

13. Environmental Acts in India and its Issues cum Concerns for Sustainable Livelihood

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Abstract:

Environmental management is one of the major issues for the people at the present period. Due to degradation of the ecology and environment, sustainability in existence is threatened and disrupted.

Looking into this fact and providing due importance, various environment Acts have been implemented in Indian constitution addressing to the vital parameters of our environment. Drawbacks and hindrance in its implementation are also exerted in many situations.

This Book Chapter invokes and delves into the multiple issues in reference to the Environmental Legislations in India and focuses upon the constitutional steps undertaken in the pathway of attaining sustainable livelihood by the people of India w.r.t the environmental quality maintenance through legislative measures.

Keywords:

Legislation, Act, Wildlife, Pollution, Sustainability

13.1 Introduction:

Ecology and environment are the term which is indispensable and non-avoidable area of discussion and intervention for the people of twenty first century.

Owing to the rapid urbanization, alarming population growth, rising civilization, growing industrialization the degradation of environment has been accelerated in various parts of India and other countries across the globe. The protection and conservation of environment has become the vital issue at present period of time.

On the international sphere, different conferences, conventions and protocols have been arranged from time to time. In honors to the U.N. conference on Human Environment in Stockholm, its starting day 5th June is celebrated all over the world as 'World Environment Day'.

Soon after the Stockholm conference our country 'India' has also undertook various legislative steps for environmental protection and preservation so that sustainable livelihood can be ensured.

13.2 Environmental Acts of India:

Some of the major Acts in the form of Legislative measures that have come into force in India are enumerated below along with their characteristic features:

13.2.1 Wildlife Protection Act, 1972:

This Act arising a landmark history in wildlife legislation in our country came into existence in 1972.

The transfer of wildlife issue from State list to concurrent list was conducted in the year 1976, thus giving the central Govt. to look into the effective enactment of this Act. The provisions of this Act were as follows:

- It defines the wild-life related terminology.
- Comprehensive listing of endangered wild life and prohibition of hunting endangered species were mentioned.
- It advocates for the appointment of wildlife advisory Board; Wildlife warden and their powers and duties have been incorporated.
- This Act envisages the setting up of National Parks, Wildlife Sanctuaries and Central Zoo authority.
- Imposing a ban on the trade and commerce of some wildlife species and providing legal power to officers and punishment to offenders have been stressed.
- Captive breeding programme for endangered species and protection of endangered plants like Beddome cycad, Blue vanda, Pitcher plants etc. were covered under this Act.
- Several conservation projects for Lion, Tiger, Crocodile, Brown antlered deer etc. were initiated under this Act.

13.2.2 Water (Prevention and Control of Pollution) Act, 1974:

The provisions of this Act are mentioned below:

- It defines the proper meaning of water pollution.
- Maintenance and restoration of the quality of surface and ground water were emphasized.
- Establishment of Central and State Boards for pollution control and allotting comprehensive power to intervene on prevention and control of water pollution came under its jurisdiction.
- Provision of funds, budgets, audits w.r.t the Central and State Pollution Control Boards were included.
- Various penalties for the defaulter and official actions have been entrusted.
- For examining the status of water pollution, Central and State Pollution Control Boards were given responsibility at their own levels.
- Treatment of the disposed sewage and industrial effluents have been prioritized.
- Laboratory testing and laying down standards for water quality parameters were also emphasized.

13.2.3 Forest (Conservation) Act, 1980:

Salient features of this Act are as follows:

- State Govt. has been empowered under this Act to use the forest only for forestry purposes.
- Advisory committee for funding in forest conservation has been made active.
- Illegal non-forest activity within a forest area can be immediately stopped under this Act.

As per amendment of this Act in 1992:

- For activities like setting transmission lines, seismic surveys, mining, exploration, drilling and hydroelectric projects within forest area, the prior approval of the Central Govt. is necessary. Wildlife sanctuaries, National Parks were also covered under prohibition zone for exploration or survey without central approval.
- For cultivation of fruit-bearing trees, oil-yielding plants, medicinal plants in forest area, approval of Central Govt. is required.
- The cultivation of tea, coffee, spices, rubber etc. are included under non-forest activity and not allowed in reserve forests.
- Tusser cultivation (a type of silk-yielding insect) in forest areas by tribals as a means of their livelihood is treated as a forestry activity as long as it doesn't involve some specific host tree like Asan or Arjun.
- Plantation of mulberry for rearing silkworm is considered a non-forest activity.
- Removal of stones, boulders etc. from river-beds located within the forest area fall under non-forest activity.
- In regards to any proposal sent to Central Govt. for non-forest activity, cost-benefit analysis and Environmental Impact Assessment of the proposed activity must be accompanied.

13.2.4 Air (Prevention and Control of Pollution) Act, 1981:

This Act concerning to the mitigation of Air Pollution envisages the following:

- Air pollution has been defined in its correct terminology.
- Pollution control boards at the central or state level have the regulatory authority to implement this Act. Powers, Functions, Audits, penalties for maintenance of air quality have been designated.
- In 1987, Noise pollution has been inserted in this Act.
- Ensuring emission standards from automobiles, motor vehicles have been checked through this Act.
- State Govt. can declare an area within the state as "air pollution control area". Prior consent of State pollution control board must be operative for establishing any industrial unit in this preserved area.
- Punishment to the offenders in the case of air quality maintenance has been stated.
- For establishing factories and industries, taking permission from Pollution control boards has been made necessary so as to curb air pollution.

13.2.5 The Environment (Protection) Act, 1986:

This Act came into force on 19th November, 1986 on the Birthday of our Late Prime Minister Indira Gandhi honouring the pioneering effort of her in environmental protection issues in our country.

The provisions under this Act were as follows:

- Terminologies like Environment, Environmental pollution, Hazardous substances etc were defined clearly in this Act.
- Determination of the quality of Air, Water and Soil have been laid importance.
- Restriction in the use and transportation of pollution generating materials have been stressed.
- Industrial production and accidents were checked by this Act and victims were given recourse.
- Use of alternative and renewable energy sources were emphasized
- Reuse, recycle of waste materials were encouraged.
- Refining of industrial wastes, effluents before emitting to the environment was directed.
- Sustainability in the environment must be determined during disposal of industrial waste as per this Act.
- Hazardous wastes must be identified and treated cautiously as signified by this Act.

Environment Protection Act was amended in 1994 and incorporated the Environmental Impact Assessment of various developmental projects.

13.3 Problems in successful implementation of Environmental Legislations:

The drawbacks erupted in successfulness of Environmental Acts and Legislations can be indicated under the following points:

- Due to entrusting more powers and authority to Central Govt., local environmental issues sometimes remain unnoticed and neglected.
- Because of the minor penalties to the environmental degradation offenders, illegal activities don't stop.
- The Acts have not included the Right to Information (RTI) for the citizens. This enormously restricts the involvement as well as participation of the general public.
- Misutilization of power is another major cause in this regard. Under the wildlife protection Act, some people are given the ownership to wild animals. As a result, illegal trafficking of wild animals get enthusiasm.
- Political interference also stands as obstacle.
- The State Boards often lack adequate funds and expertise to fulfill their objectives.
- Under the Forest Conservation Act, some tribals are displaced and being homeless, response from that section of people in environmental management remains meagre.
- Litigation in environmental issues is expensive and lengthy prosecution is needed.
- The policy statements in regards to quality maintenance of environment mostly remains on paper in written form without any practical applications.

- Due to possessing own Wildlife Protection Act implemented in Jammu and Kashmir, Central Acts are not followed. Therefore, illegal trade of endangered Wildlife is found to be usual scene in these two states.

13.4 Conclusion:

As a whole, it can be rightly said that environmental protection is inevitable and can't be ignored by any conscious people. Environmental Acts and Legislations will proceed towards its successful and effective implementation, if public become environmentally awarded. In this perspective, providing environmental education, creating awareness through mass communication media, involvement of NGO, proper planning etc. can act as driving force. Welcoming the Environmental Legislation can only ensure the sustainability for the future period of time to come ahead.

13.5 References:

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