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ACTS & POLICIES

Pollution Related Acts

■ Water (Prevention and Control of Pollution) Act of 1974 and Amendment, 1988

- The main objective of this act is to provide prevention and control of water pollution and maintaining or restoring of wholesomeness and purity of water (in the streams or wells or on land).
- The Act vests regulatory authority in **State Pollution Control Boards (SPCB)** and empowers these Boards to establish and enforce effluent standards for factories discharging pollutants into water bodies.
- A **Central Pollution Control Board (CPCB)** performs the same functions for Union Territories and formulates policies and coordinates activities of different State Boards.
- The State Pollution Control Boards control sewage and industrial effluent discharges by approving, rejecting, or impose conditions while granting consent to discharge.
- The Act grants power to SPCB and CPCB to test equipment and to take the sample for analysis.
- Before its amendment in 1988, enforcement under the Act was achieved through criminal prosecutions initiated by the Boards.
- **The 1988 amendment act empowered SPCB and CPCB to close a defaulting industrial plant.**

■ Water (Prevention and Control of Pollution) Cess Act of 1977

- Water Cess, or to be precise, Water (Prevention and Control of Pollution) Cess refers **to a tax levied under the Water (Prevention and Control of Pollution) Cess Act, 1977 on water consumed by persons operating and carrying on certain types of industrial activities.**
- Every local authority - a municipal corporation or a municipal council or a cantonment board or any other body, **entrusted with the duty of supplying the water is also liable to pay the cess.**

- The Water Cess Act was passed to generate financial resources to meet the expenses of the Central and State Pollution Boards.
- The Act **creates economic incentives for pollution control** and requires local authorities and certain designated industries to pay a cess (tax) for water effluent discharge.
- The Central Government, after deducting the expenses of collection, pays the central and state boards such sums, as it seems necessary.
- To encourage capital investment in pollution control, **the Act gives a polluter a 70% rebate of the applicable cess upon installing effluent treatment equipment.**

■ Air (Prevention and Control of Pollution) Act of 1981 and Amendment, 1987

- ▶ To implement the decisions taken at the **United Nations Conference on the Human Environment held at Stockholm in June 1972**, Parliament enacted the nationwide Air Act.
- ▶ The main objectives of this Act are to improve the quality of air and to prevent, control, and abate air pollution in the country.
- ▶ **The Air Act's framework is similar to that of the Water Act of 1974.**
- ▶ It has **expanded the authority of the central and state boards established under the Water Act, to include air pollution control.**
- ▶ States not having water pollution boards were required to set up air pollution boards.
- ▶ Under the Air Act, all industries operating within designated air pollution control areas must obtain **"consent" (permit) from the State Boards.**
- ▶ The states are required to prescribe emission standards for industry and automobiles after consulting the central board and noting its ambient air quality standards.
- ▶ The Act grants power to SPCB and to test equipment and to take the sample for analysis from any chimney, fly ash or dust or any other.
- ▶ Before its amendment in 1988, enforcement under the Act was achieved through criminal prosecutions initiated by the Boards.
- ▶ **The 1988 amendment act empowered SPCB and CPCB to close a defaulting industrial plant.**
- ▶ Notably, the 1987 amendment introduced a citizen's suit provision into the Air Act and extended the Act to include noise pollution.

Environment Related Acts & Policies

■ Wildlife Protection Act, 1972, and Amendments

- This Act provides for the protection of a listed species of animals, birds, and plants, and also for the establishment of a network of ecologically-important protected areas in the country.
- The Act provides for the formation of wildlife advisory boards, wildlife wardens, specifies their powers and duties, etc.
- It helped India become a party to the **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).**

- For the first time, a comprehensive list of the endangered wildlife of the country was prepared.
- **The Act prohibited the hunting of endangered species.**
- Scheduled animals are prohibited from being traded as per the Act's provisions.
- The Act provides for licenses for the sale, transfer, and possession of some wildlife species.
- It provides for the establishment of wildlife sanctuaries, national parks, etc.
- Its provisions paved the way for the **formation of the Central Zoo Authority**. This is the central body responsible for the oversight of zoos in India. It was established in 1992.
- The Act created six schedules which gave varying degrees of protection to classes of flora and fauna.
 - ▶ Schedule I and Schedule II (Part II) get absolute protection and offenses under these schedules attract the maximum penalties.
 - ▶ The schedules also include species that may be hunted.
 - ▶ Schedule VI was added by the amendment of 1991 to include certainly specified plants.
- The **National Board for Wildlife was constituted as a statutory organization** under the provisions of this Act.
- The Act also provided for the **establishment of the National Tiger Conservation Authority**.
- There are five types of protected areas as provided under the Act.
 - ▶ **Sanctuaries:** It is a place of refuge that was injured, abandoned, and abused wildlife is allowed to live in peace in their natural environment without any human intervention.
 - ▶ **National Parks:** These are the areas that are set by the government to conserve the natural environment.
 - ▶ **Conservation Reserves:** The State government may declare an area (particularly those adjacent to sanctuaries or parks) as conservation reserves after consulting with local communities.
 - ▶ **Community Reserves:** The State government may declare any private or community land as a community reserve after consultation with the local community or an individual who has volunteered to conserve the wildlife.

Schedule I

- This Schedule covers endangered species.
- Species under this Schedule are prohibited to be hunted throughout India, except under threat to human life.
- Absolute protection is accorded to species on this list.
- The Trade of these animals is prohibited.

Schedule II

- Animals under this list are also accorded high protection.
- Their trade is prohibited.
- They cannot be hunted except under threat to human life.

Schedule III & IV

- This list is for species that are not endangered.
- This includes protected species but the penalty for any violation is less compared to the first two schedules.

Schedule V

- This schedule contains animals that can be hunted.

Schedule VI

- This list contains plants that are forbidden from cultivation.

- ▶ **Tiger Reserves:** These areas are reserved for the protection and conservation of tigers in India. They are declared on the recommendations of the National Tiger Conservation Authority.
- An **amendment to the Act in 1982**, introduced a provision permitting the capture and transportation of wild animals for the scientific management of the animal population.
- **The 2002 amendment:** For offenses relating to wild animals (or their parts and products) included in schedule-I or part II of Schedule- II and those relating to hunting or altering the boundaries of a sanctuary or national park the punishment and penalty have been enhanced. Also, a new section (51 - A) has been inserted in the Act, making certain conditions applicable while granting bail. **No person can now acquire Schedule I or Part II of Schedule II animals, articles, or trophies except by way of inheritance (except live elephants).** Stringent measures have also been proposed to forfeit the properties of hardcore criminals who have already been convicted in the past for heinous wildlife crimes.
- **The 2006 amendment introduced a new chapter (IV B)** for the establishment of the National Tiger Conservation Authority and notification of Tiger Reserves (before this amendment, Tiger Reserves were not defined under the law, but were merely administrative designations to enable funding under Project Tiger).
 - ▶ The **Wildlife Crime Control Bureau (WCCB)** was constituted via the 2006 amendment to monitor and control the illegal trade in wildlife products.
 - ▶ The act provides for investigation and prosecution of offenses in a court of law by authorized officers of the forest department and police officers.
 - ▶ The amended Wildlife Act **doesn't allow any commercial exploitation of forest produce in both wildlife sanctuaries and national parks, and local communities are allowed** to collect forest produce only for their bona fide requirements.

■ Environment Protection Act, 1986

- As compared to all other previous laws on environment protection, the Environment (Protection) Act, 1986 is a more effective and bold measure to fight the problem of pollution.
- The genesis of the Environmental (Protection) Act, 1986, is in **Article 48A (Directive Principles of State Policy) and Article 51A (g) (Fundamental Duties) of the Indian Constitution.**
- The Act **empowers the Central Government** to take all appropriate measures to prevent and control pollution and to establish effective mechanisms to protect and improve the quality of the environment and protecting controlling and abating environmental pollution.
- The Central Government or any other person duly authorized is empowered to collect the samples of air, water, soil, or other substances as evidence of the offenses under the Environment (Protection) Act, 1986.
- The Act prescribes a special procedure for handling hazardous substances and the concerned person has to handle the hazardous substances according to the procedure of the Act.
- The Environment (Protection) Act, 1986 **has relaxed the rule of "Locus Standi"** and because of such relaxation, even a common citizen can approach the Court provided he has given a notice of sixty days of the alleged offense and his intention to make a complaint to the Central Government or any other competent authority.
- This Act also empowers and authorizes the Central Government to issue directions for the operation or process, prohibition, closure, or regulation of any industry. The Central Government is also authorized to stop, regulate the supply of electricity or water or any other service directly without obtaining the order of the Court in this regard.
- **The Act consists of and deals with more stringent penal provisions.** The minimum penalty for



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contravention or violation of any provision of the law is imprisonment for a term which may extend to five years or fine up to one lakh rupees, or both. The Act also provides for the further penalty if the failure or contravention continues after the date of conviction. If the failure or contravention continues beyond the period of one year, then the offender is punished with imprisonment for a term which may extend to seven years.

- **It grants immunity to the officers of the Government** for any act done under the provisions of this Act or the powers vested in them or functions assigned to them under this Act.
- The **Act debars the Civil Courts** from having any jurisdiction to entertain any suit or proceeding in respect of an action, direction, order issued by the Central Government, or other statutory authority under this Act.
- Under the Act, there will be the supremacy of provision. In other words, the provisions of this Act and the rules or orders made under this Act shall have effect and supremacy over anything inconsistent contained in any enactment other than this Act.

■ Biological Diversity Act, 2002

- The Biological Diversity Act 2002 was born out of India's attempt to realize the objectives enshrined in the **United Nations Convention on Biological Diversity (CBD) 1992** which recognizes the sovereign rights of states to use their Biological Resources.
- **Objectives**
 - Conservation of biological diversity;
 - Sustainable use of its components; and
 - Fair and equitable sharing of the benefits arising from the utilization of genetic resources.
- The Act envisages a three-tier structure to regulate access to the biological resources, comprising of **National Biodiversity Authority (NBA), State Biodiversity Boards (SBB), and Biodiversity Management Committees (BMC) at the local level.**

■ Indian Forest Act, 1927

- **1865: The Indian Forests Act of 1865** extended the British Colonial claims over forests in India
- **1878: The Forest Act of 1878** was introduced and it truncated the centuries-old traditional use by communities of their forests and secured the colonial government's control over the forestry. The provision of this **Act established a virtual State monopoly over the forests in a legal sense** on one hand and attempted to establish, on the other, that the customary use of the forests by the villagers ***was not a 'right', but a 'privilege' that could be withdrawn at will.***
- **Indian Forest Act, 1927:** The main objective was to secure exclusive state control over forests to meet the demand for timber. Most of these untitled lands had traditionally belonged to the forest-dwelling communities.
 - The Act defined state ownership regulated its use and appropriated the power to substitute or extinguish customary rights. The Act facilitates three categories of forests, namely
 - Reserved forests
 - Village forests
 - Protected forests
 - **Reserved forests are the most protected within these categories.** No rights can be acquired in reserved forests except by succession or under a grant or contract with the government. Felling trees, grazing cattle, removing forest products, quarrying, fishing, and hunting are punishable

with a fine or imprisonment. Although the Indian Forest Act is a federal act, many states have enacted similar forest acts but with some modifications.

■ Forest Conservation Act, 1980

- It was passed to check further deforestation and conserve forests. Major objectives of this act were:
 - ▶ Restricting the use of forest land for non-forest purposes
 - ▶ Preventing the de-reservation of forests that have been reserved under the Indian Forest Act, 1927
 - ▶ Restrict leasing of forest land to private individuals, authority, corporations not owned by the Government
 - ▶ To prevent clear-felling of naturally grown trees
- In essence, **the Act merely shifts powers for decisions concerning forest land use from the State to the Centre.**

■ National Forest Policy, 1988

- The principal aim of National Forest Policy, 1988 is to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which is vital for sustenance of all life forms, human, animal, and plant.
- **Objectives**
 - ▶ **Conserving the natural heritage** of the country by **preserving the remaining natural forests** with the vast variety of flora and fauna, which represent the remarkable biological diversity and genetic resources of the country.
 - ▶ **Checking soil erosion and denudation** in the catchments areas of rivers, lakes, reservoirs in the interest of soil and water conservation, for mitigating floods and droughts, and for the retardation of siltation of reservoirs.
 - ▶ **Checking the extension of sand-dunes** in the desert areas of Rajasthan and along the coastal tracts.
 - ▶ **Increasing substantially the forest/tree cover** in the country through massive afforestation and social forestry programmes, especially on all denuded, degraded and unproductive lands.
 - ▶ **Increasing the productivity of forests** to meet essential national needs.
 - ▶ **Encouraging efficient utilization** of forest produce and maximizing substitution of wood.

Note: Recently, the Forest Policy, 2016 was repealed. The MoEF&CC has framed a **new draft National Forest Policy 2018** which proposes **climate change mitigation through sustainable forest management.**

■ New Draft National Forest Policy, 2018

- It aims to bring a **minimum of one-third of India's total geographical area under forest cover** through scientific interventions and enforcing strict rules to protect the dense cover.
- Unlike the previous policies, which stressed on environmental stability and maintenance of ecological balance, the 2018 policy **focuses on the international challenge of climate change.**
- While the ministry has **done away with the environment cess** that was proposed in the scrapped 2016 draft policy, it has retained **several controversial clauses in its 2018 draft.**

- **Public-private participation models:** PPP models would be developed for undertaking afforestation and reforestation activities in degraded forest areas and forest areas available with Forest Development Corporations and outside forests.
- The ecologically sensitive catchment areas shall be stabilized with suitable soil and water conservation measures, and also by planting suitable trees and grass-like bamboo," the draft suggests.
- It also suggests setting up of two national-level bodies—**National Community Forest Management (CFM) Mission and National Board of Forestry (NBF)**—for better management of the country's forests.
- As per the draft NBF needs to be headed by the central minister in charge of forests. The draft calls for state boards of forestry headed by state ministers in charge of forests to be established for ensuring inter-sectoral convergence, simplification of procedures, conflict resolution, among other things.
- **Checking man-animal conflict:** Quick response, dedicated teams of well equipped and trained personnel, mobility, strong interface with health and veterinary services, rescue centers, objective and speedy assessment of damage, and quick payment of relief to the victims would be at the core of the short-term action.
- According to the new draft, efforts will be made to achieve harmonization between policies and laws like the Forest Rights Act (FRA) 2006.
- **Participatory forest management:** There is a need to further strengthen this participatory approach, for which a National Community Forest Management (CFM) Mission will be launched.
- **Finances required for management of forests:** The compensatory afforestation fund which is being transferred to the states would be a major source of funds for taking up afforestation and rehabilitation works in degraded forest areas as well as for bringing new areas under forest and tree cover.
- Efforts for tapping funds from other national sectors like rural development, tribal affairs, national highways, railways, coal, mines, power, etc., will be taken for appropriate implementation of linking greening with infrastructure and other development activities.
- It also calls for "**promotion of trees outside forests and urban greens**", while stating that it will be taken up in "**mission mode**".

NOTE

- The draft National Forest Policy (NFP), 2016 proposed the levy of a green tax for facilitating ecologically responsible behavior and supplementing financial resources essential to address forestry woes.

■ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

- Forest Rights Act, 2006 provides for the restitution of deprived forest rights across India, **including both individual rights to cultivated land in forestland and community rights over common property resources.**
- The Act is significant as it provides scope and historic opportunity of integrating conservation and livelihood rights of the people.
- FRA is a potential tool
 - To empower and strengthen the local self-governance
 - To address the livelihood security of the people

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- ▶ To address the issues of Conservation and management of the Natural Resources and conservation governance of India.
- For the first time the Forest Rights Act recognizes and secures:
 - ▶ Community Rights in addition to their rights
 - ▶ Right to protect, regenerate or conserve or manage any community forest resource which the communities have been traditionally protecting and conserving for sustainable use.
 - ▶ Right to intellectual property and traditional knowledge related to biodiversity and cultural diversity
 - ▶ Rights of displaced communities & Rights over developmental activities
- **Nodal Agency for the implementation is MoTA.**
- This Act is applicable for **Tribal and Other Traditional Forest Dwelling Communities.**
- The Act provides for recognition of forest rights of other traditional forest dwellers provided they have for at least three generations before 13.12.2005 primarily resided in and have depended on the forest or forest land for bonafide livelihood needs. A "generation" for this purpose would mean a period comprising of 25 years.
- The maximum limit of the **recognizing rights on forest land is 4 ha.**
- National Parks and Sanctuaries have been included along with Reserve Forest, Protected Forests for the recognition of Rights.
- The Act **recognizes the right of ownership access to collect, use, and dispose of minor forest produce** which has been traditionally collected within or outside village boundaries.
- The Act has defined the **term "minor forest produce"** to include all non-timber forest produce of plant origin, including bamboo, brushwood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like.
- The Act provides for the forest right relating to the Government providing for diversion of forest land for schools, hospitals, anganwadis, drinking water supply, and water pipelines, roads, electric and telecommunication lines, etc.
- **The rights conferred under the Act shall be heritable but not alienable or transferable** and shall be registered jointly in the name of both the spouses in the case of married persons and the name of the single head, in the case of a household headed by a single person and in the absence of a direct heir, the heritable right shall pass on to the next of kin
- The Act provides that **no member of a forest-dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed** from forest land under his occupation till the recognition and verification procedure is completed.
- As per the Act, **the Gram Sabha has been designated as the competent authority for initiating the process of determining the nature and extent of individual or community forest rights or both** that may be given to the forest-dwelling Scheduled Tribes and other traditional forest dwellers.

■ Coastal Regulation Zone (CRZ) Notification 1991, 2011 and 2018

- **Coastal Regulation Zone (CRZ) notification was first issued in 1991** by Ministry of Environment, Forest and Climate Change (MoEF&CC) **under Environment (Protection) Act, 1986** with the mandate to take measures to protect and conserve our coastal environment.
- The coastal areas of seas, bays, creeks, rivers, and backwaters which get influenced by tides up to 500 m from the high tide line (HTL) and the land between the low tide line (LTL) and the high tide line have been declared as coastal regulation zone (CRZ) in 1991.

- Several amendments were made in the CRZ 1991 notification which was consolidated and issued in the CRZ 2011 notification. The CRZ 2011 notification took into account the issues of CRZ 1991.

Coastal Regulation Zone 2011 Notification

- Objectives:
 - To conserve and protect coastal stretches;
 - To ensure livelihood security to the fishing & local communities living in the coastal areas;
 - To promote development sustainably based on scientific principles, taking into account natural hazards and sea-level rise.
- Classifications of Coastal Zones under CRZ Notification 2011
 - CRZ-I (ecologically sensitive areas like mangroves, coral reefs, biosphere reserves, etc.).
 - No new construction shall be permitted in CRZ-I except
 - Projects relating to the Department of Atomic Energy;
 - Construction of trans-harbor sea link and roads without affecting the tidal flow of water, between LTL and HTL. Etc.
 - Between Low Tide Line and High Tide Line in areas which are not ecologically sensitive, the following may be permitted;
 - Exploration and extraction of natural gas;
 - Construction of basic amenities like schools, roads, etc. for traditional inhabitants living within the biosphere reserves;
 - Salt harvesting by solar evaporation of seawater;
 - Desalination plants;
 - Storage of non-hazardous cargo such as edible oil, fertilizers within notified ports;
 - CRZ-II (Areas which are developed up to the shoreline and falling within the municipal limits; includes built-up area – villages and towns are that are already well established),
 - Buildings are permissible on the landward side of the hazardous line.
 - Other activities such as desalination plants are also permissible.
 - Some construction is permitted only as per guidelines specified by the notification.
 - CRZ-III: Areas that are relatively undisturbed and do not fall under either in Category I or II and also include rural and urban areas that are not substantially developed.**
 - Between 0-200 meters from HTL is a No Development Zone where no construction shall be permitted.
 - Only certain activities relating to agriculture, forestry, projects of Department of Atomic Energy, mining of rare minerals, salt manufacture, regasification of petroleum products, non-conventional energy sources, and certain public facilities may be permitted in this zone.
 - Between 200-500 meters of HTL, those permitted in the 0-200 meters zone, construction of houses for local communities and tourism projects are permissible.
 - CRZ-IV:** The aquatic area from low tide line up to territorial limits is classified as CRZ-IV including the area of the tidally influenced water body.
 - There is no restriction on the traditional fishing undertaken by local communities.

- ◆ No untreated sewage or solid waste shall be let off or dumped in these areas.
- ◆ A separate draft Island Protection Zone Notification has been issued for the protection of the islands of Andaman & Nicobar and Lakshadweep under Environment (Protection) Act, 1986.
- In December 2018, the Union cabinet approved the **Coastal Regulation Zone (CRZ) Notification, 2018**.
- CRZ 2018 notification is based on the recommendation of **Shailesh Nayak committee** constituted by the MoEF&CC in June 2014 for the comprehensive evaluation of provisions under CRZ 2011 notification as demanded by various coastal States/UTs along with other stakeholders

Salient Features of CRZ Notification, 2018

- **Allowing FSI as per current norms in CRZ areas:** As per CRZ, 2011 Notification, for CRZ-II (Urban) areas, Floor Space Index (FSI), or the Floor Area Ratio (FAR) had been frozen as per 1991 Development Control Regulation (DCR) levels. In the CRZ, 2018 Notification, **it has been decided to de-freeze the same and permits FSI for construction projects**.
- Densely populated rural areas to be afforded greater opportunity for development: For CRZ-III (Rural) areas, two separate categories have now been stipulated as below:
 - ▶ **CRZ-III A** - These are densely populated rural areas with a population density of 2161 per square kilometer as per the 2011 Census. Such areas shall have a No Development Zone (NDZ) of 50 meters from the HTL as against 200 meters from the High Tide Line stipulated in the CRZ Notification, 2011 since such areas have similar characteristics as urban areas.
 - ▶ **CRZ-III B** - Rural areas with a population density of below 2161 per square kilometer as per the 2011 Census. Such areas shall continue to have an NDZ of 200 meters from the HTL.
- **Tourism infrastructure for basic amenities to be promoted:** Temporary tourism facilities such as shacks, toilet blocks, change rooms, drinking water facilities, etc. have now been permitted in Beaches. Such temporary tourism facilities are also now permissible in the **"No Development Zone" (NDZ) of the CRZ-III** areas as per the Notification. However, a minimum distance of 10 m from HTL should be maintained for setting up of such facilities.
- **CRZ Clearances streamlined:** Only such projects/activities, which are located in the CRZ-I and CRZ IV shall be dealt with for CRZ clearance by the MoEF&CC. The powers for clearances concerning CRZ-II and III have been delegated at the State level with necessary guidance.
- **A No Development Zone (NDZ) of 20 meters has been stipulated for all Islands**
- **All Ecologically Sensitive Areas have been accorded special importance**
- **Pollution abatement has been accorded special focus:** To address pollution in Coastal areas treatment facilities have been made permissible activities in the CRZ-I B area subject to necessary safeguards.
- **Defense and strategic projects have been accorded necessary dispensation.**

■ Island Protection Zone Notification (IPZ), 2011

- On January 07, 2011, the MoEF&CC released for the first time, an **Island Protection Zone Notification (IPZ), 2011 to cover Andaman & Nicobar Islands, Lakshadweep**.
- For the four islands namely, North Andaman, Middle Andaman, South Andaman, and Great Nicobar, the Notification applies to areas within 500 metres from the High Tide Line along the seafront, while for all other islands and Lakshadweep islands, the entire geographical area, including the water area up to 12 nautical miles falls within the purview of the Notification.

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- New provisions included **easing floor area ratio (FAR) in** coastal urban areas and slashing the NDZ in densely populated coastal rural areas to 50 metres from HTL.
- It also includes No Development Zone (NDZ) of 20 meters for all Islands.
- **The objective of Protection Zone Notification (IPZ), 2011:**
 - ▶ Protection of livelihoods of traditional fisherfolk communities
 - ▶ Preservation of coastal ecology;
 - ▶ Promotion of economic activity that has necessarily to be located in coastal regions.
- Under this notification, the coastal areas of Andaman and Nicobar Islands are classified as:
 - ▶ **ICRZ-I:** The areas that are ecologically sensitive and the **area between Low Tide Line and High Tide Line.**
 - ▶ **ICRZ-II:** The areas that have been developed **up to or close to the shoreline.**
 - ▶ **ICRZ-III:** Areas that are relatively **undisturbed and areas which are not substantially built up.** Such as rural areas and also areas within municipal limits.
 - ▶ **ICRZ-IV:** The water area from the **Low Tide Line to 12 nautical miles and tidally influenced water area**

■ Island Protection Zone (IPZ) 2019 for Andaman and Nicobar

- The union environment ministry has notified the Island Protection Zone (IPZ) 2019 for Andaman and Nicobar.
- The legal changes in the IPZ are aligned with Niti Ayog's proposal for holistic development in the Islands which is being taken forward under the guidance of the Island Development Agency.
- **It allows eco-tourism projects 20 metres from the high tide line (HTL) in smaller islands** like Baratang, Havelock and Car Nicobar, **and at 50 metres in larger ones.**
- **It allows for eco-tourism activities like mangrove walks, tree huts, and nature trails in island coastal regulation zone IA** (classified as the most eco-sensitive region of the islands which includes turtle nesting grounds, marshes, coral reefs, etc).
- The notification also allows for the construction of roads, roads on stilts by reclaiming land in exceptional cases for defence installations, public utilities, or strategic purposes **in eco-sensitive zones.**
- It states that in case construction of such roads pass through mangroves, **a minimum three times the mangrove area destroyed during the construction process shall be taken up for compensatory plantation of mangroves elsewhere.**
- **It also allows many new activities in the inter-tidal zone between the low tide line and HTL.**

■ The Ozone Depleting Substances Rules, 2000

- The rules are framed under the jurisdiction of the Environment (Protection) Act.
- These Rules set the deadlines for phasing out of various ODSs, besides regulating production, trade import, and export of ODSs and the product containing ODS.
- The Ozone Depleting Substances (Regulation and Control) Rule, 2000 were amended in 2001, 2003, 2004, and 2005 to facilitate the implementation of ODS phase-out at enterprises in various sectors.
- These Rules prohibit the use of CFCs in manufacturing various products beyond 1st January 2003. Except in metered-dose inhaler and for other medical purposes.

- Similarly, the use of halons is prohibited after 1st January 2001 except for essential use. Other ODSs such as carbon tetrachloride and methyl chloroform and CFC for metered-dose inhalers can be used up to 1st January 2010.
- Further, the use of methyl bromide has been allowed up to 1st January 2015. Since HCFCs are used as interim substitutes to replace CFC, these are allowed up to 1st January 2040.

■ Wetland Conservation and Management Rules 2017

- **Constitution of State Wetland Authority:** It has provisions for setting up of a State Wetland Authority (SWA) in every state and Union Territory to be **headed by the Environment Minister of the respective state**. It is to include a range of government officials. One expert each in the fields of hydrology, socioeconomics, landscape planning, fisheries, and wetland ecology. They will determine the 'wise use principle' that shall govern the management of wetlands. "Wise use" can be defined as the principles of sustainable use that are compatible with conservation. This has led to the decentralization of powers.
- **The State Wetland Authority shall:**
 - ▶ Develop a comprehensive list of activities to be regulated and permitted within notified wetlands and their zone of influence.
 - ▶ Recommend additional prohibited activities for specified wetlands.
 - ▶ Define strategies for better use of wetlands.
 - ▶ Recommend measures for wetland conservation and for raising awareness among its stakeholders and local communities to the importance of wetlands.
 - ▶ **Setting up of National Wetland committee:** NWC will replace the Central Wetlands Regulatory Authority and shall be headed by the secretary to MoEF&CC.
 - ▶ Recommending designation of Wetlands of International importance under the Ramsar Convention.
 - ▶ Advice collaboration with international agencies on issues related to wetlands.
 - ▶ **Setting up a digital inventory:** All the state authorities must prepare a list of all the wetlands. Based on this, a digital inventory for wetlands will be created and updated every 10 years.
 - ▶ **Prohibited activities:** The rules prohibit the discharge of unwanted waste from villages, towns, cities, industries, etc., and solid waste dumping into the wetlands. Conversion of wetland area for non-wetland purposes, construction of a permanent structure on notified wetlands is banned.

■ National Green Tribunal Act (NGT Act), 2010

- National Green Tribunal is a specialised body set up under the act for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.
- With the establishment of the NGT, India became the third country in the world to set up a specialised environmental tribunal, **only after Australia and New Zealand**, and the first developing country to do so.
- The NGT Act also provides a procedure for a penalty for non-compliance:
 - ▶ Imprisonment for a term which may extend to three years,
 - ▶ Fine which may extend to ten crore rupees, and
 - ▶ Both fine and imprisonment.

- An appeal against order/decision/ award of the NGT lies to the Supreme Court, generally within ninety days from the date of the communication.
- The NGT deals with civil cases under the seven laws related to the environment, these include:
 - The Water (Prevention and Control of Pollution) Act, 1974,
 - The Water (Prevention and Control of Pollution) Cess Act, 1977,
 - The Forest (Conservation) Act, 1980,
 - The Air (Prevention and Control of Pollution) Act, 1981,
 - The Environment (Protection) Act, 1986,
 - The Public Liability Insurance Act, 1991 and
 - The Biological Diversity Act, 2002.
- Any violation of these laws or any decision taken by the Government under these laws can be challenged before the NGT.

Waste Management Rules

■ Solid Waste Management Rules, 2016

Salient features:

- The Rules are now **applicable beyond Municipal areas** and extend to urban agglomerations, census towns, notified industrial townships, areas under the control of Indian Railways, airports, airbase, Port and harbor, defense establishments, special economic zones, State and Central government organizations, places of pilgrims, religious & historical importance.
- **The source segregation of waste has been mandated** to channelize the waste to wealth by recovery, reuse, and recycle.
- **Responsibilities of Generators** have been introduced to segregate waste into three streams, Wet (Biodegradable), Dry (Plastic, Paper, metal, wood, etc.) and domestic hazardous wastes (diapers, napkins, empty containers of cleaning agents, mosquito repellents, etc.) and handover segregated wastes to authorized rag-pickers or waste collectors or local bodies.
- **Integration of waste pickers/ ragpickers and waste dealers/ Kabadiwalas** in the formal system should be done by State Governments, and Self Help Group, or any other group to be formed.
- No person should throw, burn, or bury the solid waste generated by him, on streets, open public spaces outside his premises, or in the drain, or water bodies.
- The generator will have to **pay 'User Fee'** to waste collector and for **'Spot Fine'** for Littering and Non-segregation.
- The bio-degradable waste should be processed, treated, and disposed of through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local authority.
- Construction and demolition waste should be stored, separately disposed off, as per the Construction and Demolition Waste Management Rules, 2016.



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■ Plastic Waste Management Rules, 2016 and Amendment Rules, 2018

Salient Features of Plastic Management Rules, 2016

- Increase the minimum thickness of plastic carry bags from 40 to 50 microns and stipulate minimum thickness of 50 microns for plastic sheets also to facilitate collection and recycle of plastic waste.
- To promote the use of plastic waste for road construction as per Indian Road Congress guidelines or energy recovery, or waste to oil, etc. for gainful utilization of waste
- **Rural areas have been brought in the ambit of these Rules** since plastic has reached rural areas also. Responsibility for implementation of the rules is given to Gram Panchayat.
- **The first time, the responsibility of waste generators is being introduced.** Individual and bulk generators like offices, commercial establishments, industries are to segregate the plastic waste at source, handover segregated waste, pay user fee as per bye-laws of the local bodies.
- Plastic products are left littered after the public events (marriage functions, religious gatherings, public meetings, etc) held in open spaces. **The first time, persons organizing such events have been made responsible for the management of waste generated from these events.**
- Use of plastic sheets for packaging, wrapping the commodity except for those plastic sheet's thickness, which will impair the functionality of the product are **brought under the ambit of these rules.**
- A large number of commodities are being packed/wrapped into plastic sheets and thereafter such sheets are left for littered. Provisions have been introduced to ensure their collection and channelization of authorized recycling facilities.
- **Extended Producer Responsibility:**
 - Earlier, EPR was left to the discretion of the local bodies. The first time, the producers and brand owners have been made responsible for collecting waste generated from their products.
 - They have to approach local bodies for the formulation of a plan/system for plastic waste management within the prescribed time frame.
- SPCBs will not grant/renew the registration of plastic bags, or multi-layered packaging unless the producer proposes the action plan endorsed by the concerned **State Development Department.**
- Producers to keep a record of their vendors to whom they have supplied raw materials for manufacturing carry bags, plastic sheets, and multi-layered packaging. This is to curb the manufacturing of these products in the unorganised sector.
- The entry points of plastic bags/plastic sheets/multilayered packaging into the commodity supply chain are primarily the retailers and street vendors. **They have been assigned the responsibility of not providing the commodities** in plastic bags/plastic sheets/multi-layered packaging which do not conform to these rules. **Otherwise, they will have to pay the fine.**
- The plastic carry bag will be available only with shopkeepers/ street vendors pre-registered with local bodies on payment of certain registration fees. **The amount collected as registration fees by local bodies is to be used for waste management.**
- CPCB has been mandated to formulate the guidelines for thermoset plastic (plastic difficult to recycle). In the earlier Rules, **there was no specific provision for such type of plastic.**
- Manufacturing and use of non-recyclable multi-layered plastic **to be phased in two years.**

Amendment Rules, 2018

- **Phasing out of Multilayered Plastic (MLP) is now applicable to MLP**, which are non-recyclable, or nonenergy recoverable, or with no alternative use.

- **The central registration system** for the registration of the producer/importer/brand owner.
- A national registry has been prescribed for producers with a presence in more than two states, a state-level registration has been prescribed for smaller producers/ brand owners operating within one or two states.
- **Explicit pricing of carrying bags has been omitted.**

■ Bio-Medical Waste Management Rules, 2016 and Amendment 2018

Salient features of Bio-Medical Waste Management Rules, 2016

- The **ambit of the rules has been expanded** to include vaccination camps, blood donation camps, surgical camps or any other healthcare activity.
- Phase-out the use of chlorinated plastic bags, gloves and blood bags **within two years.**
- **Pre-treatment** of the laboratory waste, microbiological waste, blood samples and blood bags through **disinfection or sterilization on-site in the manner as prescribed by WHO or NACO.**
- Provide training to all its health care workers and immunize all health workers regularly.
- **Establish a Bar-Code System** for bags or containers containing bio-medical waste for disposal.
- Report major accidents.
- Existing incinerators to achieve the standards for retention time in the secondary chamber and Dioxin and Furans **within two years.**
- Bio-medical waste has been **classified into 4 categories instead of 10** to improve the segregation of waste at source.
- **Procedure to get authorization simplified.** Automatic authorization for bedded hospitals has been announced. The validity of authorization synchronized with the validity of consent orders for Bedded HCFs. One time Authorisation for Non-bedded HCFs.
- The new rules prescribe more stringent standards for an incinerator to reduce the emission of pollutants in the environment.
- Inclusion of emissions limits for Dioxin and furans.
- State Government to provide land for setting up common bio-medical waste treatment and disposal facility.
- No occupier shall establish on-site treatment and disposal facility, if a service of `common bio-medical waste treatment facility is available at a distance of seventy-five kilometer.
- The operator of a common bio-medical waste treatment and disposal facility to ensure the timely collection of bio-medical waste from the HCFs and assist the HCFs in the conduct of training.

Amendment Rules, 2018

- Phase-out chlorinated plastic bags (excluding blood bags) and gloves by March 27, 2019.
- All healthcare facilities shall make available the annual report on its website within two years (from 2018).
- Operators of common bio-medical waste treatment and disposal facilities shall establish barcoding and global positioning system for handling bio-medical waste as per guidelines issued by the CPCB.
- Every person having administrative control over the institution generating biomedical waste shall pre-treat it through sterilization on-site in the manner as prescribed by WHO and then sent to the Common biomedical waste treatment facility for final disposal.

■ E-Waste Management Rules, 2016 and Amendment Rules 2018

Salient of E-Waste Management Rules, 2016

- **The manufacturer, dealer, refurbisher, and Producer Responsibility Organization (PRO)** have been introduced as additional stakeholders in the rules.
- The applicability of the rules has been extended to components, consumables, spares, and parts of EEE in addition to equipment.
- E-waste rules will now include Compact Fluorescent Lamp (CFL) and other mercury-containing lamps, as well as other such equipment.
- The new Rules will bring the producers under **Extended Producer Responsibility (EPR)**, along with targets. Producers have been made responsible for the collection of E-waste and for its exchange i.e. the bulk consumers have to collect the items and hand them over to authorized recyclers.
- Various producers can have a separate Producer Responsibility Organisation (PRO) and ensure collection of E-waste, as well as its disposal in an environmentally sound manner.
- Under the new rules, the role of State Governments is to ensure the safety, health, and skill development of the workers involved in dismantling and recycling operations.
- The provision of penalties for violation of rules has been introduced.
- The process of dismantling and recycling has been simplified through one system of authorization and that the Central Pollution Control Board will give the single authorization throughout the country.
- Toxic constituents present in E-waste and their disposal mechanism affect human health and lead to various diseases thus the transportation of E-waste has been made more stringent.
- **Deposit Refund Scheme** has been introduced as an additional economic instrument wherein the producer charges an additional amount as a deposit at the time of sale of the electrical and electronic equipment and returns it to the consumer along with interest when the end-of-life electrical and electronic equipment is returned.

Major Stakeholders/Responsibilities as mentioned in rules

- **The producer is any person** who, irrespective of the selling technique used; "manufactures and offers to sell electrical and electronic equipment under his brand; or offers to sell under his brand, assembled electrical and electronic equipment produced by other manufacturers or suppliers; or offers to sell imported electrical and electronic equipment" has to take authorization under these Rules for implementation of EPR.
- **Bulk Consumers** are bulk users of electrical and electronic equipment such as central government or state government departments, public sector undertakings, banks, educational institutions, multinational organizations, international agencies and private companies that are registered under the Factories Act, 1948 and Companies Act, 1956; who has to maintain records on E-waste generated and channelized to registered/authorized collection centres/recycler/dismantler.
- **Extended Producer Responsibility** is a responsibility of any producer of electrical or electronic equipment, for their products beyond manufacturing until environmentally sound management of their end of life products, the scope of which has to be clearly defined while issuing authorization to individual producers.
- **Collection Centre** is a centre established individually or jointly or a registered society or a designated agency or a company or an association to collect e-waste who has to obtain authorization under E-Waste Rules, 2011.



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- **Dismantler** is any person or a registered society or a designated agency or a company or an association engaged in dismantling of used electrical and electronic equipment into their components who has to obtain authorization and registration under HW (M, H&TM) Rules 2008 /E-Waste Rules, 2011.
- **Recycler** is any person who is engaged in recycling or reprocessing of used electrical and electronic equipment or assemblies or their component, who has to obtain authorization and registration under HW (M, H &TM) Rules 2008 /E-Waste Rules, 2011.
- **SPCBs/PCCs** have been given the responsibility as regulatory agencies for implementing the E-waste Rules in respective States
- **CPCB** was given the responsibility to evolve the guidelines for implementation, oversee the progress made in implementing the Rules, and also to implement RoHSS compliance.

Amendment Rules, 2018

- **The e-waste collection targets under extended producer responsibility (EPR) have been revised.** The phase-wise collection targets for e-waste in weight shall be 10% of the quantity of waste generation as indicated in the EPR Plan during 2017-18, with a 10% increase every year until 2023. From 2023 onwards, the target has been made 70% of the quantity of waste generation as indicated in the EPR Plan.
- Separate e-waste collection targets have been drafted for new producers
- Under the Reduction of Hazardous Substances (RoHS) provisions, cost for sampling and testing shall be borne by the government for conducting the RoHS test. If the product does not comply with RoHS provisions, then the cost of the test will be borne by the Producers.

■ Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016

- The rules make **state governments responsible for environmentally sound management of hazardous and other wastes** and mandate them to set up industrial space or sheds for recycling, pre-processing, and other utilization of hazardous or other waste.
- **Producers and consumers of electronic goods have a responsibility under the E-waste (Management and Handling) Rules 2011** to ensure proper disposal, but progress has been slow for various reasons. Now **the E-waste (Management) Rules 2016 provide several options to manufacturers**, such as the collection of a refundable deposit and paying for the return of goods to meet the requirements of law.
- The onus on garbage management would continue to be the responsibility of municipal bodies, they would be allowed to charge user fees and levy spot fines for littering and non-segregation.
- Making it incumbent on a wide variety of groups- hotels, residential colonies, large bulk producers of consumer goods, ports, railway stations, airports and pilgrimage spots to ensure that the solid waste generated in their facilities is treated and recycled.
- The new rules distinguish hazardous waste from others such as waste tyre, paper waste, metal scrap and used electronic items
- **India has banned the import of solid plastic waste, including PET bottles**, as part of new hazardous waste management rules that aims to prevent the country from becoming a dumping yard for industrialized nations.
- The procedure has been simplified to merge all the approvals as a **single-window clearance** for setting up of hazardous waste disposal facility and import of other wastes.

- The state authorities have also been asked to register the workers involved in recycling, undertake industrial skill development activities, and ensure the safety and health of workers.
- States must also submit annual reports regarding the implementation of these rules to the environment ministry. This is because workers employed in unscientific hazardous waste management practices suffer from neurological disorders, skin diseases, genetic defects, and cancer.
- The rules also mandate **state pollution control boards** to prepare an annual inventory of the waste generated, recycled, recovered, utilized including co-processed, waste re-exported and waste disposed of.
- The following items have been prohibited for import:
 - ▶ Waste edible fats and oil of animals, or vegetable origin;
 - ▶ Household waste;
 - ▶ Critical Care Medical equipment
 - ▶ Tyres for direct re-use purpose
 - ▶ Solid Plastic wastes including Pet bottles
 - ▶ Waste electrical and electronic assemblies scrap
 - ▶ Other chemical wastes especially in solvent form.

■ Hazardous and Other Wastes (Management & Transboundary Movement) Amendment Rules, 2019

Salient features of the Hazardous and Other Wastes (Management & Transboundary Movement) Amendment Rules, 2019 are as follows:

- Solid plastic waste has been prohibited from import into the country including in **Special Economic Zones (SEZ) and by Export Oriented Units (EOU)**.
- Exporters of silk waste have now been given exemption from requiring permission from the **Ministry of Environment, Forest and Climate Change**.
- Electrical and electronic assemblies and components manufactured in and exported from India if found defective can now be imported back into the country, within a year of export, without obtaining permission from the Ministry of Environment, Forest and Climate Change.
- **Industries which do not require consent under Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981, are now exempted from requiring authorization also under the Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016**, provided that hazardous and other wastes generated by such industries are handed over to the authorized actual users, waste collectors or disposal facilities.

■ Construction and Demolition Waste Management Rules, 2016

- Applies to everyone who generates construction and demolition waste.
- **Duties of waste Generators**
 - ▶ Every waste generator shall segregate construction and demolition waste and deposit **at the collection centre** or handover it to the authorized processing facilities
 - ▶ Shall ensure that **there is no littering or deposition** to prevent obstruction to the traffic or the public or drains.
 - ▶ Large generators (who generate more than 20 tons or more in one day or 300 tons per project in

- a month) **shall submit waste management plan and get appropriate approvals from the local authority before** starting construction or demolition or remodeling work,
- ▶ Large generators shall have an environmental management plan to address the likely environmental issues from construction, demolition, storage, transportation process, and disposal/reuse of C & D Waste.
 - ▶ Large generators shall segregate the waste **into four streams such as concrete, soil, steel, wood and plastics, bricks, and mortar.**
- **Duties of Service providers and Contractors**
 - ▶ The service providers shall prepare a comprehensive waste management plan for waste generated within their jurisdiction, within six months from the date of notification of these rules.
 - ▶ Shall remove all construction and demolition waste in consultation with the concerned local authority on their own or through any agency.
 - **Timeframe for implementation**
 - ▶ Million plus cities (based on 2011 census of India), shall commission the processing and disposal facility within one-and-a-half years from the date of final notification of these rules
 - ▶ 0.5 to 1 million cities, shall commission the processing and disposal facility within two years from the date of final notification of these rules
 - ▶ for other cities (< 0.5 million populations), shall commission the processing and disposal facility within three years from the date of final notification of these rules
 - **Local Authority shall be responsible for proper management of construction and demolition waste within its jurisdiction** including placing appropriate containers for the collection of waste, removal at regular intervals, transportation to appropriate sites for processing and disposal.
 - Procurement of materials made from construction and demolition waste shall be made mandatory to a certain percentage (say 10-20%) in municipal and Government contracts subject to strict quality control.

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