



**CONSTITUTIONAL PROVISIONS
RELATED TO ENVIRONMENT & ITS
PROTECTION**

THE MINISTRY OF ENVIRONMENT

- The **Ministry of Environment** was established in India in 1947 to ensure a healthy environment for the country.
- This later became the **Ministry of Environment and Forest (MoEF)** in 1985.
- In May 2014, the ministry was renamed to the current title of **Ministry of Environment, Forest and Climate Change (MoEFCC)**.



MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (MoEFCC)

- MoEFCC is the nodal agency in the administrative structure of the central government for the planning, promotion, coordination and overseeing the implementation of India's environmental and forestry policies and programmes.
- This ministry is headed by Secretary Rank senior most IAS officer.
- The ministry is currently headed by **Bhupender Yadav**, Union Minister of Environment, Forest and Climate Change.



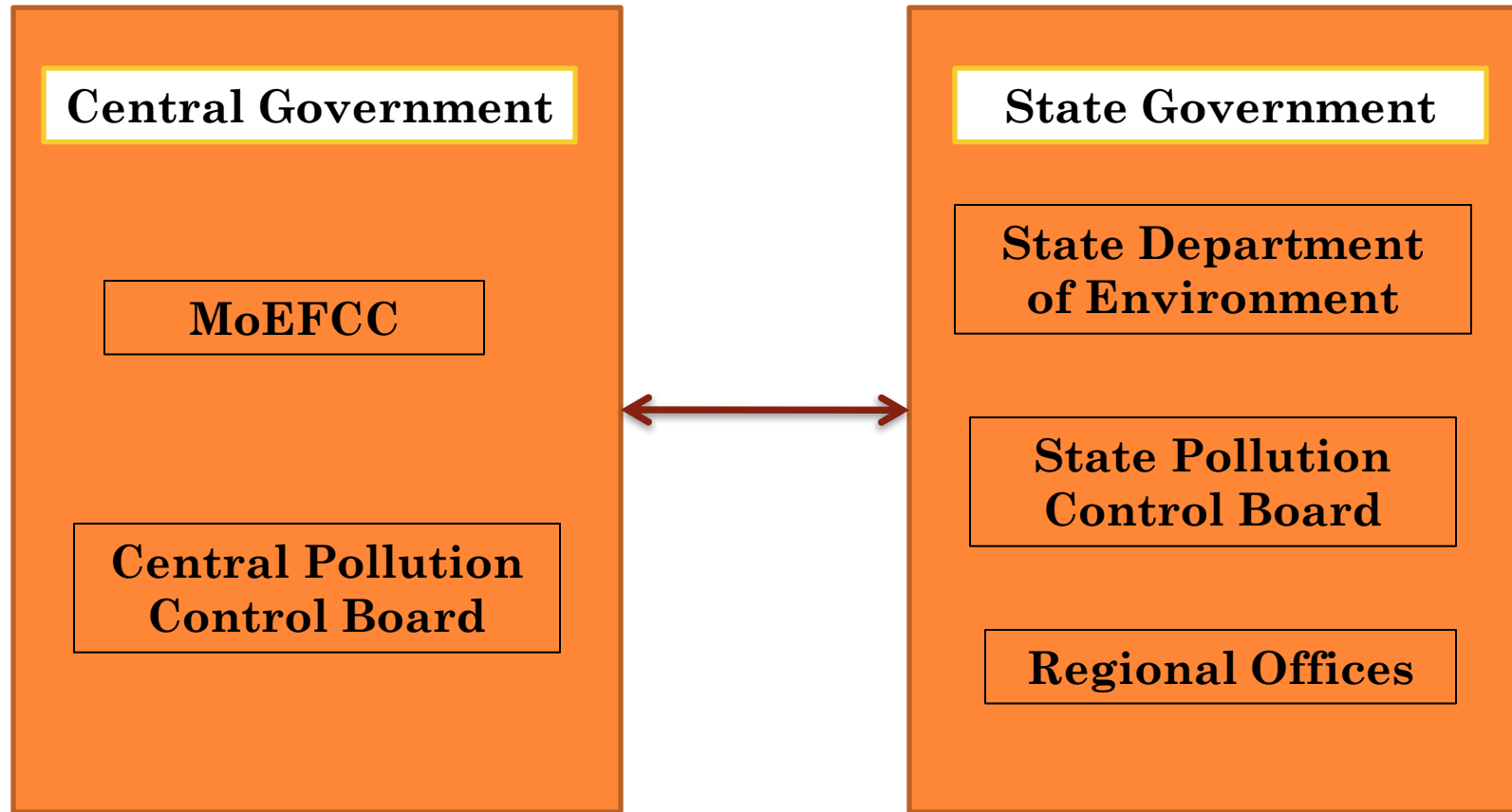
MoEFCC : Objectives

The broad objectives of the ministry are:

- ❑ Conservation and survey of flora, fauna, forests and wildlife.
- ❑ Prevention and control of pollution.
- ❑ Afforestation and regeneration of degraded areas.
- ❑ Protection of the environment.
- ❑ Ensuring the welfare of animals.



The Regulatory Structure



Functions of MoEFCC

The functions of MoEFCC, Govt. of India are:

- i. Environmental policy planning and research.
 - ii. Implementing legislation and monitor/control pollution.
 - iii. Environmental clearance for projects.
 - iv. Promotion of environmental education, training and awareness.
 - v. Forest conservation, development and wildlife protection.
 - vi. Biosphere reserve programme
 - vii. Co-ordination with concerned national & international agencies.
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CONSTITUTIONAL PROVISIONS ON ENVIRONMENT

- The Constitution of India came into force on 26th January, 1950.
- Originally, the constitution contains no specific provisions for environmental protection.
- Environmental protection and improvement related provisions were explicitly incorporated into the constitution by the 42nd Amendment Act of 1976.
- These specific provisions for the protection of environment were made under the chapters of Directive Principles of State Policy and Fundamental Duties.

•However, the seeds of such provisions could be seen in **Article 47** of the constitution which command the state to improve the standard living and public health and to fulfill this goal, it is necessary that the state should provide pollution free environment.

•These provisions for the protection of environment which were made by or incorporated by 42nd Amendment, 1976 was a result of **UN Conference on Human Environment** held at **Stockholm in 1972**.



•Article 48-A

The 42nd Constitutional Amendment 1976 added Article 48-A to Directive Principles of State Policy which states that:

“The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.”



•Article 51-A

Which deals with the fundamental duties, Clause (g), states that:

“It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures.”



•Article 253:

This article states “Parliament has the power to make any law for the whole or any part of the country for executing any treaty, agreement, or convention with any other country,”.

In simple words, this article in the wake of Stockholm Conference, 1972, the Parliament has the authority to pass laws pertaining to any issues related to the protection of the natural environment.

To put into effect, certain Acts were passed under this provision like the Air (Prevention and Control of Pollution) Act 1981 and the Environmental (Protection) Act 1986.

•Article 21

Article 21 states that “no person shall be deprived of his life or personal liberty except in accordance with the procedure established by law.”

The Supreme Court has examined Article 21 and ruled that this act inherently guarantees the right to an environment free from the threat of disease and infection.



ACTS RELATED TO PROTECTION OF ENVIRONMENT AND BIODIVERSITY

(1) The Wildlife (Protection) Act, 1972

- The Act provides for the protection of wild animals, birds, and plants; and for matters connected therewith or ancillary or incidental thereto. It extends to the whole of India.
- Statutory bodies under WPA:
 - i. National Board for Wildlife and state wildlife advisory boards
 - ii. Central Zoo Authority
 - iii. Wildlife Crime Control Bureau
 - iv. National Tiger Conservation Authority



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

- Objective is To provide prevention and control of water pollution, maintaining or restoring of wholesomeness and purity of water in the various sources of water.
- Centre Pollution Control Boards (CPCB) and State Pollution Control Board (SPCB) are statutory bodies created under the Water Act, 1974.
- It empowers CPCB and SPCB to establish and enforce effluent standards for factories discharging pollutants into water bodies.



(3) The Air (prevention and control of pollution) act, 1981

- The act targets to control and prevent air pollution in India.
- Its main objectives are:
 - i. To provide for prevention, control, and abatement (reduction or removal) of air pollution.
 - ii. To provide for the establishment of the boards at the central and state levels to implement the act.



(4) The Environment (Protection) Act, 1986

- This act was passed under Article 253.
- This was passed in the wake of the Bhopal gas tragedy in December 1984.
- It was enacted with the main objective to provide the protection and improvement of the environment and for matters connected therewith.
- Eco-sensitive zones or ecologically fragile areas are notified by MoEFCC under EPA, 1986 – 10 km buffer zones around protected areas.



(5) The Energy Conservation Act, 2001

- It was enacted as a step towards improving energy efficiency and reducing wastage.
- It specifies the energy consumption standards for equipment and appliances.
- It prescribes energy consumptions norms and standards for consumers.
- It prescribes energy conservation building codes for commercial buildings.
- Bureau of energy efficiency (BEE) is a statutory body established under the act.



(6) Biological Diversity Act 2002


- It was implemented to give effect to Convention on Biological Diversity (CBD), Nagoya Protocol.
- The CBD has three main objectives:
 - i. the conservation of biological diversity;
 - ii. the sustainable use of the components of biological diversity;
 - iii. an the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.



- To check biopiracy (commercial exploitation), protect biological diversity, and local growers through a three-tier structure of central and state boards and local committees.
- To set up National Biodiversity Authority (NBA), State Biodiversity Boards (SBBS), and Biodiversity Management Committees (BMCS).



(8) The Forest (Conservation) Act, 1980

- It is an act by the Parliament of India which ensures conservation of forest and its resources.
 - It was enacted by the Parliament of India in order to control the ongoing deforestation of the forests of India. It came into force on October 25, 1980.
 - The aim of the Forest is to preserve the forest ecosystem of India by protecting the forest along with its flora, fauna and other diverse ecological components as well as preserving the integrity and territory of the forests.
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(9) Compensatory Afforestation Fund Act, 2016

- The CAF Act was enacted to manage the funds collected for compensatory afforestation which till then was managed by ad hoc Compensatory Afforestation Fund Management and Planning Authority (CAMPA).

- Compensatory afforestation means that every time forest land is diverted for non-forest purposes such as mining or industry, the user agency pays for planting forests over an equal area of non-forest land, or when such land is not available, twice the area of degraded forest land.

- As per the rules, 90% of the CAF money is to be given to the states while 10% is to be retained by the Centre.
- The funds can be used for the treatment of catchment areas, assisted natural generation, forest management, wildlife protection and management, relocation of villages from protected areas, managing human-wildlife conflicts, training and awareness generation, supply of wood saving devices, and allied activities.



(10) Hazardous Wastes (Management & Handling) Rules, 1989

- It deals with various environmental aspects related with hazardous wastes.
- The occupier generating hazardous wastes shall take all practical steps to ensure proper handling and disposal of hazardous wastes in environment friendly manner.



(11) The Noise Pollution (Regulation and Control) (Amendment) Rules, 2002

- It lays down such terms and conditions as are necessary to reduce noise pollution.
- Permit use of loud speakers or public address systems for limited night hours during any cultural or religious festive occasion.
- No horn shall be used in silence zone.



(12) The National Green Tribunal Act, 2010

- This act enables creation of a special tribunal (a special court or group of people who are officially chosen, especially by the government, to examine legal problems of a particular type) to handle the expeditious disposal of the cases pertaining to environmental issues.
- It is bound to hear complaints and settle dispute related to environment.
- The NGT has to dispose of the cases presented to it within 6 months of their appeals.



(13) The E-Waste Management Rules, 2016

- This rule deals with proper management of e-wastes.
- It makes producers of e-waste responsible for collection of e-waste and for its exchange.
- The bulk consumers must collect the items and hand them over to authorized recyclers.



THANK YOU

