

**TANUPRIYA SINGH TANWAR**  
**TEAM ECOHEALERS**  
**FOREST RESEARCH INSTITUTE**

The Indian Constitution and India's international commitments both recognise the need of environmental protection, conservation, and sustainable resource use. Every Indian citizen has a responsibility to preserve and enhance the natural environment, including forests, lakes, rivers, and animals, as well as to have compassion for all living things, according to Part IVA of the Constitution (Article 51A-Fundamental Duties). Additionally, the State shall make efforts to maintain the nation's forests and animals as well as to protect and promote the environment, according to Part IV of the Indian Constitution (Article 48A-Directive Principles of State Policies). Even before India gained its independence, there were numerous environmental protection laws. However, it wasn't until after the UN Conference on the Human Environment that there was a real push to implement a well-developed framework (Stockholm, 1972). After the Stockholm Conference, the Department of Science and Technology established the National Council for Environmental Policy and Planning in 1972 as a regulatory agency to handle environmental-related concerns. Later, this Council became the full-fledged Ministry of Forests and the Environment (MoEF).

The regulatory and administrative centre of the industry is comprised of the MoEF and the state and federal pollution control boards (together referred to as "CPCBs" and "SPCBs").

### **Need for the legislation**

Environmental concerns are the origin of many national laws. The ecosystem needs to be protected by appropriate legislation; otherwise, the expanding population would wreck havoc on the ecology. The way these rules are enforced is another crucial factor. To prevent additional environmental degradation and pollution, we must forcefully and efficiently enforce the law. Ignoring political boundaries and judicial authority, pollution is a significant factor.

Environmental issues are therefore worldwide in scope. Environmental legislation must be passed both at the national and international levels in order to avert such issues.

While the modern world is becoming more and more concerned with environmental issues on a global scale, pollution problems in developing

nations are likewise complex, serious, and expanding quickly. combining industrialization and development in a powerful way. Foreign businesses operating with little consideration for the impact on the local environment worsen the already potent combination of industrialization development and mass consumerism trends. Since pollution has the ability to ruin families and communities, it is a larger social issue than merely a health concern. Environmental concerns are intimately linked to how developing nations develop. Nevertheless, a large number of developing nations lack the necessary enforcement mechanisms or do not have any policies in place to manage pollution. Strong economic growth, extraordinary urban growth, and quick industrial development—particularly in the petrochemical and heavy industries—have all contributed to a significant rise in pollution emissions.

The following are some of the **key environmental protection laws**:

- Act of 2010 Creating National Green Tribunals
- The 1981 Act for the Prevention and Control of Air Pollution
- Act of 1974 on Water (Prevention and Control of Pollution)
- The 1986 Environmental Protection Act
- Regulations for the management of hazardous waste, etc.

Some of the acts explained below:

1. Wildlife Protection Act of 1972

**Objective:** The Act covers matters related to, ancillary to, or incidental to the protection of wild animals, birds, and plants. It encompasses the entirety of India.

There are six schedules with various levels of protection.

Absolute protection is provided by Schedule I and Part II of Schedule, and the harshest penalties are imposed for violations of them.

Although Schedule III and Schedule IV species are likewise protected, the consequences are significantly less severe.

Schedule V animals, such as common crows, fruit bats, rats, and mice, are regarded as vermin by the law and are therefore subject to open hunting.

It is forbidden to cultivate or plant any of the Schedule VI-listed endemic plants.

Statutory bodies covered by the WPA:

1. National Board for Wildlife and state wildlife advisory boards
2. Central Zoo Authority
3. Wildlife Crime Control Bureau
4. National Tiger Conservation Authority

## 2. The Water (Prevention and Control of Pollution) Act, 1974

Objective: To provide water pollution prevention and management, preserving or regaining the purity and wholesomeness of water from all available sources.

It gives State Pollution Control Board and Central Pollution Control Boards (CPCB) regulatory jurisdiction (SPCB). The Water Act of 1974 established the statutory bodies known as CPCB and SPCB. It gives CPCB and SPCB the authority to create and enforce effluent standards for factories that release pollutants into bodies of water. Along with developing policies for the avoidance of water pollution and coordinating the efforts of various SPCBs, CPCB carries out the same duties for union territory.

## 3. The Environment (Protection) Act, 1986

Article 253 was used to pass this legislation (legislation for giving effect to international agreements)

After the Bhopal gas incident in December 1984, this law was passed. It was implemented to achieve the Stockholm Declaration from the 1972 UN conference on the human environment.

Under the EPA of 1986, which mandates 10-kilometer buffer zones around protected sites, MoEFCC notifies eco-sensitive zones or environmentally vulnerable areas.

Legislative bodies covered by the EPA in 1986:

1. Genetic Engineering Appraisal Committee
2. National Coastal Zone Management Authority (later converted to National Ganga Council under Ministry of Jal Sakthi)

Community involvement is regarded as an effective strategy to save the natural world and enhance locals' standard of living in protected areas. In most developing nations, it has not, however, gotten enough attention on a practical level, and it is uncertain how significant it is in encouraging people' pro-environmental behaviours to meet eco-environmental protection objectives.

A useful resource, *Connecting Human Rights and Environment*, addresses the grey area between environmental and human rights law.

In a setting that allows for a life of dignity and wellbeing, humans can assure fundamental equality and acceptable living conditions.

Laws must be drafted immediately with the understanding that individuals who damage or contaminate the environment are not only committing a crime against nature but also a violation of human rights.

Indeed, it appears that the two domains of environmental conservation and human rights might be reconciled through the discussion of health. As the relationship between human rights and the environment develops, it will be possible to include human rights principles, such as anti-discrimination laws, the need for social interaction, and the protection of vulnerable groups, into environmental concerns.

# THE SCREENSHOT OF THE POST I SHARED ON INSTAGRAM

