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ENVIRONMENT CONSERVATION ACT AND OTHER RELATED ACTS

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ABSTRACT

Environment is derived from the French word Environner, which means to encircle or surround. All the biological and non-biological entities surrounding us are included in environment. Environment is one subject that is actually global as well as local in nature. Issues like global biodiversity etc. which are going to affect the mankind as a whole are global in nature and for that we have to think and plan globally.

Keywords:

Environment, global biodiversity, Environmental Law.

INTRODUCTION

There are some environmental problems which are of localized importance. For dealing with local environmental issues, for instance impact of mining or hydro-electric project in an area, problems of disposal and management of solid waste, river or lake pollution, soil erosion, water logging and salinization of soil, fluorosis problem in local population, arsenic pollution of ground water etc., we have to think and act locally. In order to make people aware about those aspects of environment with which they are so intimately associated, it is very important to make every one environmentally educated.

Early examples of legal enactments designed to consciously preserve the environment, for its own sake or human enjoyment, are found throughout history. In the common law, the primary protection was found in the law of nuisance, but this only allowed for private actions for damages or injunctions if there was harm to land. Private enforcement, however, was limited and found to be woefully inadequate to deal with major environmental threats, particularly threats to common resources.

Notwithstanding early analogues, the concept of "Environmental Law" as a separate and distinct body of law is a twentieth-century development. The recognition that the natural environment was fragile and in need of special legal protections, the translation of that recognition into legal structures, the development of those structures into a larger body of "environmental law," and the strong influence of environmental law on natural resource laws, did not occur until about the 1960s. At that time, numerous influences - including a growing awareness of the unity and fragility of the biosphere; increased public concern over the impact of industrial activity on natural resources and human health; the increasing strength of the regulatory state; and more broadly the advent and success of environmentalism as a political movement - coalesced to produce a huge new body of law in a relatively short period of time. While the modern history of environmental

law is one of continuing controversy, by the end of the twentieth century environmental law had been established as a component of the legal landscape in all developed nations of the world, many developing ones, and the larger project of international law.

In our country, efforts to raise environmental awareness have been initiated. India is the first country in the world to have made provisions for the protection and conservation of environment in its Constitution. On 5th June, 1971, environment was first discussed as an item of international agenda in the U.N. Conference on Human Environment in Stockholm Conference our country took substantive legislative steps for environmental protection. The Wildlife (Protection) Act was passed in 1971, followed by the Water (Prevention and Control of Pollution) Act 1974, the Forest (Conservation) Act, 1980, Air (Prevention and Control of Pollution) Act, 1981 and subsequently the Environment (Protection) Act, 1986.

The different statutes / legislations enacted in India exclusively for environment protection are

- The Water (Prevention and Control of Pollution) Act, 1974
- The Water (Prevention and Control of Pollution) Rules, 1975
- The Water (Prevention and Control of Pollution) Cess Act, 1977
- The Water (Prevention and Control of Pollution) Cess Rules, 1978
- The Air (Prevention and Control of Pollution) Act, 1981
- The Air (Prevention and Control of Pollution) Rules, 1982
- The Environment (Protection) Act, 1986
- The Environment (Protection) Rules, 1986
- Hazardous Wastes (Management and Handling) Rules, 1989
- Manufacture, Storage and Import of Hazardous Chemical Rules, 1989
- The Forest (Conservation) Act, 1980
- The Forest (Conservation) Rules, 1981
- The Wildlife Protection Act, 1972
- The Wildlife (Transactions and Taxidermy) Rules, 1973
- The Wildlife (Stock Declaration) Central Rules, 1973
- The Wildlife (Protection) Licensing (Additional Matters for Consideration) Rules, 1983
- The Wildlife (Protection) Rules, 1995
- The Wildlife (Specified Plants - Conditions for Possession by Licensee) Rules, 1995
- The Public Liability Insurance Act, 1991
- The Public Liability Insurance Rules, 1991
- The National Environment Tribunal Act, 1995
- The National Environment Appellate Authority Act, 1997
- The Biological Diversity Act, 2002
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- The National Green Tribunal Act, 2010

Environmental law is a continuing source of controversy. Debates over the necessity, fairness, and cost of environmental regulation are ongoing. Allegations of scientific uncertainty fuel the ongoing debate over greenhouse gas regulation and are a major factor in the debate over whether to ban pesticides. It is very common for regulated industry to argue against environmental regulation on the basis of cost. Difficulties arise, however, in performing cost-benefit analysis of

environmental issues. It is difficult to quantify the value of an environmental value such as a healthy ecosystem, clean air, or species diversity. Furthermore, environmental issues may gain an ethical or moral dimension that would discount financial cost. Controversy is not limited to those who oppose environmental regulation: many groups take the position that current regulations are inadequately protective, and advocate for strengthening regulations.

Although environmental law has made some headway towards protecting the environment against some dangers since it was introduced, there is still much room for improvement. As more complex pollutants threaten to heart our eco-system, it is likely that this law will have to be vastly improved and amended in order to continue to provide protection to the environment and to public health.