

Unit-2

Wildlife Protection Act, 1972 2022, 2020

Forest Conservation Act, 1980

Air (Prevention & Control of Pollution) Act

Motor Vehicle Act, 1988.

Wildlife Protection Act, 1972

Salient Features

Legal framework for protection of various species of wild animals and plants, management of habitat, regulation and control of trade in wild animal & plants and products made from them.

→ List schedules of plants & animals that are protected and monitoring by govt.

→ Make easier to entry into CITES (Convention on Int'l Trade in Endangered species of wild flora & fauna)

↓ Also known as Washington Convention.

→ Comprehensive list of Endangered species (wildlife) was prepared.

→ Prohibits hunting of endangered species.

→ Provides license for sale, transfer & possession of wildlife species.

→ Establishment of National Parks, Wildlife Sanctuaries

→ Central Zoo Authority (1992).

- Six Schedules → give varying degree of protection to diff. classes of flora and fauna.
- National Board for wildlife & National Tiger Conservation authority made under provision of this Act.

Schedules of WPA, 1972:

1) Covers endangered species, need rigorous protection, harsh penalty for violation.

→ species under this prohibited to hunted (India)

Eg: Tiger

Black buck

Himalayan Brown Bear

Blue whale

Cheetah

Hornbill

Indian Gazelle.

2) High protection to animals under this list. Trade is prohibited.

eg: Kohinor, Indian fox, Kashmir Fox, Assamese macaque, Indian civet.

3) & 4) species that are not endangered.

→ Includes protected species but penalty for any violation is less compared to 1, 2 schedule.

eg: Hyena, Himalayan Rat, flying fox, Malabar Tree Toad.

5) Contain animals that can be hunted.
 eg. Mice, Rat, fruit Bat.

6) Contain plants that are forbidden from cultivation.
 eg. pitcher plant, blue vanda, Kuth etc.

Protected areas under WPA:

- 1) Sanctuaries: eg. Indian Wild Ass Sanctuary (Guj)
- 2) National Parks: Vedarthangal Bird u (TN)
 (oldest BS)



Bandipur N.P (KN)
 Hemis NP (JK)

3) Conservation Reserve → state govt. declare area.
 (adjacent to sanctuary or park). after consulting with local.

4) Community Reserve: state govt. declare any private or community land.

5) Tiger Reserve: Declared on Recommendation of National Tiger Conservation Authority.

EE(2)

6 Main pollutant

[O₃, Pb, SO₂, PM, NO₂, CO]

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Air Act, 1981

The Air (Prevention and Control of Pollution) Act, 1981.

7 chapters, 54 sections.

Chapter - 1 Preliminary
section [1, 2] Short Title & Defn.

Chapter - 2 Central and state Board for prevention and control of Air pollution [3-15].

Chapter - 3 Powers & function of Boards [16-18].

Ch - 4 Prevention & control of air pollution (19-31).

Ch - 5 Fund, Accounts and Audits (32-36)

Ch - 6 Penalties & Procedure (37-46)

Ch - 7 Miscellaneous (47-54).

Objective :

1) Provide for prevention, control & abatement (measures taken to reduce, stop & eliminate pollution from env.) of Air pollution.

→ for establishment, with view to carry out a foresaid purpose of different bodies.

→ Provide establishment of central and state Boards.

→ Applicable to whole of India (except J & K)

→ Powers to implement the provision of act and assign to boards function relating to pollution.

→ Air pollutant [sec-2(a)]

Any solid, liquid or gaseous subs. present in atmosphere in such conc. as may be or tend to be injurious to human beings or other living creature or plant or property of Env.

Air pollution [2-b] : presence of any air pollutant in atmosphere.

2022, 2021

Boards set up under this Act:

1) CPCB: Constituted under sec 3 of water Act (1974) was authorized to exercise powers & perform function for prevention and control of air pollution.

It is statutory organisaⁿ under MoEFCC.

Function of CPCB under sec-16.

→ Constitution of CPCB.

① shall have full time chairman (having special knowledge and practical. expertise in matters of Env. protection.

② secretary (mgmt, scientific & engineering).

③ Not more than 5 officials nominated by central govt.

④ State Board Representative.

⑤ Not more than 3 particular interests.

② 2 persons from company, corporation etc.

Function: Section 16 :-

- advise central govt. regarding improvement of quality of air and prevention, control and abatement.
- plan cause to be executed nation-wide programme for prevention & control.
- co-ordinate with state boards & provide technical assistance and guidance.
- collect, compile, publish technical and statistical data related to air pollution & measures devised for.
- set up labs to enable board to perform efficiently.
- lay down standards for qly of air and prepare manuals, codes or guides.

SPCB: Section-4

Section-17 Function

- advise state govt. regarding on any matter concerning pollution, control or abatement of AP.
- To collaborate with central board in organising the training of person, different programs etc.
- advise state govt. w.r.t suitability of any premises after carrying any industry which cause AP.

→ Provide standards for emissions of different industries with regard to quantify and composition of emission of air pollutants.

Power of Boards :

→ Power to give direction (sec-18)

CBCB → Central SPCB - state

→ Power to declare air polluⁿ areas (sec-19)
state govt. by SPCB declare any area.

→ Power to give restrictions for ensuring standards for emission from automobiles (sec-20)

→ Restriction on use of industrial plant (21)

→ Power of entry & inspection (24)

→ Obtain info (25)

→ Take sample (26).

Penalties :

sec-37: Fail with provision of sec 21, 22 and 31A then imprisonment for $1\frac{1}{2}$ yrs, extend to 6 yrs with fine.

sec 39: when no punishment is out for any particular order or dirⁿ which has been flouted, then 3 month imprisonment of 3000 Rs fine or both extent 5000 Rs |-

Forest Conservation Act, 1980 25 Oct.

- enacted by parliament after 31 years of Republic.
- Act to provide for conservation of forests & for matter connected with it.
- Amended in 1988.
- Enacted by parliament to control deforestation of forest area in India.

5 sections:

Objectives of FCA, 1980

- ① Protect the forest along with its flora, fauna and other diverse ecological components while preserving the integrity and territory of forests.
- ② Arrest the loss of forest biodiversity.
- ③ Prevent forest lands being converted into agricultural land, grazing or for any other commercial purposes & intentions.

Section 1:

- Short Title, Extent and Commencement
- 1) This Act may be called the Forest (Conservation) Act, 1980.
- 2) Extent to whole of India.
- 3) It shall be deemed to have come force on 25th Oct, 1980.

Section 2:

Restriction on the dereservation of forests or use of forest land for non-forest purposes

2A: Appeal to National Green Tribunal

Section 3: Constitution of Advisory Committee.
Central govt. may constitute a committee.

3A: Penalty for contravⁿ of provisⁿ of Act.
Abets the contravention or any of provision
of sec 2 - shall be punishable with
simple imprisonment for period which
may extend to 15 days.

3B: Offences by authorities and Government
departments:

Section-4: Power to make rules:

(By central govt., by not. in O.G.)

Section-5: Repeal and saving.

Features:

- ① Act restrict the state govt. & other authorities to take decisions first without permission from central govt.
- ② FCA gives complete authority to CG to carry out objectives.
- ③ Act levies penalties in case of violation of provision of FCA.
- ④ FCA have advisory committee to help central Govt. to regard FC.

CARPA : Compensatory Afforestation Regmt.
and planning authority.

To implement of compensatory
affor. at national level.

Environment Protection Act, 1986

- Introduced to protect and improve the env. in India.
- legislated in May 1986 bcz of aftermath of Bhopal Gas Tragedy - 1984.
- Implemented in Nov, 1986.
- Aimed at ensuring sustainable development, protecⁿ and enhancement of env.
- This act is a result of series of legislative actions that followed Stockholm conf., WPA 1972, WIA 1974, Air Act 1981.

Objectives:

- To protect forest & wildlife in country.
- Improve quality of life by protection of env.
- co-ordinate activities of various regulatory agencies already in existence.
- establishing env. labs & appoint env. officers to check env. pollution.
- Regulation of discharge of env. pollution & handling of haz. wastes.
- Promote sustainable env. development.

Purpose:

- ① To implement decision of UN conference on human env. of 1972.
- ② This provide framework for central govt. to co-ordinate.

Section -:

- Ch: 1 Short title & commencement, Defn.
- Ch: 2 General powers of central govt. [3-6]
- Ch: 3 Prevⁿ, control & abatement of E.P (7-19)
- Ch: 4 Miscellaneous

Ch-2 General powers of CGI:

- Powers of central govt. to take measure to protect and improve environment.
- Appointment of officers & their power & function.
- Power to give direction.
- Rules to regulate env. pollution.

Ch-3: Prevⁿ, control & abatement of EP.

- Person not allowed emission or discharge of env. pollutants in excess of standards.
- Comply with procedural safeguards where handling haz. substance.
- Power of entry & inspection & take sample.
- Env. labs, govt. - analysts.
- Penalties for contravention of provisions of Act and Rules, order & direction.

Ch:4 Miscellaneous

- Protection of action taken in good faith
- Cognizance of offences.
- Info, reports or returns
- Bar of jurisdiction, Power to delegate
- Effect of other law & power to make ~~rules~~ ^{rules}.

Punishment under Env. P A 1986:

Section 15 - specifies punishments.

- ⊙ Imprisonment of up to 5 yrs.
- ⊙ Fine of up to 1 lakh rs.
- ⊙ Both imprisonment & fine
- ⊙ In case of continued offence, Imprisonment time extend to 7yr.

Constitutional Provisions:

- ① EPA enacted under Article 253 of Indian cons. - enactment of legislation for giving effect to international agreements.
- ② Article 48A To protect and improve the env. & to safeguard the forest- & wildlife of country.
- ③ Article 51A Every citizen shall protect the environment.

Env. PA, 1986 is also the Umbrella act because it provides the framework to the central govt. in order to make the coordination b/w diff. state as well as central authorities using different act like water act etc.

Schemes launched for women education in India: