

Environmental Legislations and their relevance in Urban Planning

Constitutional Provisions & Environment

- **Art 21** “Right to pollution free environment.”
- **Art 48-A** “ The state shall endeavor to protect & improve the environment and to safeguard the forests and wildlife of the country.
- **Art 51-A(g)** “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.”

Environmental Legislations

1. General
2. Forest and wildlife
3. Water
4. Air

General

- **1986 - The Environment (Protection) Act** authorizes the central government to protect and improve environmental quality, control and reduce pollution from all sources, and prohibit or restrict the setting and /or operation of any industrial facility on environmental grounds.
- **1989 - The objective of Hazardous Waste (Management and Handling) Rules** is to control the generation, collection, treatment, import, storage, and handling of hazardous waste.
- **1998 - The Biomedical waste (Management and Handling) Rules** is a legal binding on the health care institutions to streamline the process of proper handling of hospital waste such as segregation, disposal, collection, and treatment.
- **2000 - The Municipal Solid Wastes (Management and Handling) Rules, 2000** apply to every municipal authority responsible for the collection, segregation, storage, transportation, processing, and disposal of municipal solid wastes.
- **2002 - The Noise Pollution (Regulation and Control) (Amendment) Rules** lay down such terms and conditions as are necessary to reduce noise pollution, permit use of loud speakers or public address systems during night hours on or during any cultural or religious festive occasion.

Forest and wildlife

- **1927 - The Indian Forest Act and Amendment, 1984**, is one of the many surviving colonial statutes. It was enacted to 'consolidate the law related to forest, the transit of forest produce, and the duty leviable on timber and other forest produce'.
- **1972 - The Wildlife Protection Act, Rules 1973 and Amendment 1991** provides for the protection of birds and animals and for all matters that are connected to it whether it be their habitat or the waterhole or the forests that sustain them.
- **1980 - The Forest (Conservation) Act and Rules, 1981**, provides for the protection of and the conservation of the forests.
- **2002 - The Biological Diversity Act** is an act to provide for the conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising out of the use of biological resources and knowledge associated with it.

Water

- **1974 - The Water (Prevention and Control of Pollution) Act** establishes an institutional structure for preventing and abating water pollution. It establishes standards for water quality and effluent. Polluting industries must seek permission to discharge waste into effluent bodies. The CPCB (Central Pollution Control Board) was constituted under this act.
- **1977 - The Water (Prevention and Control of Pollution) Cess Act** provides for the levy and collection of cess or fees on water consuming industries and local authorities.
- **1978 - The Water (Prevention and Control of Pollution) Cess Rules** contains the standard definitions and indicate the kind of and location of meters that every consumer of water is required to affix.
- **1991 - The Coastal Regulation Zone Notification** puts regulations on various activities, including construction. It gives some protection to the backwaters and estuaries.
- **2010 – Wetland Rules**

Air

- **1982 - The Air (Prevention and Control of Pollution) Rules** defines the procedures of the meetings of the Boards and the powers entrusted to them.
- **1987 - The Air (Prevention and Control of Pollution) Amendment Act** empowers the central and state pollution control boards to meet with grave emergencies of air pollution.

Environment Protection Act, 1986

- "environment" includes water, air and land and the inter- relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property
- "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;
- "environmental pollution" means the presence in the environment of any environmental pollutant;

Environment Protection Act, 1986

- "handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;
- "hazardous substance" means any substance or preparation which, by reason of its chemical or physio-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plant, micro-organism, property or the environment;
- "occupier", in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises and includes in relation to any substance, the person in possession of the substance;

Requirements under EPA

- Sec 7- no person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed
- Sec 8 – no person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed

Interface with Planning - Issues and Challenges

- Siting criterion
 - National park/ Sanctuary
 - Floodplain
 - CRZ
- Sewage
 - Alteration to topography
 - Siting STP
- MSW
 - Siting
- Common facilities such as slaughter house, TSDF, green areas, pavements, C and D waste, biomedical waste, dairy, markets
- Roads, flyover, bridges – air and noise pollution
- Water requirement and its sourcing
- Construction material and its sourcing
- DG sets, Dewatering