

Wildlife Protection Act 1972

The act was enacted in 1972 with the main objective to provide protection and conservation of plants and animal species. this is the first comprehensive legislation relating to protection of wildlife passed by the parliament. This act was amended in 2002 and came into force in 2003.

➤ Objectives of this Act:

- i. To maintain essential ecological processes and life supporting systems.
- ii. To preserve the biodiversity.
- iii. To ensure a continuous use of species i.e. conservation and protection of wildlife.
- iv. Prohibition on hunting of specified wild animals, birds and plants.
- v. Setting up and management of National parks and Wildlife Sanctuaries.
- vi. Control of trade and commerce in wildlife and related products.

➤ Details about the Act:

- i. Appointment of director, assistant directors and other officers by the Central Government under section 3
- ii. Appointment of chief wildlife warden, wild life warden and other of officers and employees by the State Government under section 4.
- iii. Constitution of wildlife advisory board by State Government or Union Territory under section 6.

➤ Duties of Wildlife Advisory Board:

WLAB is mainly constituted to advise the State Government in the following matters-

- i. Selection of areas to be declared as Sanctuaries, National parks and closed areas.
- ii. Formulation of policies to conserve wildlife
- iii. Measures to be taken for harmonizing the needs of the tribal and other dwellers of the forest.

➤ Hunting of wild animals to be permitted in certain cases:

- Under section 9, no person shall hunt any wild animal except as provided under section 11 & 12.

i. According to Section 11-

- ✓ If the chief wildlife warden is satisfied that any wild animal specified in schedule 1 has become dangerous to human life or diseased as to be beyond recovery, then he may, by order in writing and stating the reason thereof, permit any person to hunt such animal.
- ✓ The killing and wounding in good faith of any wild animal in self defense or defense of any other person shall not be an offence.
- ✓ Any wild animal killed or wounded in defense of any person shall be government property.

✓

ii. According to Section 12-

- ✓ Chief wildlife warden, by an order in writing the reason thereof and on payment of the prescribed fee may grant a permit to any person, allowing him to hunt any wild animal for the purpose of:
 - Scientific research and management
 - Education
 - Collection of specimens
 - Preparation of snake-venom for the manufacture of life saving drugs etc.

- Protection of specified plants:
 - ✓ Prohibits picking, uprooting, damage destroy, acquire or collect any specified plant from the forestland and area specified, by notification, by the Central Government.
 - ✓ The chief wildlife warden may with the permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forestland for the purpose of :
 - Scientific research and management
 - Education
 - Collection
 - Preservation and display in a herbarium

- Punishments:
 - ✓ Section 9 of the act, any person who hunts any wild animal shall be punishable with imprisonment for a term which may extend to 3 years or with fine, which may extend to ₹ 25,000/- or both.
 - ✓ If any person commits the offence in the sanctuary or any protected area, with respect any animal specified in schedule 1, he shall be punishable with imprisonment of 1year to 6 years and also with fine up to ₹ 5,000/-.
 - ✓ If any person commits the offence in the zoo area (tease, molest, injure or feed any animal or cause disturbance by noise or litter the grounds etc.) shall be punishable with imprisonment for a term which may extended to six months and fine of ₹ 2,000/- or with both.

ENVIRONMENTAL LAWS WATER (1974) AND AIR (1981)

Introduction Of Environmental Laws

In the Constitution of India it is clearly stated that it is the duty of the state to protect and improve the environment and to safeguard the forests and wildlife of the country. It imposes a duty on citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife. Reference to the environment has also been made in the Directive Principles of State Policy and the Fundamental Rights.

The constitutional provisions are backed by a number of laws---acts, rules and notifications. The EPA (Environment Protection Act),1986 came into force soon after the Bhopal Gas Tragedy. Thereafter a large number of acts of laws came into existence as the problems began arising. For protecting air and water from pollution "Air Act,1981 and Water Act,1974"comes on the ground.

Air pollution prevention and control act (1981)

How is air pollution defined under the Air Act 1981?

Air pollution means the presence in the atmosphere of any pollutant. Air pollutant means any solid, liquid or gaseous substance(including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment.

What are objectives of the Air Act 1981?

The objective of this Act is to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and matters connected therewith.

What are the functions of central Board under the Air Act?

The main functions of the Central Board are to improve the quality of air and to prevent ,control air pollution in the country and without prejudice to the generality of the foregoing functions, the Central Board, may

- 1) advise the central government on any matter concerning of the quality of air and the prevention, control of air pollution.
- 2) plan and cause to be executed a nationwide programme for the prevention and control of air pollution
- 3) organize through mass media a comprehensive programme regarding the prevention, control of air pollution.
- 4) coordinate the activities of the State Boards and resolve disputes among them.
- 5)

What are the functions of the State Board under the Air Act 1981?

The functions of the State Board shall be...

- 1) To advise the State Government on any matter concerning the prevention, control or abatement of air pollution.
- 2) To collect and disseminate information relating to air pollution.
- 3) To inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas.
- 4) To collaborate with the Central Board in organizing the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organize mass education programme relating thereto.

What restriction does the Air Act impose on private citizens with respect to courts taking offences under the Air Act?

No court shall take cognizance of any offence except on a complaint made by any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorized by the Board.

- No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this act.
- Where a complaint has been made by any private citizen the Board shall, on demand by such person, make available the relevant in its possession to that person.

The Board may refuse to make any such report available to such person if the same is against the public interest.

- Penalties for certain acts section 38....
- Destroy, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board.
- Damages any works or property belonging to the Board.
- Fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this act.
- Fails to giving any information which he is required to give under this act.

Can companies be prosecuted under Air Act 1981?

Section 40---Offences by companies

1. Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without

his knowledge or that he exercised all due diligence to prevent the commission of such offence.

2. Notwithstanding anything contained in sub section(1),where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other shall also be deemed to be guilty of that offence and shall be liable to be proceeded against.

Water Pollution Prevention and Control Act, 1974

How is "Water Pollution" defined under the Water Act,1974?

Water Pollution means contamination of water, alteration of the physical, chemical or biological properties of water, discharge of any sewage or trade effluent or any other liquid, gaseous or solid substance into water which may, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural uses, or to the life and health of animals or plants or of aquatic organisms.

What are the objectives of the Water Act 1974?

The objectives of the Water Act are to provide for the Prevention and Control of Water Pollution and the maintenance or restoration of the wholesomeness of water for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

What are the functions of the Central (Pollution Control) Board under the Water Act 1974?

Function of central Board:

- ✓ The main function of the Central Board shall be to promote cleanliness of streams and wells in different areas of the States.
- ✓ The C.B may perform all or any of the following functions, namely:
 - a. Advise the Central Government on any matter concerning the prevention and control of water pollution.
 - b. Co-ordinate the activities of the State Boards and resolve disputes among them.
 - c. Organise through mass media a comprehensive programme regarding the prevention and control of water pollution.
 - d. Plan and cause to be executed a nation-wide programme for the prevention, control or abatement of water pollution.
 - e. Organise through mass media a comprehensive programme regarding the prevention and control of water.

What are the function of the State Boards under the Water Act 1974?

Functions of the State Boards:

- ✓ to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof.

- ✓ to advise the State Government on any matter concerning the prevention, control or abatement of water pollution.
- ✓ To encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution.
- ✓ to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof.

What is the importance of section 24 of the Water Act 1974?

According to Section 24 of the Water Act, 1974

- a. No person should knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter into any stream or well or sewer or land.
- b. No person shall knowingly cause or permit to enter into any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

However, a person shall not be guilty of an offence under sub-section(1) by reason only of having done or caused to be done any of the following acts,

- Constructing, improving or maintaining in or across or on the bank or bed of any stream, any building, bridge, dam, drain or sewer or other permanent works which he has a right to construct, improve or maintain.
- Putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream.
- Causing or permitting the deposit accumulated in well, pond or reservoir to enter into any stream.

Penalty for contravention of provisions of section 24:

Whoever contravenes the provisions of Section 24 shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.

What emergency measures can the Central/State pollution boards take under the Water Act?

Emergency measures in case of pollution of stream or well:

- Where it appears to the State Board that any poisonous, noxious or polluting matter is present in or has entered into that stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations as it may consider necessary for all or any of the following purposes, that is to say,
 - a) Removing that matter from the stream or well or land and disposing it off in such manner as Board considers appropriate
 - b) Remedying or mitigating any pollution caused by its presence in the stream or well.
- The power conferred by sub section(1) does not include the power to construct any works of a temporary character which are removed on or before the completion of the operations.

What restriction does the " Water Act" impose on private citizens with respect to courts taking cognizance of offences under the Water Act?

- No court shall take cognizance of any offence except on a complaint made by any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorized by the Board.
 - I. No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.
 - II. Where a complaint has been made by any private citizen the Board shall, on demand by such person make available the relevant reports in its possession to that person.

The Board may refuse to make any such report available to such person if the name is ,in its opinion, against the public interest. Thus "Air Act 1981" and "Water Act 1974" was a good approach to control water and air pollution by government.

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