UNIT 11 : ENVIRONMENTAL PROTECTION AND LEGAL PROVISIONS

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11.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- describe the concept of conservation and protection of environment
- explain the various means and methods of conserving the environment
- explain the legal provisions for the conservation and protection of environment; and
- interpret the constitutional provisions for environmental protection.

11.2 INTRODUCTION

We know that environment comprises of almost everything around us. It includes human, plants, animals as well as invisible micro-organism,

surface water, ground water, land, minerals and oil and all other elements from the earth. We living beings are the major part of the environment. Our survival depends on the environment. From the discussion of the previous units, it is clear to you that environment tries its best to protect us but we the selfish human being on the earth for our own interest are destroying our beautiful green earth. Excessive use of fossil fuel for energy or power, industrial waste material increases the numbers of pollutants causing danger to the environment and destroys its equilibrium. If this goes on, one day will come when we have to buy oxygen for survival. For our safe and easy living, we have to protect our Earth, our environment. In this unit, we will discuss about the conservation and protection of environment and various legal and constitutional provisions for environmental protection.

11.3 MEANING OF CONSERVATION AND PROTECTION OF ENVIRONMENT

Environmental conservation and protection means the planning and management of resources so as to secure their waste use and continuity of supply while maintaining and enhancing their quality, value and diversity. The resources of the environment may be man-made or natural. Conservation of environment includes preservation of all these resources. It includes the preservation from destructive influences, natural decay or waste.

Conservation and protection of environment simply means the careful use of land, air, water minerals and other natural resources. It is a planned and use of environment using all planning foresight and cooperation that man can do. It is actually the intelligent use of natural and man-made resources. It is again important to note that conservation or protection of environment includes the use of agriculture, energy flow, waste management, wildlife management, natural parks, sanctuaries, water management as well as it emphasizes on non-pollution energy development. One important thing about conservation of environment is that it not only emphasis on intelligent use of resources but also emphasizes on the utilization of the resources for future generation.

Definition of Environmental Conservation

According to Whyte, "Environmental Conservation has been defined as the management for the benefit of all life including mankind of the biosphere so that it may yield sustainable benefit to the present generation which maintaining its potential to meet the needs and aspiration of the future generations".

The environmental conservation is a global issue and matter of concern. It is important not only for biosphere but also for mankind. We can exist only when environment exists. Celebration of Environmental Day on 5th June is a vital example of making people aware about the conservation and protection of Environment. While discussing about conservation of environment it is essential to understand that the function of environmental conservation mainly rest on the perceptual level of individual. Each individual must develop a special concern for environmental protection, and then only it can reach in its goal.



LET US KNOW

Conservation and protection of environment simply means the careful use of land, air, water minerals and other natural resources. It is a planned and use of environment using all planning foresight and cooperation that man can do.



CHECK YOUR PROGRESS

Q 1: Which day is celebrated as Environmental Day?

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11.3.1 Characteristics and Objectives of conservation and protection of Environment

The following characteristics will help you to have a clear

understanding of conservation and protection of environment-

- Conservation and protection of environment is the careful use of natural resources.
- It means the planning and management of the environment
- It implies the consciousness of people towards the environment.
- It includes the use of land, water, minerals, agriculture, energy flow, waste management, wildlife management, Natural Park, sanctuaries, water management etc.
- It emphasizes on the development of non-pollution renewal energy.
- It means conservation of environment or all the resources not only for the present but also for the future.



LET US KNOW

The major features of Environmental conservation are-

- Conservation and protection of environment is the careful use of natural resources.
- It means the planning and management of the environment
- It implies the consciousness of people towards the environment.

Objectives of environmental conservation and protection

The following are main objectives of environmental conservation-

- To maintain essential ecological processes and life support system
- To preserve the biological diversity
- To ensure sustainable development.
- To ensure proper utilization of species and eco-system
- To preserve the natural resources not only for present but also for the future.
- To make wise use of land, water , air forest and minerals
- To maintain an equilibrium in all the spheres of Earth.
- To prevent the environmental stressors and hazards.

- To maintain the earth sound and greenery for all biotic and abiotic components to live in peacefully.



CHECK YOUR PROGRESS

Q 2: Why is environmental conservation considered essential?

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11.3.2 Categories of conservation and protection of Environment

In the discussion of Environmental conservation and protection, it is very much essential to know the categories of conservation. There are mainly two categories of conservation.

- In situ Conservation
- Ex situ Conservation.
- **In Situ Conservation**

This is the conservation of genetic resources through their maintenance within natural or even human made eco-system in which they occur. This is an ideal system for genetic resources conservation. This type includes a system of protected areas of different categories, managed with different objectives to bring benefit to the society.

In situ conservation includes-Natural parks, sanctuaries, Natural monuments, Cultural landscape, biosphere reserves, Nature reserves etc. They are maintained and protected as they are. For Example-Taj Mahal is well maintained by the Government of India, Kajiranga National Park etc. These are maintained and conserved as well as protected within the natural as well as human made eco-system. This is called In situ conservation.

- **Ex situ Conservation**

This kind of conservation is made outside their habitant. The conservation is made by perpetuating sample population in

genetic resource centers like-zoo, botanical garden, Cultural collection etc. The resources are preserved in the form of gene pool or gamete storage for fish, germplasm banks for seeds, pollen, semen, ova etc. Plants are maintained and preserved more carefully than animal. In the Zoo or botanical garden or in the museum, we often see some of these resources which are protected very carefully.



ACTIVITY-11.1

Mention some example of means of In situ and Ex situ conservation. What initiative can you take for ex situ conservation at your home?



CHECK YOUR PROGRESS

Q 3: What do you mean by In situ Conservation?

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11.4 LEGAL PROVISIONS FOR CONSERVATION AND PROTECTION OF ENVIRONMENT

From the above discussion, it is clear that environmental protection and conservation is very essential. Therefore, we all must strive to protect our Environment. It is important to note that the first international conference on environment was held in Stockholm, the Swedish Capital on 5th June, 1971. Therefore, 5Th June is celebrated as UN Environmental Day. This is known as United Nations Conference of Human Environment. You all know that our country got its independence in 1947. Several environment protection initiatives had been taken before the independence. As such there existed environmental legislation before independence. But, after the Stockholm Conference, the conception of Environmental conservation and awareness has got tremendous attention all over the world. Here, we are going to discuss about the different legal provision that has been taken by

Indian Government for Environmental Conservation and Protection-

- ***National Council of Environmental Policy and Planning in 1972 :*** The first landmark in the field of environmental protection was setting up of the National Council of Environmental Policy and Planning in 1972 within Department of Science and Technology. It was a regulatory body to look after all matters related to environment.
- ***The Water Prevention and Control of Pollution Act 1974 :*** This is an act that was adopted keeping in view the conservation and preservation of Environment. This Act prohibits discharge of pollutants into water bodies beyond a given standard and lays down the penalties for non-compliance with its provisions. There is another body under this. That was set up as Central Pollution Control Board (CPCB). This body emphasizes on prevention and control of water at centre. For conservation of water in the state, there is another body i.e., State Pollution Control Board under the CPCB.
- ***The Air Prevention and Control of Pollution Act 1981 :*** We have already discussed about Article 253 of the Constitution under the directive policies. This is the act that was enacted under Article 253 to implement the decision taken in the Stockholm Conference. The main function of this act is to control air pollution and its abatement as well as to ensure the quality of air. Under this Act, Central and State Boards are established to look after the activities in concerned areas. Therefore, each industrial operator must obtain a permit from the State Boards within a declared air pollution area.
- ***MoE 1985 :*** The National Council of Environmental Policy and Planning is evolved into a full- fledged body named as Ministry of Environment and Forest. Today it is an apex body in India to regulate and ensure environmental protection and conservation. It lays down various legal and regulatory framework and policies for the sake of environmental protection.
- ***Department of Environment, Forest and Wildlife (D.O.En 1985) :*** The present integrated department of Environment, Forest and wildlife in the Ministry of Environment and Forest was created in September

1985. This Ministry serves as the focal point in the administrative structure of the central Government for the planning, promotion and coordination of Environmental and Forestry program. It's main activities are to do survey and conservation of flora and fauna, forest and wildlife, prevention and control of pollution, afforestation and regeneration of the degraded areas of the environment.

- ***The Environmental (Protection) Act 1986 :*** This Act authorizes the central government to protect and improve the quality as well as control and reduce all forms of pollution from all the sources that may cause pollution. It also prohibits the setting and operation of any industrial facility on environmental grounds.
- ***The Municipal Solid Waste (Management and Handling) Rules 2000 :*** This Act or rule was set by the Government to apply to every municipal authority for the collection, segregation, transportation and disposal of municipal solid waste to keep the place hygienic and ecologically safe.
- ***The Noise pollution (Regulation and Control Amendment) Rules 2002 :*** This rule set by the Government lay down some terms and condition that are essential to reduce noise pollution-like permission of using loud speakers or public address system during night hours(between 10.00pm to 12.00am) during the cultural or religious festivals or occasions.
- ***The Biological Diversity Act, 2002 :*** The Biological Diversity Act, which was adopted in 2002, is the result of attempt to realize the objectives of United Nations Convention on Biological Diversity (1992). The main objective of this act is to conserve the biological resources and associated knowledge. It also lays emphasis on facilitating access to them in sustainable manner. To realize these objectives of this Act, the National Biodiversity Authority has been established in Chennai.
- ***The National Green Tribunal Act, 2010 :*** The aim of enacting this act is for effective and expeditious disposal of cases relating to environment 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.

- ***E - Waste/ Management and Handling Rules, 2011 :*** The primary objective of this rule or act is to reduce the use of hazardous substances in electrical equipments and channelize the e-waste generated in the country for sound environmental recycling.
- ***Coastal Regulation Zone Notification, 2011 :*** This notification was issued by The Ministry of Environment and Forest on 2011, January 6. Its major objective is to ensure livelihood security to the fishing communities and other communities who live in the coastal areas. It again aims at conserving and preserving the coastal stretches and promotes development in a sustainable manner based on scientific principles.



ACTIVITY- 11.2

What activities would you like to perform in your locality for environmental Conservation? Elaborate.



CHECK YOUR PROGRESS

Q 4: Fill in the blanks:

The Air Prevention and Control of Pollution Act 1981 was enacted under Article ……of ……. Indian Constitution.

Q 5: What is the prime objective of The Biodiversity Act 2002 ?

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Q 6: Mention some of the legal provisions in India for water preservation.

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Q 7: Where is National Biodiversity Authority established in India?

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11.5 CONSTITUTIONAL PROVISIONS FOR CONSERVATION AND PROTECTION OF ENVIRONMENT

As already mentioned there are various government and non-government organizations who are trying their best for the environmental protection. Even our Indian Constitution has also given special emphasis on the environmental conservation; hence it has guaranteed some environmental right to the people. Here we will discuss about the constitutional provisions for conservation and protection of Environment and ecological security.

As per the 42nd Amendment act 1976, the Constitution laid down the Directive principles of State policy as well as fundamental rights in which Environmental protection and improvement were explicitly incorporated into the constitution. It is again important for you to know that the amendment has introduced certain changes in the seventh Schedule of the Constitution. The subject "Forest" and "Wildlife" are transferred to the Concurrent list (Joint responsibility of Centre and State) from the state list. This has out the matter of environmental protection in National Agenda.

Following are the constitutional provisions for Environmental protection under directive principles and fundamental duties-

1. According to Article 48A: "The state shall endeavor to protect and improve the environment and to safeguard the forest and wild life of the country".
2. According to Article 51-A: "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lake, rivers and wildlife and to have compassion for living creatures". (Fundamental Duty)
3. According to Article 253: "Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body".

Hence, the Article 253 empowers the parliament-

- to make laws implementing India's International obligations as well as any decision made at International conference, association or other body.
- to enact the Air Prevention and Control Pollution Act of 1981 and Environment Protection Act 1986.
- to legislate on all matters related to the preservation of natural resources

Fundamental Right and Environmental Conservation

There are some Fundamental rights guaranteed by the Constitution to the citizen of India which has related to the Ecological security. These are discussed below---

- Right to Wholesome Environment (Article 21): "No person shall be deprived of his life or personal liberty except according to procedure established by law".

  This article extended to include the right to a wholesome environment which warrants environmental protection.

  According to this, courts are entitled to forbid all acts of the state and citizen from upsetting the environmental balance.
- Right to livelihood (Article 21): This right potentially checks Government's action with an environmental impact that threatens to life of poor people and disrupts their life styles.
- Right to Equality (Article 14): "The state shall not deny to any person equality before law or the equal protection of law".

  This right also may be infringed by Government decision that has an impact on the Environment.
- Right to freedom to Trade {Article 19(1)(g)}:"All citizen shall have the right to practice any profession or to carry on any occupation; trade or business".

  While availing this right, individual need to maintain balance environmental interest.



CHECK YOUR PROGRESS

Q 8: Fill in the blank

A. The subject "Forest" and "Wildlife" are transferred to the ..... from the state list.

B. Right to Wholesome Environment is listed in ..... Article.

Q 9: What are the fundamental rights related to Environment?

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11.6 LET US SUM UP

- Environmental conservation and protection means the planning and management of resources so as to secure their waste use and continuity of supply while maintaining and enhancing their quality, value and diversity.
- Conservation and protection of environment simply means the careful use of land, air, water minerals and other natural resources.
- According to Whyte, "Environmental Conservation has been defined as the management for the benefit of all life including mankind of the biosphere so that it may yield sustainable benefit to the present generation which maintaining its potential to meet the needs and aspiration of the future generations".
- The World/UN Environmental Day is celebrated on 5th June
- The main feature of Environmental Conservation is that -it emphasizes on the development of non-pollution renewal energy; it means conservation of environment or all the resources not only for the present but also for the future.
- The objective of Environmental conservation is --to maintain essential

ecological processes and life support system, to preserve the biological diversity, to ensure sustainable development.

- There are mainly two categories of conservation--In situ Conservation and Ex situ Conservation.
- In situ conservation is the conservation of genetic resources through their maintenance within natural or even human made eco-system in which they occur.
- The ex situ conservation is made by perpetuating sample population in genetic resource centers like-zoo, botanical garden, Cultural collection etc.
- The first international conference on environment was held in Stockholm, the Swedish Capital in June, 1971 on 5th June.
- The various legal provisions in India for environmental conservation and protection are--National Council of Environmental Policy and Planning in 1972, The Water Prevention and Control of Pollution Act 1974, The Air Prevention and Control of Pollution Act 1981, MoE(The ministry of Environment and Forest) 1985, Department of Environment, Forest and Wildlife (D.O.En 1985), The Environmental (Protection) Act 1986, The Municipal Solid Waste (Management and Handling)Rules 2000, The Noise pollution(Regulation and Control Amendment) Rules 2002, The Biological Diversity Act, 2002, The National Green Tribunal Act, 2010, E - Waste/ Management and Handling Rules, 2011 , Coastal Regulation Zone Notification, 2011.
- There are various constitutional provisions too for conservation and protection of Environment
- As per the 42nd Amendment act 1976, the Constitution laid down in the Directive principles of State policy as well as fundamental right where Environmental protection and improvement were explicitly incorporated into the constitution.
- The subject "Forest" and "Wildlife" are transferred to the Concurrent list (Joint responsibility of Centre and State) from the state list.
- The various articles are- Article 48A, Article 51-A, Article 253
- The Fundamental Right and Environmental Conservation are--Right