

Environmental Laws and Rules

INTRODUCTION

- * Environmental legislation refers to laws and regulations that are put in place to protect the environment and natural resources. These laws cover a wide range of issues such as air and water quality, waste management, endangered species protection, and land use planning. They are designed to prevent pollution, conserve resources, and promote sustainable practices.

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Some examples of environmental legislation in the United States include the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act. These laws are enforced by government agencies such as the Environmental Protection Agency (EPA) and state environmental departments.

The Environment Protection Act, 1986

- This Act came into force on November 19, 1986 in the whole of India under Article 253 of Indian constitution in pursuance with the declarations of Stockholm conference. It is an umbrella legislation to provide powers and framework for central government.
- The central government is empowered to take measures necessary to protect and improve the quality of the environment by setting standards for emissions and discharges, regulating the location of industries, management of hazardous wastes, and protection of public health and welfare.

OBJECTIVES

- a) Protection and improvement of environment
- (b) Implementation of the decisions of United Nations conference on human environment
- (c) Covering the uncovered gap in the areas of environment
- (d) Coordination of the work of various agencies
- (e) Providing a deterrent punishment to those who endanger the safety of environment and health
- (f) Maintenance of harmony between environment and human beings

ENVIRONMENTAL CONSERVATION ACT, 1989

- The Environmental Conservation Act of 1989 is a piece of legislation that was enacted to protect and preserve the environment. It outlines regulations and guidelines for the conservation of natural resources, pollution control, and environmental management. The act aims to ensure sustainable development and the protection of ecosystems for future generations.

Air prevention & control of pollution amendment act, 1987

The Air (Prevention and Control of Pollution) Amendment Act, 1987 is an important legislation in India that amends the original Air (Prevention and Control of Pollution) Act, 1981. Here is key aspects of the amendment:

- **Expansion of Scope:** The Amendment Act of 1987 broadens the scope of the Air Act, 1981, by including provisions to control and prevent air pollution more effectively. It introduces new measures to address emerging challenges and issues related to air quality management.
- **Stringent Regulations:** The amendment strengthens the regulatory framework for controlling air pollution by setting stricter standards for emissions from industries, vehicles, and other sources. It aims to reduce the levels of harmful pollutants in the air to safeguard public health and the environment.
- Monitoring and enforcement
- Public participation

Motor vehicles act, 1988

The Motor Vehicles Act, 1988 is a comprehensive legislation in India that governs all aspects related to motor vehicles, road transport, and traffic regulations in the country.

Here are some key features and provisions of the Motor Vehicles Act, 1988:

- **Licensing and Registration**
- **Traffic Rules and Regulations**
- **Vehicle Standards and Safety**
- **Insurance and Liability**

Hazardous waste Management and Handling rule, 1989

- The 1989 hazardous waste management and handling rules in India are governed by the Hazardous Waste (Management & Handling) Rules, 1989.
- These rules provide a regulatory framework for the management, handling, and disposal of hazardous waste to ensure environmental protection and human health.

The public liability insurance act and rule, 1991

- The Public Liability Insurance Act of 1991 is an important legislation in India that mandates industrial and other establishments to have public liability insurance coverage to protect against any liability arising from damage to third parties. The Act was enacted to provide relief to persons affected by accidents occurring while handling hazardous substances.
- The Public Liability Insurance (Amendment) Act, 1992, made some changes to the original Act to strengthen the provisions related to public liability insurance and compensation for victims of accidents involving hazardous substances.
- These amendments aimed to enhance the scope and effectiveness of the Public Liability Insurance Act of 1991 in ensuring better protection for the public and the environment in cases of industrial accidents.

The Coastal Regulation Zone Notification, 1991

The [Notification](#) was issued under the Environment (Protection) Act, 1986

It categorizes Coastal Regulation Zones and imposes specific restrictions on them. This regulation secures balanced advancement, addresses sea-level rise due to global warming, and preserves biodiversity in coastal areas while promoting the livelihoods of local communities. RZs have been classified into 4 zones :

CRZ I– ecologically sensitive areas such as mangroves, coral reefs, salt marshes, turtle nesting ground, and the inter-tidal zone

CRZ II– areas close to the shoreline, and which have been developed.

CRZ III- Coastal areas that are not substantially built up, including rural coastal areas.

CRZ IV- water area from Low Tide Line (LTL) to the limit of territorial waters of India.

The National Environmental Tribunal, 1995 & NGT, 2010

The National Environmental Tribunal Act of 1995, furthermore its 2010 Amendment, has been adopted to supply settlement for damages caused by activities including harmful substances. This incorporates harm to individuals, property, and the environment. The principal goal of this Act incorporates the rapid and effective resolution of cases associated with environmental protection and natural resource preservation, the implementation of environmental rights, and the provision of compensation and help to those who have been impacted.

The National Green Tribunal Act, 2010:

The main goal of the NGT is to provide effective and accelerated treatment in cases concerning environmental protection, forest conservation, the preservation of natural resources, and the administration of environmental legal claims. NGT's decisions bring legal weight and embrace the authority to provide compensation and damages to those negatively affected.

Biomedical Waste (Management and Handling) Rules, 1998

- In exercise of the powers conferred by Section 6, 8 and 25 of the EPA, 1986, the central government notified the rules for the management and handling of biomedical wastes. The rules were published on July 20, 1998 and appeared in the official gazette of India on July 27, 1998.
- These rules apply to all persons who generate, collect, receive, store, transport, dispose, or handle the biomedical wastes in any form. These rules regulate the disposal of all types of biomedical wastes including blood, body parts, medicines, glass, solid wastes, animal wastes, liquids, and biotechnological wastes.
- The biomedical waste means any waste which is generated during the diagnosis, treatment, or immunization of human beings or animals or in research activities pertaining thereto.

13. The Environment (Siting for Industrial Projects) Rules, 1999.

The Environment (Siting for Industrial Projects) Rules, 1999 are regulations implemented in India to govern the process of selecting suitable locations for industrial projects to minimize environmental impacts. These rules aim to ensure that industrial projects are located in areas that are environmentally sustainable and compatible with surrounding land uses.

- **Objectives :**
- Promote SD
- Including public participation and decision making processes
- Establish criteria and guidelines for selecting appropriate locations for industrial projects based on environmental considerations.

Municipal Solid Waste (Management and Handling) Rules, 2000 & 2016

In exercise of the powers conferred by the EPA, 1986 the Ministry of Environment and Forests, Government of India notified the Municipal solid wastes (Management and handling) Rules 2000 on September 25, 2000, with the aim to take all the necessary steps to properly manage and handle the municipal solid wastes, so as to protect the human health and environment.

Solid waste management and handing rules, 2016 :

The rules emphasize proper solid waste management through segregation, collection, treatment, and environmentally sound disposal. Local authorities are responsible for developing infrastructure for waste collection, storage, segregation, transportation, processing, and disposal. Residual waste should be disposed of at sanitary landfills, with regional options considered if suitable land is not available.

Recycled Plastic Manufacturing and Usage Rules, 1999

- In exercise of the powers conferred by the EPA-1986, the ministry of Environment and Forests, Government of India notified the plastic manufacturing and usage rules 1999, for regulating the manufacturing and use of recycled plastic carry bags and containers.
- Objectives :
 - Reducing envt. Impact
 - Resource conservation
 - Waste management
 - Awareness and education

Noise Pollution (Regulation and Control) Rules, 2000

- Whereas the increasing ambient noise levels in public places from various sources, like industrial activity, construction, fire crackers, sound-producing instruments, generator sets, loudspeakers, public address systems, music systems, vehicular horns and other mechanical devices have deleterious effects on human health and the psychological well-being of the people; it is considered necessary to regulate and control noise producing and generating sources with the objective of maintaining the ambient air quality standards in respect of noise.
- In exercise of the powers conferred by the EPA, 1986, the central government introduced one more set of rules namely the Noise Pollution (Regulation and Control) Rules 2000 to control noise pollution.

Objectives :

- Regulation and control of noise producing and generating sources
- Maintaining ambient air quality standards with respect to noise.

Amendment, 2002

- The Noise Pollution (Regulation and Control) Amendment Rules, 2002, are part of the broader framework of environmental regulations in India aimed at addressing noise pollution. The key aspects of the amendment include:

The rules define noise and set standards for permissible noise levels in different zones (industrial, commercial, residential, and silence zones) to protect public health and the environment.

Designation of Noise Control Areas: The rules designate specific areas as "silence zones," such as hospitals, educational institutions, and religious places, where stricter noise control measures are enforced to maintain a peaceful environment.

licensing and permits

- Enforcement and monitoring

Amendments 2010, 2017

The Noise Pollution (Regulation and Control) (Amendment) Rules, 2010

These [rules](#) stipulate the necessary conditions to reduce noise pollution and allow the use of loudspeakers or public address systems during cultural or religious celebrations at night (between 10:00 p.m. and midnight).

(i) As per the Noise Pollution (Regulation and Control) Amendment Rules, 2017, the State Government may subject to such terms and conditions as are necessary to reduce noise pollution, permit use of loud speakers or public address systems and the like during night hours (between 10.00 p.m. to 12.00 midnight) on or during any cultural, religious or festive occasion of a limited duration not exceeding fifteen days in all during a calendar year and the concerned State Government or District Authority in respect of its jurisdiction as authorised by the concerned State Government shall generally specify in advance, the number and particulars of the days on which such exemption should be operative.

The Ozone Depleting Substance (Regulation and Control) Rules, 2000.

- The Ozone Depleting Substance (Regulation and Control) Rules, 2000 are regulations designed to oversee and manage the use of substances that contribute to ozone depletion. These rules aim to regulate the production, import, export, and use of ozone-depleting substances (ODS) to protect the Earth's ozone layer and mitigate the adverse effects of ozone depletion on the environment and human health.

Batteries Management and handling rules, 2001

The Batteries (Management and Handling) Rules, 2001 is a set of regulations in India that focus on the proper management and handling of batteries to prevent environmental pollution and promote sustainable practices.

Here is a brief overview of the key aspects covered by the Batteries (Management and Handling) Rules, 2001

- Collection and recycling
- Segregation and storage
- transportation and packaging
- Disposal and treatment

The Biological Diversity act, 2002

- The Biological Diversity Act, 2002 is a legislation enacted in India to provide for the conservation, sustainable use, and equitable sharing of benefits arising from the utilization of biological resources.
- Here is an overview of the key provisions and objectives of the Biological Diversity Act, 2002:
 - Conservation of biodiversity
 - Biodiversity management
 - Traditional knowledge protection
 - Penalties

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)

- The [Act](#) recognizes and grants the forest rights and occupation in forest lands to Forest Dwelling Scheduled Tribes (FDSTs) and Other Traditional Forest Dwellers (OTFDs) who have lived in such forests for generations. The Act is chaired by the Department of Tribal Affairs. The law also stipulates the responsibilities and powers for the sustainable use of FDST and OTFD, the protection of biodiversity, and the maintenance of ecological balance. It strengthens forest protection systems while ensuring livelihoods and food security for FDST and OTFD. It aims to correct the colonial injustice of the FDST and OTFD, which are critical to the survival and sustainability of forest ecosystems.

COMPENSATORY AFFORESTATION FUND ACT, 2016

The CAF Act was enacted to manage the funds collected for compensatory afforestation which till then was managed by **ad hoc Compensatory Afforestation Fund Management and Planning Authority (CAMPA)**.

Compensatory afforestation means that every time forest land is diverted for non-forest purposes such as mining or industry, the user agency pays for planting forests over an equal area of non-forest land, or when such land is not available, twice the area of degraded forest land.

E-waste management & handling rules, 2016 & amendment, 2022

- The E-Waste (Management) Rules, 2016, were enacted in India to regulate the generation, collection, treatment, and disposal of electronic waste.
- These rules require producers to take responsibility for the environmentally sound management of e-waste and establish e-waste collection centers for proper disposal. The rules also mandate the proper recycling and disposal of e-waste to minimize its environmental impact and promote sustainable practices in handling electronic waste.

2022 Rules will come into force on 1 April 2023 and has introduced recycling targets in the extended producer responsibility ('EPR') plan of the producers of e-waste.

EPR is a policy-based approach wherein responsibility is casted over the producers of specific category of waste for the treatment and safe disposal of such waste. EPR mechanism under the 2016 Rules focused more on the producer's responsibility to collect back the e-waste introduced in the market and provided collection targets, whereas the EPR regime under 2022 Rules provides an annual e-waste recycling targets to the producers. This will help in proper recycling and safe disposal of e-waste.

Basel convention, 1989

The Basel Convention aims to protect the environment by bringing measures to control and regulate hazardous and other waste disposals. The negotiations for the convention were started in the late 1980s under the auspices of the [United Nations Environment Programme \(UNEP\)](#).

Salient Points of Basel Convention:

It came into force in 1992.

It applies **Prior Consent Approval** procedure to regulate the trans boundary movement of the hazardous and other wastes.

Conference of Parties (COP) is a primary organ of the Basel Convention and is responsible to make decisions about the operations of the convention.

Basel Convention defines waste as something that needs to be disposed of by the provisions of the national law. Annexes I defines hazardous waste while Annex II defines the other waste.

Ban Amendment to the Convention – It was adopted in 1995 which added a new annex VII, and it entered into force on 5th December 2019.

COP 14 – The COP 14 to Basel Convention has been the latest meeting which took place in April-May 2019. It brought new entries into the convention, which will be effective from 1st January 2021 onward.

Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal – It has been adopted in 1999 and is yet to come into force. India has yet not signed this protocol.

Radioactive Wastes & Wastes derived from normal operations of the ships are excluded from the list of hazardous wastes of Basel Convention.

Milestones of Basel Convention:

Strategic Plan for the implementation of the Basel Convention for the period 2002 to 2010 was adopted in 2006.

Bali Declaration on Waste Management for Human Health and Livelihood was adopted by COP 9.

The Wildlife (Protection) Amendment Bill, 2021

The Wildlife (Protection) Amendment Bill of 2021, submitted in Lok Sabha by the Ministry of Environment, Forest, and Climate Change, aims to expand the scope of species secured under the law and bring it according to international commitments, including the Convention on International Trade in Endangered Species of Wild animals and plants (CITES).

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