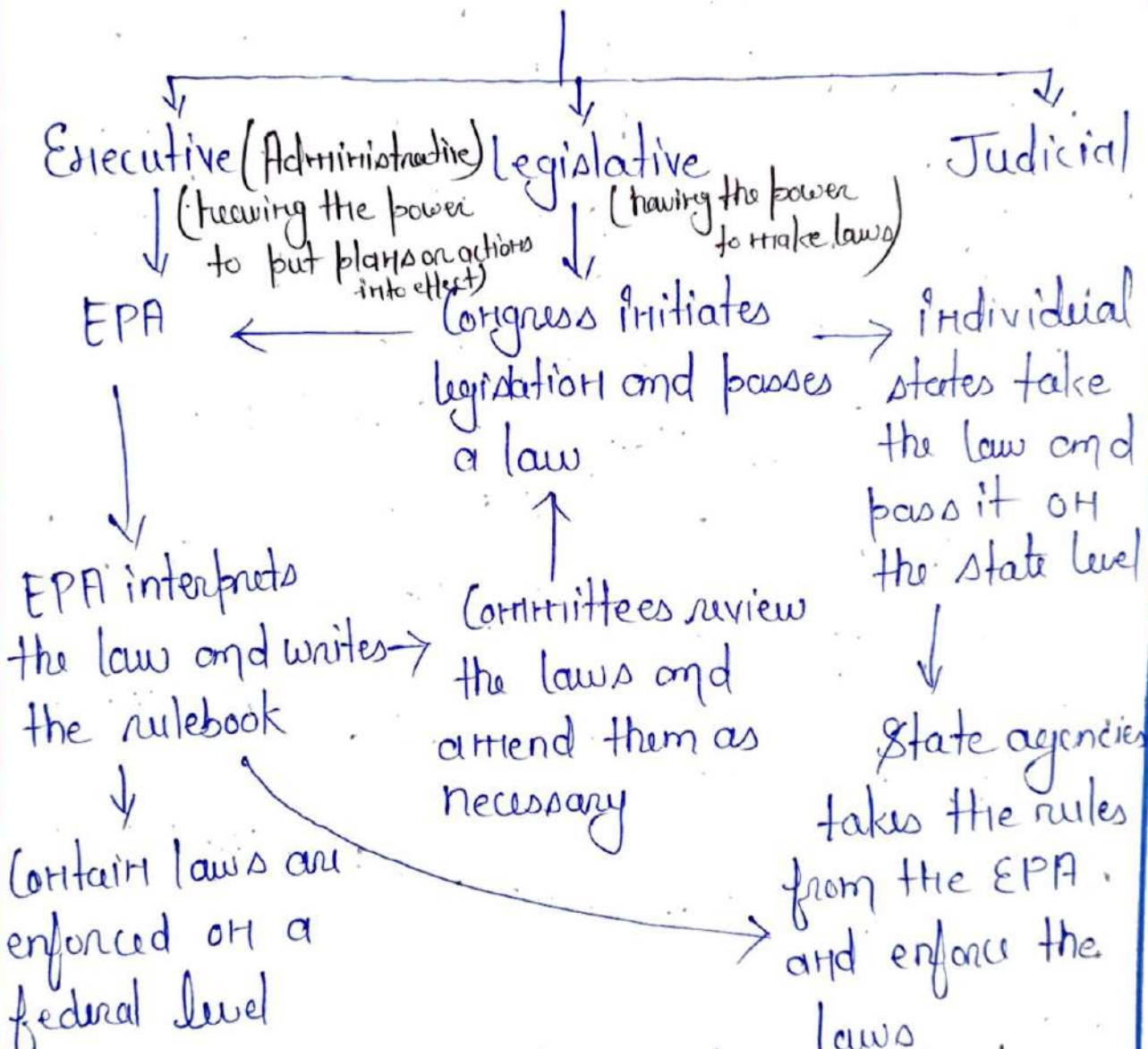
Environmental Rules → Environmental rules of law is central to sustainable development. It integrates environmental needs with the essential elements of the rule of law, and provides the basis for improving environmental governance. It highlights environmental sustainability by connecting it with fundamental rights and obligations.

- Hazardous Waste Management Rule 1989.
- The Environment (Protection) Rule, 1986
- Ozone Depleting Substances (Regulation and Control) Rules, 2000
- Municipal Solid Waste (Management and Handling) Rule, 2000
- Biomedical Waste (Management and Handling) Rule 1998.

How the Environmental Laws Work

Adm
A

Federal Government



Generally, environmental law is broken into two categories: pollution control and remediation on the one hand and,

- Conservation of natural resources on the other
- The source of authority for these laws derives from many sources, and is heavily influenced by international treaty

Administrative and Legal Interpretation

Administrative law relating to Administration or other words law relating to control of Governmental power (the court can't interpret.)
i.e., "Administrative law deals with the powers and functions of the administrative authorities, the manner in which the powers are to be exercised by them and the remedies which are available to the aggrieved persons when those powers are abused by these authorities."

Judicial Interpreting interpretation is the process of interpreting and applying the correct meaning of legal documents as engaged in a judge in a court of law.

So it is a mode of thought that explains how the judiciary should interpret the law, particularly constitutional documents and legislation. An interpretation which results in or supports some form of law-making role for the judiciary in interpreting the law.

Codes and Specifications

Codes → A code is a standard that has been adopted by one or more governmental bodies or has the force of law, or when it has been incorporated into a business contract.

Specification → a specific description of the design and materials used to make something. They are set of instructions and/or requirements over and above requirements given in code and standard.

Environmental Protection - issues and Problems →

Environmental issues

Local Scale

- Air Pollution
- Water Pollution
- Soil erosion
- Habitat Degradation
- Public Health Problems
- Poor water disposal
- Poor Agricultural Practices
- Flood
- Flood Fines
- Vehicle Emissions
- Deforestation
- Mining Activities
- Accidental Oil leakage
- Industrial Waste
- Sewage and Waste Water

Global Scale

- Population Explosion
- Depletion of Ozone layer
- Desertification
- Loss of the planet's Biodiversity
- Transboundary movements of Hazardous wastes and chemicals

Global Warming

Loss of biodiversity

Deforestation

Loss of Natural Resources

Food insecurity

- Urbanisation
- Endangered Species
- Natural Resource Depletion
- Climate Change
- Acid Rain

International and National Efforts for Environment Protection

In India, the environmental awareness gained importance since 1970s after the UN sponsored conference on environment in Stockholm (1972). Indian government took many environment friendly activities. Ministry of environment and forest was established and laws were enacted on environment protection in 1986.

The Objective of India's National Environment Policy, here, are worth stating.

- Conserve and develop safe, healthy, productive, and aesthetically satisfying environment.
- ii) Upgrade, develop and manage rural and urban settlement to enhance the quality of life
 - iii) Plan development on sound ecological principles with environmental impact assessment and incorporating appropriate environmental safeguard.
 - iv) Promote environmental safety-technologies, recycling of resources and utilization of wastes.
 - v) Conserve the biotic diversity in the country by creating nature reserves and sanctuaries for specific habitats such as mountains, rain forests, deserts, wetlands, lakes, beaches, mangroves, estuaries, lagoons and island.
 - vi) Safeguard the environment with in the national Maritime Exclusive Economic Zone.
 - vii) Enolve environmental monitors and establish effective mechanism for monitoring surveillance and collection and dissemination of information
 - viii) Preserve science landscapes, as well as historic and cultural monuments and their environs.
 - ix) Promote Environmental Education at all level and

Create public awareness.

x) Encourage research in environmental science and technological and social investigations to conserve and improve the environment.

xi) Develop adequate manpower within the country, of ecologists, environmental scientists, planners, and managers of the highest quality and recognize their work as an important component of national development.

The growing awareness about environmental protection has resulted in new measures across the world.

The late Prime minister Mrs. Indira Gandhi was the only Head of Government, attending the 1972 Stockholm Conference on Human Environment. The Rio Conference 20 yr. later was called the "U.N Conference on Environment and Development".

It was Mrs. Gandhi who first pointed out that poverty was the greatest polluter and useless it was eliminated through national and international efforts it was futile to talk about protecting the planet from environment disaster.

* Environmental and development policies are seen as complementary to each other.

and
re
Environmental rights and developmental rights together constitute the democratic and human rights of all the people of the world.

National Environmental Agencies for the Protection of Environment →

- Ministry of Environment and Forest (MoEF)
- Central Pollution Control Board (CPCB)
[One of the mandates of CPCB is to collect, technical and statistical data relating to water pollution. Hence, Water Quality Monitoring (WQM) and Surveillance are of utmost important]
- Environmental Governance and State Pollution Control Board (The umbrella Act, EPA (Environmental Protection Agency) 1986 added strength to all preceding provisions. Special stipulations were made for industrial, vehicular and noise pollution control in the country.)
- Indian Board for Wildlife (IBWL)

International Environmental Agencies →

- United Nations Environment Programme (UNEP)
→ was created by United Nations General Assembly, as an outgrowth of the United Nations Conference on the Human Environment, held in Stockholm, Sweden.

that same year.

The United Nations Conference on the Environment and Development took place in Rio de Janeiro in 1992 and the World Summit on Sustainable Development held in Johannesburg in 2002 (also known as RIO+10) It is headquartered in Nairobi (Kenya).

- WHO (World Health Organisation)

Its major task is to combat disease, especially key infectious disease, and to promote the general health of the people of the world.

It is one of the original agencies of the United Nations, its constitution formally coming into force on the first World Health Day (7 April, 1948) when it was ratified by the 26th member state. The WHO has 193 Member State.

- Food and Agriculture Organization of the United Nations (FAO) - It is a specialised agency of the United Nations with a member states that leads international efforts to defeat hunger. Serving both developed and developing countries, FAO acts as a neutral forum where all nations meet as equals to negotiate agreements and debate policy.

Article 51
Fundamental Duties" was also incorporated by the 42nd Amendment. According to the sub-clause (g) of Art. 51-A, "It shall be the 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"

⇒ Thus, protection and improvement of natural environment is the duty of the State (Article 48-A) and every citizen (Article 51-A(g)).

Article 253: states that 'Parliament has power to make any law for the whole or any part of the country for implementing any treaty, agreement or conventions with any other country. In simple words this article suggests that in the wake of Stockholm Conference of 1972, Parliament has the power to legislate on all matters linked to the preservation of natural environment. Parliament's use of Article 253 to enact Air Act and Environment Act confirms this view.

Environment and Citizens :- The constitution of India has made a double provision:

- i) A directive to the State for protection and improvement of environment.
- ii) Imposing on every citizen in the form of fundamental

Provision of Constitution of India regarding

Environment

The Constitution of India came into force on 26th January, 1950. Originally, the constitution contains no specific provisions for environmental protection. However, certain specific provisions have been incorporated by the Constitution (Forty Second Amendment) Act, 1976. Indian Constitution is one of the very few constitutions in the world, which provides for specific provision for the protection and improvement of the environment.

- Constitution Forty Second Amendment In 1976, under the leadership of the then Prime Minister, Indira Gandhi, the Constitution (Forty Second Amendment) Act was passed and the provisions relating to the protection of environment for the first time were incorporated by adding a new provision Article 48-A in the Chapter, Directive Principles of State Policy.

According to Article 48-A "the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country". Further, a new provision Article 51-A in the form of

to help in the preservation of natural environment is the testimony of Government's awareness of a problem of worldwide concern. Since protection of environment is now a fundamental duty of every citizen, it is natural that every individual should do it as personal obligation, merely by regulating the mode of his natural life.

Role of media in environmental awareness

Media has played an important role in setting perceptions and creating awareness on environmental issues. Government officials, scientists, journalists have shaped government policies for more than thirty years.

The role of media is very important in shaping public awareness about environment awareness i.e., global climate change and associated actions. When we discuss the role of media, we focus on three key issues - to

inform,

to educate and to entertain

The different media sources considered can be categorized as:

- a) Mass media (radio, television, newspaper, magazines etc.)
- b) Institutional media (school, government officials or village leaders, etc.)

a) One of most effective way of getting the message

access to the largest possible audience in a country. The 'Times of India' weekly column on environmental news. The Home of India's daily newspaper has a regular column on environmental news.

Awareness Campaign by newspapers: Dainik Bhaskar campaign - Dainik Bhaskar a leading hindi newspaper of India started 'Jal Bachao Abhiyan' among its readers in diff. states and it had a great impact on readers.

Jal Satyagrah, 'Save Water' The campaign encourages people to take a pledge, including them to save 15% water in their daily usage.

The initiative received "Award of Honor" from Pawan Kumar Barwal, Union Cabinet Minister of Parliament -ary Affairs and water Resources.

Television → The nation's leading TV channel group NDTV has launched a unique campaign in April 2008 NDTV Toyota green campaign. This constant 24-hour program has stars and celebrities participating in this program.

Zee Media Corporation Ltd., launched the 4th edition of India's biggest environment awareness initiative 'My Earth My Duty'. (bring behavioural change in Indian citizens, especially youth.)

Media (Social Media and Internet) Social media platforms are also utilized by the industry and govt. agencies as a preferred tool of communication with the general public.

Role of Radio → Hello Sinsci (in Haryana, India) is interview based call-in show in which a dignitary, expert, specialist is invited to discuss on his area of specialization.

Down to Earth → 9th May, 1992, the Society for Environmental Communications started India's only science and environment fortnightly, DTE. Over the years the magazine has informed and inspired people about environmental threats facing India and the world.

Role of Cable Operators Association -
EVERY STEP IS A GREEN STEP - Chetna Yatra organized by since its inception in the year 2005 by Dr. Ak Rastogi, Chairman All India Aaviskar Disha antenna Sangh, is covering yr. after yr. every hook and corner of this country reaching to the millions of people from all walks of life with a message of "No Green No Digital" campaign and every year it covers 450 cities and travels 30,000 kms in around 60 days.

Role of NHOs

NHOs (Non-governmental Organizations) simply agencies or groups, which are diff. from government bodies. However, NHOs are distinctive in containing a voluntary component and also because they do not operate for profit.

- Looking out at the grassroots level and reaching far-flung areas with or without the govt. invitation.
- Solidarity and support to environmental defenders.
- Providing expertise and policy analysis
- Innovation and experimenting in areas which are difficult for govt. agencies to make change in.
- Providing factual and reliable information with a network of professional expert staff.
- Remaining independent while passing relevant information to the public and governmental bodies
- Conducting education and citizen awareness programmes in the field of environment.

Achievements of Environmental NHOs with special reference to HIF (India), TERI, CLEAN-INDIA, Sulabh International, Green Peace, Kalpaniksh

WWF (World Wildlife Fund) - Organization was
registered as a charitable trust on Sept. 11, 1961.
in Morges, Switzerland.

Significant efforts Project Tiger 1973

CLEAN-INDIA (Community Led Environment Action
Network) 1996. (Capital)

TERI (Tata Energy Research Institute) established
in 1974

On account of the gradual depletion of the earth's
finite energy resources which are largely non-
renewable and,

On account of the existing methods of their use
which are polluting.

This project called growth with resource enhancement
of Environment and Nature (Green India-2047)".

Sulabh International - Social Service Organisation
founded by Dr. Bihadeshwar Pathak in yr. 1970,

who work to promote human rights, environment
sanitation, health and hygiene, non-conventional
sources of energy, waste management and social
reforms through education, training and awareness
campaign.

It has developed a scavenging-free two-pit pourflush
toilet safe and hygienic on-site human waste
disposal technology.

Green Peace - 1971, motivated by the vision of a green and peaceful world.

(world's largest grassroots environmental network).
• To prevent environmental destruction in a peaceful, non-violent manner.

Kalpavriksh कल्पवृक्ष - established in 1979. Initiating local protests against the destruction of Delhi's largest green area, through the Himalayan region with the Chipko Andolan, Narmada project, investigations into police firing in Bharatpur bird reserve, and all this while continuing nature walks and lobbying for wildlife conservation and animal rights.

Kalpavriksh कल्पवृक्ष only believes that a country can develop meaningfully only when ecological sustainability and social equity are guaranteed, and a sense of respect for nature.