

# Environment Conservation, Management and Law



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## Abstract

“In the interest of the present and future generations some necessary steps are to be taken to protect and make scientific and rational use of the land, its mineral and water resources and the plant and animal kingdoms, to preserve the purity of air and water, to ensure reproduction of natural wealth and to improve human environment”\*. All biological populations have to maintain balance with nature. Ecologists talk about ‘biome environment’. Biological elements include plants, animals, micro-organisms, human being etc. ENVIRONMENT, properly so called, indicates the surroundings or conditions under which a person or thing exists and develops his or its character. It covers both physical and cultural elements. The importance of man’s relationship to his environment has attracted the attention of physical scientists, natural scientists, geoscientist and Social Scientists. Consequently, multi-dimensional approaches have evolved from various physical, social and economic points of view. ENVIRONMENT includes surrounding land, air, soil, climate, all biological populations. Here man too is an integral and important factor. Nature is man’s immediate concern. Environment thus includes nature, surrounding objects, regions or circumstances essential for the very existence and development of man. This interdependence, mutually reactive and interconnected relationship between the organisms and their physical environment, on the one hand, and among the organisms themselves on the other, has been extended to the corresponding range of phenomena, research and problems.

**Keywords:** Environmental Management, Law.

## Introduction

The need for environment conservation is being felt due to ‘Environmental degradation. Environmental degradation refers to the deterioration in its physical component brought in by various bio-logical processes, mainly by human activities, to such an extent that it cannot be set right, by the inbuilt self-regulatory mechanism (known as home static mechanism) of the environment. When the counterbalancing or regeneration process of nature fails or becomes defective there arises a situation of environmental crises.

Environmental crises caused by the economic and technological man is this century’s most important problem. Contamination of natural elements, indiscriminate exploitation of forests, wild life, minerals etc., all have made both man and nature bankrupt. This bankruptcy has made men to think and Endeavour to protect the environment and prevent further disruption. Here arises the need of conservation.

Conservation of environment means preservation of floral environment, faunal environment, Social environment, Economic environment and so on which are necessary for the plants, animals and human population, their existence, growth and development. Harmonious equilibrium between man and his environment has to be maintained as best as possible. The exploitative functions of man have disturbed this balance with nature and brought about a type of violent dissolution and rapid disruption of environment especially physical environment. The shattering or separating the environment forcibly is a curse to the organism populations including human beings. Though this depletion cannot be cured fully but if efforts are made in the right direction further disruption can be checked. In this effort planning of prevention regarding exploitative functions is necessary as the first step.

## Management

Environmental Management is a complex procedure. It’s aims are (i) to achieve the multidimensional growth of Society and attain development and (ii) to reduce the Socio-economic disparities by exploiting physical and human resources. Environmental management means to

utilize, in different ways, renewable and non-renewable resources of earth and conservation of precious and rare resources as well as preservation of environments quality. This implies judicious choice of available alternative proposals to achieve desired goals. As far as possible one or more strategies should be adopted for achieving short term goals but long term goals too have to be taken into consideration. As environment has been defined differently by different disciplines, it becomes all the more difficult to precisely define environmental management. The goals of environmental management are too complex and at times to each other. Therefore sometimes the alternative strategies too recommended are in contradiction to one another.

The economic and technological man has grossly deteriorated the relationship with nature by his exploitative and destructive activities. This has to be regulated, nature has to be protected and regeneration of its lost life supporting capabilities ensured to maintain the qualitative levels of environment. Preservation of natural diversity-the problem of extinction prone species have to be tackled on priority basis. Any Environment Management strategy has to be devised with a purpose to save the environment for future generation. This should include protection of resources by stopping their haphazard utilization and checking population growth, prohibiting injurious technological application and raising the economic importance of environment and its resources. Then and then alone, conservation and development will go hand in hand. All out efforts have to be made at developing suitable technology, enhance the value of readily available alternative resources, curbing wasteful exploitation of rare resources, rejecting some resources and minimizing pressure on environmental resources. This will no doubt help the socio economic development without disturbing the stability of biological processes.

Environmental Management' envisages five aspects (I) aspects environmental perception and public awareness, (ii) environmental education and training, (iii) management of environment resources, (iv) environmental impact assessment, (v) control of environmental degradation and pollution. Two different approaches have been adopted, in this direction first is the preservation approach and the second is the conservation approach. The 'Preservative Approach' insists on cent percent harmonious adjustment with nature. This approach is not practicable. The 'Conservation Approach' conceives utilization of environmental resources for socio economic development. Conservationists recommend reducing the ill effects of human activity on the natural resources and developing a technology which is economically viable, socially just and ecologically sound.

Environmental Management strategies have to be devised on such a manner that they concentrate on ecological issues e.g. distribution of plants and animals, biological succession, transfer and utilization of energy in ecological elements, bio-geochemical cycle, cycling and recycling, interdependence of

various components of environmental elements. Here a multidimensional and holistic approach has to be devised to ensure sustained life on the globe .

#### **Law**

The religious and culture heritage of the Indian Society provided a knowledge of nature and strict rules of utilization of natural resources which helped the ancient civilization to service Materially. Under the Hindus Dharma, rules of conduct have been traditionally found matching with the life-supporting capacity of nature in a sustainable manner. In the ancient epics of Ramayan and Mahabharat the description of flora and fauna, ecological management, saints life-style etc. furnish ample proof of respect to the laws of nature. The worship of rivers, plants, animals show the rational, and idealistic attitude towards natural elements. MANU SMRITI (the ancient code Manu) governing the Hindu way of clearly spells out man's obligation towards protection of plants prosperity. The waters of most of our rivers were considered to be holy. Thus elementary rules of our hygiene along with ethical and moral laws against pollution of water and other elements were formulated Modern man with science and technology has polluted all the five basic elements-earth, water, energy, air and space. Our social and religious customs provide the basis for a sustainable and ecological use of all natural resources. In course of time civilization developed culture deteriorated. Constitution of India includes provisions for the protraction and improvement of environment (42nd amendment) from January 3, 1997) In The Directive Principals of State Policy (Chapter IV) Article 48-A was inserted which enjoins the state to Endeavour for protection and improvement of the environment and for safeguarding the forest and wild life of the country. Article 51 (A-g) in Fundamental Duties stipulated that it will be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.

#### **Environment Legislation**

##### **Pre-Independence Era**

The government of British India from time to time passed several Acts and issued Regulations to ensure safety both in preventive as well as punitive modes. India has a long history of enacting legislation and regulation of activities pertaining to hazardous chemicals. Smoke Abidance Acts of Bengal, Bombay and Madras Presedencies (late 1870s). Explosives Act, Factories Acts, Drug and Poison Act regulated hazards of chemicals for more than sixty years. The Indian Penal Code and the criminal Procedure Code have specific provisions for regulation and legal action for various environmental issues for more than a century.

##### **Post-Independence Era**

Concern for protection of the Human Environment was discussed in the International Stockholm Conference (1972). India took initiative by creating a separate Ministry of Environment. Major States followed suit by opening Departments of Environment (1972-82).

Uniform laws in all states were enacted to protect environment (wealth, safety of people, flora and fauna) After the Bhopal Disaster (December 1984) Coordinating activities related to hazards control was assigned to the Ministry of Environment.

#### **Legislative Measures**

The water (Preservation and Control of Pollution) Act, 1974 (March 23, 1974). It constituted central as well as State Pollution Control Boards Laws enacted for water control were (i) The North India Canal and Drainage Act, 1873, (ii) The obstruction of Fairways Act, 1881, (iii) The Indian Fisheries Act, 1897, (iv) The Damodar Valley Corporation (Prevention of Pollution of Water) Regulation Act, 1948, (v) The River Board's Act, 1956, (vi) The Merchant Shipping (Amendment) Act, 1974, for preservation and control of Water-pollution and maintaining or restoring of whole sameness of water. The Act restricts discharge of effluents and prohibits use of water for disposal of pollutants of industries, local bodies, trades etc. It prescribes time bound programme for installation of waste water treatment plants to comply with the prescribe effluent standards. It also prescribes penalties and procedures for failure to comply with the directions and Violations of various provision of the Act. The Act was amended twice process, treatment and disposal system. The Board was empowered to give direction for closure, prohibition, on regulation of any industry, operation or process which includes stoppage or regulation of electricity water supply or any other service.

#### **The Water (Prevention and Control of Pollution)**

##### **Cess Act 1977**

It provides for the levy and collection of cess on water consumed by persons carrying out certain industries and the local authorities with a view to augmenting the resources of the pollution Control Boards. The Act has been amended in 1991 revising the schedule of industries, rates of cuss to be charged and rebate if any, to be given.

#### **The Air (Prevention and Control of Pollution) Act, 1981**

It provides for the prevention, control and abatement of air pollution and for the preservation of the quality of air. The Act was amended in 1987 to include NOISE Pollution. It is applicable to all industries.

#### **The Environment Protection Act, 1986**

It extends to the whole country. The Central government is empowered to take measures for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.

Here the Environment includes water, air land and inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property.

Environment Pollutant means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be injurious to environment.

Environment pollution means the presence in environment of any environmental pollution ant.

Handling in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, such substance.

Hazardous substances means any substance or proportion which by reason of its chemical or physiochemical properties or handling is liable to cause harm to human beings, other living creatures, plants, microorganisms, property or the environment.

These measures could be related to the following matters:-

1. Coordination of actions by the state government officers and other authorities regarding environmental protection.
2. Planning and execution of a nationwide programme for the prevention, control and abatement of environment pollution.
3. Laying down standards for the quality of environment in its various aspects.
4. Laying down standards for emission of discharge of environmental pollutants for various sources what so ever.
5. Restriction of areas in which any industry or process etc. shall not be carried out subject to certain safeguards.
6. Laying down certain procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents.
7. Laying down procedures and safeguards for the handling of hazardous substance.
8. Examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution.
9. Carrying out and sponsoring investigation and research relating to problems of environmental pollution.
10. Inspection of any premises, plant, equipment, machinery, manufacturing, or other processes, materials or substances and giving orders for the prevention, control and abatement of environmental pollution.
11. Establishment of laboratories and institutes to carry out Functions under this act.
12. Collection and dissemination of information in respect of Matters relating to environmental pollution.
13. Preparation of manuals, codes, or guides relating to the Prevention, control and abatement of environmental pollution.
14. Such other matters the central Government deems necessary or expedient for the purpose of securing the effective Implementation of the provisions of this Act.

#### **Manufacturing, stores and Import of Hazardous chemical Rules, 1989 under the Environment (protection) Act, 1986 (Ministry of Forest And Environment**

Industries activities involving hazardous chemicals have the potential to cause serious accidents which may lead to damage, injury or even death in the vicinity of the site. The primary responsibility for the controlling and minimizing these

risks rests with those who created the risks. Besides this the need for creation of adequate public awareness and participation for facing any emergency cannot be over emphasized. This is also required to supplement the efforts of the local authorities.

These Rules embraced most of the chemical and petrochemical Industries, using substances which have hazardous, flammable, explosive, erosive or toxic properties.

Under these Rules storage of hazardous chemicals, not associated with process, are treated differently from process-use.

The Central Pollution Control Board and the State Pollution Control Boards have been made responsible to enforce these Rules for isolated storage as there is no agency at present responsible for the enforcement of Rule at isolated storage.

The Ministry of Forests and Environment has prepared certain guidelines regarding proper management of hazardous and toxic wastes for the following-

1. Occupier/Generator of hazardous waste,
2. Transportation of hazardous waste,
3. Owner/ Operator of hazardous waste-storage, treatment and disposal facility.

#### Motor Vehicle Rules, 1989

Under Rule 129-137 the responsibility of the owner, transporter and driver has been specifically laid down for ensuring safe transport of Corrosive, explosive, flammable, oxidizing, reactive and toxic chemicals.

Railway Red Tariff Rules, 1960 (as amended from time to time)

Prescribe the procedure and stipulate conditions for the carriage of dangerous goods except explosive for the Defense Services. The factory Act, 1943 (as amended relating to Hazardous processes)

1. The state Government has been authorized to constitute a site Appraisal Committee (S A C) to consider application, for grant of permission for the initial location and further expansion of a factory involving hazardous process. The Chief Inspector of Factories would act as its Chairman, Members would be representatives of the Central and state Boards for the prevention and control of water pollution and air pollution, representative of the Department of Environment in the state. The committee will also have expert from meteorology Department, occupational Health, Town planning Department, Scientist with relevant expertise and others. This Committee shall have powers to call for any information from the applicant.
2. Powers of Central Government to appoint Inquiry Committee, in the event of the occurrence of an extra ordinary situation, to inquiry into the standards of health and safety observed in the factory.
3. The Central Government may direct the Director General of factory Advice Service and Labour Institute or any other specialized agency to lay down emergency standards.
4. Set up "Factory Safety Committee" Consisting of equal number of representative of worker and Management to promote cooperation among them

in maintaining proper safety and health at work and review periodically the measure take in that behalf.

5. Grant worker right to bring to the notice of the Inspector and the safety Committee if there is any likelihood of imminent danger to their lives or health due to any accident. The Public liability Insurance for installations handling hazardous substances to provide minimum relief to the victims.

The Act lays down obligation on the part of the owner to take out insurance policies to insure reimbursement of medical expenses, relief in fatal accidents. District Collector is authorized to verify the occurrence of an accident, give publicity and invite application for claims.

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