

ACTS OF INDIA



હાઈશ્મ- “બાયોમ”

“Balance the Innovative Opportunities into Heave for the Management of environment to protect the earth.”



THE FIVE MANTRAS OF BIOHM

1. *Be Kind with Nature!*
2. *Improve the Environmental conditions!*
3. *Overcome the Pollution Potential!*
4. *Hope for the Best. Do the things Right at very first.*
5. *Manage the environment to protect the earth.*



BIOHM VALUES

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➤ *Safety*

- We create a working environment that promotes safe performance.

➤ *Quality*

- We always strive for excellence in the services we provide and in the results we produce.

➤ *Integrity*

- We are committed to the highest ethical standards.

➤ *Creativity*

- We believe in looking at challenges and opportunities and in exercising our curiosity.

➤ *Accountability*

- We take responsibility for all of our decisions and actions.

➤ *Teamwork*

- We work together to succeed.



BIOHM POLICY

Biohm is dealing with Environmental Consultancy and Engineering Solutions which satisfies the statutory, regulatory, stakeholders' and others' requirement.

BCPL has commitment towards quality services through systematic techniques confirming constant development through intermittent reviews of performance.



BIOHM SERVICES

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- Environment Clearance (EIA)
- Forest Clearance (FC)
- Wildlife Clearance (WC)
- CRZ Clearance
- Green Building Certification
- Consent to Establish/Consent to Operate under Air and Water Act
- Authorizations for Hazardous Substances/Bio medical waste
- No Objection Certificate – Forest Diversion / Non-Forest Land
- Wildlife Conservation Plan/Mangrove Management Plan
- No Objection Certificate – from Revenue Department /Authority
- No Objection Certificate - Storage of Diesel/Hazardous Chemical/PESO
- CGWA Permission
- Infrastructure Development
- Water Audit/Budgeting
- Carbon Credit Scheme
- Half Yearly Environment Compliances
- Submission of Form V/Form IV - Environment Financial Statement
- Environmental Audits
- Safety Audits
- Modelling Studies
- Geospatial Studies/GIS Studies
- Geology and Hydrological Studies
- Social Studies (SIA), R&R, RAP
- Land Use /Land cover studies
- Marine Studies
- Environment Legal Advice
- Waste Water Treatment –Consultancy, Design & Management
- Design and Architect
- DPR and Feasibility Report
- Environmental Testing
- Risk assessment – HAZOP, Hazid, Tree Analysis, QRA, RRA, etc.



Indian Green Building Council
FOUNDING MEMBER
Central Ground Water Board



INDIAN FOREST ACT, 1927

- ▶ Enacted on 21st September, 1927.
- ▶ The Indian Forest Act, 1927 was largely based on previous Indian Forest Acts implemented under the British.
- ▶ The most famous one was the Indian Forest Act of 1878.
- ▶ Indian Forest Act, 1927 include 13 chapters with 86 sections.
- ▶ It also defines the procedure to be followed for declaring an area to be a Reserved Forest, a Protected Forest or a Village Forest.
- ▶ It defines what is a forest offence, what are the acts prohibited inside a Reserved Forest, and penalties leviable on violation of the provisions of the Act.



RESERVED FOREST

- Reserved forests is under section-3 of chapter-2 in Indian Forest Act, 1927.
- The State Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.
- Unlike national parks of India or wildlife sanctuaries of India.
- Reserved forests and protected forests are declared by the respective state governments.
- At present, reserved forests and protected forests differ in one important way: Rights to all activities like hunting, grazing, etc. in *reserved forests* are banned unless specific orders are issued otherwise.



PROTECTED FOREST

- ▶ Protected forests is under section-29 of chapter-4 in Indian Forest Act, 1927.
- ▶ The State Government may, by notification in the Official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which, is not included in a reserved forest but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled.
- ▶ Protected forest of India were introduced in the Indian Forest Act, 1927 in British India and were retained after Indian Independence.
- ▶ The 17% of forest that are not included in the categories of reserved of protected forests, are called unclassified forests.



CATTLE - TRESPASS

- ▶ S- 70. Cattle-trespass Act, 1871, to apply:
 - Cattle trespassing in a reserved forest any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damages to a public plantation within the meaning of section II of Cattle-trespass Act, 1871 (1 of 1871), and may be seized and impounded as such by Forest-officer or Police-officer.
- ▶ S- 71. Power to alter fines fixed under that Act:
 - The State Government may, notification in the Official Gazette, direct that, in lieu of the fines fixed under section I the Cattle-trespass Act, 1871 (1 of 1871), there shall be levied for each head of cattle impounded under section 70 of this Act such fines as it thinks fit, but not exceeding following, that is to say:

• For each elephant	-	Ten rupees
• For each buffalo or camel	-	Two rupees
• For each horse, pony, colt, mule, bullock, cow or heifer	-	One rupee
• For each calf, pig, sheep, lamb, goat	-	Eight annas



PENALTIES AND PROCEDURE

- S-52. Seizure of property liable to confiscation
- S-53. Power to release property seized under section 52
- S-54. *Procedure on receipt by Magistrate on report of seizure*
- S-55. Forest-produce, tools, etc., when liable to confiscation
- S-56. Disposal on conclusion of trial for forest-offence, of produce in respect of which it was committed
- S-57. Procedure when offender not known, or cannot be found
- S-58. Procedure as to perishable property seized under section 52
- S-59. Appeal from orders under section 55, section 56 or section 57
- S-60. Property when to vest in Government
- S-61. Saving of power to release property seized
- S-62. Punishment for wrongful seizure
- S-63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks
- S-64. Power to arrest without warrant
- S-65. Power to release on a bond a person arrested
- S-66. Power to prevent commission of offence
- S-67. Power to try offences summarily
- S-68. Power to compound offences
- S-69. Presumption that forest-produce belongs to Government



PAN IN INDIA (AS ON JANUARY, 2019)

1. Protected Forest	-	868
2. Reserved Forest	-	127
3. National park	-	104
4. Wild life sanctuaries	-	550
5. Biosphere reserved	-	18
6. Conservation reserved	-	87



WILDLIFE PROTECTION ACT, 1972

- ▶ The Wildlife Protection Act, 1972 is an Act of the Parliament of India enacted on 9th September, 1972.
- ▶ It provides for protection of wild animals, birds and plants and for matters connected therewith.
- ▶ It extends to whole of India, except Jammu and Kashmir.



DUTIES OF [STATE BOARD FOR WILD LIFE] S-8

- ▶ It shall be the duty of the State Board for Wild Life to advise the State Government,
 - (a) In the selection and management of areas to be declared as protected areas.
 - (b) In formulation of the policy for protection and conservation of the wild life and specified plants.
 - (c) In any matter relating to the amendment of any Schedule.
 - (d) In any other matter connected with the protection of wild life which may be referred to it by the State Government.



GRANT OF PERMIT FOR SPECIAL PURPOSES (S-12)

- Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purposes of:
 - (a) Education
 - (b) Scientific research
 - (C) Scientific Management



PENALTIES UNDER ACT

1. Any person who break any provisions of this Act or any rule or order made thereunder or who commits a breach of any of the conditions of any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to [3 years] or with fine which may extend to [20,000 INR] or with both.
2. When any person is convicted of an offence against this Act, the Court trying the offence may order that any captive animal, wild animal, animal article, trophy, in respect of which the offence has been committed, any trap, tool, vehicle, vessel, or weapon used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.
3. Such cancellation of licence or permit shall be in addition to any other punishment that may be awarded for such offence.



ROLE OF GOVERNMENT IN CONSERVATION OF WILDLIFE

- Wildlife Protection Act, 1972
- Project Tiger, 1972-73
- Forest Protection Act 1980-88
- Anti Poaching Agencies
 - State Wildlife Department
 - State Forest Department
 - Ministry of Environment and Forest
 - Army (If Applicable)
 - Police
 - Border Security Force
 - Coast Guards
- Wildlife Conservation Society



WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

- ▶ Enacted on 23rd March 1974.
- ▶ Water Act, 1974 include 8 chapters with 64 sections.
- ▶ Water Act 1974 aims to prevent and control water pollution.
- ▶ One of the important provision of the Water Act, 1974 is to maintain and restore the 'wholesomeness' of our aquatic resources.



EMERGENCY MEASURES IN CASE OF POLLUTION OF STREAM OR WELL

- ▶ Where it appears to the State Board that any poisonous, noxious or polluting matter is present in any stream or well or on land by reason of the discharge of such matter in such stream or well.
- ▶ If the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations as it may consider necessary for all or any of the following purposes:
 - Removing that matter from the stream or well or on land and disposing it of in such manner as the Board considers appropriate.
 - Remedying or mitigating any pollution caused by its presence in the stream or well.
 - Issuing orders immediately restraining the persons concerned from discharging any poisonous, noxious or polluting matter into the stream or well or from making insanitary use of the stream or well.



POWER TO GIVE DIRECTIONS

- Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf *in the exercise of its powers and performance of its functions under this Act*, issue any directions in writing to any person, officer or authority.
- Such person, officer or authority shall be bound to comply with such directions.
 - i- *The closure, prohibition or regulation of any industry, operation or process.*
 - ii- *The stoppage or regulation of supply of electricity, water or any other services.*



PENALTIES UNDER ACT

Whoever-

- Destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board.
- Obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act.
- Damages any works or property belonging to the Board.
- Fails to furnish to any officer or other employee of the Board any information required by him for the purpose of this Act.
- Fails to intimate the occurrence of any accident or other unforeseen act or event under section 31 to the Board and other authorities or agencies as required by that section.
- In giving any information which he is required to give under this Act, knowingly or wilfully makes a statement which is false in any material particular.
- For the purpose of obtaining any consent under section 25 or section 26, knowingly or wilfully makes a statement which is false in any material particular, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to 28 [10000 INR] or with both.



STANDARDS FOR LIQUID WASTE

PARAMETERS	PERMISSIBLE LIMITS
pH	6.0 – 8.5
Suspended solids	100 mg/L
Oil and grease	10 mg/L
BOD	30 mg/L
COD	250 mg/L
Ammonical Nitrogen	50 mg/L
Arsenic	0.2 mg/L
Mercury	0.01 mg/L
Lead	0.1 mg/L



LIST OF INDUSTRIES

- Organic Chemical manufacturing
- Pharmaceutical Industry
- Food industry
- Textile Dyeing
- Pulp and Paper Industry
- Petroleum Refining and Petrochemicals
- Fertilizer Industry
- Pesticides Manufacturing
- Tannery
- Plastic Industry
- Paint Industry
- Gold Mining
- Lead Smelting
- Industrial Dumpsites/Land fill Sites/Common Facilities



AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

- ▶ Enacted on 29th March 1981.
- ▶ Air Act, 1981 include 7 chapters with 53 sections.
- ▶ The Air (Prevention and Control of Pollution) Act, 1981 is a central Act of Parliament, which provides for the prevention and control of air pollution and maintaining the good quality of air.
- ▶ According to the Act “Air Pollution means the presence in the atmosphere of any air pollutant” and “air pollutant” means “any solid, liquid or gaseous substance present in the atmosphere in such a concentration as may be or tend to be injurious to human beings or other living creatures or plant or property or environment.”



POWER TO DECLARE AIR POLLUTION CONTROL AREAS

- ▶ The State Government may, after consultation with the State Board, by notification in the Official Gazette:
 - After any air pollution control area whether by way of extension or reduction;
 - Declare a new air pollution control area in which may be merged one or more existing air pollution control areas of any part or parts thereof.
- ▶ If the State Government, after consultation with the State Board, is of opinion that the use of any fuel, other than an approved fuel, in any air pollution control area, may cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area.



PENALTIES UNDER ACT

- Destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board.
- Obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act.
- Damages any works or property belonging to the Board.
- Fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act.
- In giving any information which he is required to give under this Act, makes a statement which is false in any material particular.
- For the purpose of obtaining any consent under Sec. 21, makes a statement which is false in any material particular, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to [10000 INR] or with both.



NATIONAL AMBIENT AIR QUALITY STANDARDS

Pollutants	Time	Industrial Areas	Sensitive Areas
Sulphur Dioxide (SO ₂)	Annual Average	50 µg/m ³	20 µg/m ³
	24 hours	80 µg/m ³	80 µg/m ³
Oxides of Nitrogen as (NO ₂)	Annual Average	40 µg/m ³	30 µg/m ³
	24 hours	80 µg/m ³	80 µg/m ³
Particulate Matter (PM)	Annual Average	60 µg/m ³	60 µg/m ³
	24 hours	100 µg/m ³	100 µg/m ³
Lead (Pb)	Annual Average	0.50 µg/m ³	0.50 µg/m ³
	24 hours	1.0 µg/m ³	1.0 µg/m ³
Ammonia	Annual Average	100 µg/m ³	100 µg/m ³
	24 hours	400 µg/m ³	400 µg/m ³
Carbon Monoxide	8 hours	02 µg/m ³	02 µg/m ³
	1 hours	04 µg/m ³	04 µg/m ³



LIST OF INDUSTRIES

- ▶ Thermal power plants
- ▶ Cement plants
- ▶ Coke ovens
- ▶ Stone crushing unit
- ▶ Iron & steel
- ▶ Asbestos manufacturing unit
- ▶ Copper, Lead and Zinc smelting
- ▶ Abrasion
- ▶ Petroleum industry
- ▶ Glass and Ceramics
- ▶ Brick Plants
- ▶ Steel and Aluminium Industries
- ▶ Auto Mobile Exhaust
- ▶ Photochemical Reactions
- ▶ Sulphuric Acid Plants



ENVIRONMENT PROTECTION ACT, 1986

- The period of 1970s experienced an ascend globally in industrialisation leading to degradation of the environment at a very high pace.
- In India, the Bhopal Gas Tragedy of 1984 called for urgent legislation in the field of environment.
- In this background the Parliament passed the Environment Protection Act, 1986 and the Environment Protection Rules, 1986.
- The Act came into force on 19th November, 1986 and extends to the whole of India. EPA Act, 1986 include 4 chapters with 26 sections.
- The Act gives certain powers to the Central Government to take measures the purpose of protecting and improving the quality of the environment and to prevent environmental pollution.



GENERAL POWERS OF THE CENTRAL GOVERNMENT (S-3)

- ▶ Take all necessary measures for environment protection.
- ▶ Coordinate the actions of State Governments.
- ▶ Lay down standards of environment quality and pollutants.
- ▶ Execute nationwide programmes.
- ▶ Restriction of areas for industries, etc.
- ▶ Inspecting industrial premises.
- ▶ Preparation of manuals, codes or guides.



UMBRELLA LEGISLATION

- There are several Rules laid down under the EP Act 1986.
- Few of the important Rules are as under:
 - Environment Protection Rules, 1986
 - Municipal Solid Waste Rules, 2000
 - Noise Pollution Rules, 2000
 - Ozone Depleting Substances Rules, 2000
 - Battery Waste Rules, 2001
 - Plastic Waste Rules, 2011
 - Electronic waste Rules, 2011
 - CRZ Notification, 2011
 - Construction & Demolition Rules, 2016
 - Bio- Medical Waste Rules, 2016
 - Hazardous Waste Management Rules, 2016
 - Plastic Waste Management Rules, 2016
 - Wetland Construction Rules, 2017
 - E-waste Rules, 2018
 - Solid Waste Management Rule, 2018
 - EIA Notification, 2018
 - Plastic Waste Notification, 2018
 - Mining Notification, 2018



STRINGENT PENALTIES AND PUNISHMENTS

- Whoever contravenes the provisions of the Act- maximum punishment up to 7 years and penalty up to Rs. 1 Lakh or Rs. 5000 per day for continued offence. **(S-15).**
- For defaulter Companies or Body Corporates- Directors or partners are prosecuted. **(S-16).**
- This Act is also applicable to Government Departments and HOD is prosecuted. **(S-17).**



NATIONAL GREEN TRIBUNAL ACT, 2010

- It was established on 18th October 2010 under the National Green Tribunal Act, 2010. NGT Act, 2010 include 5 chapters with 38 sections.
- It has been established to provide speedy environmental justice and help reduce the burden of litigation in the higher courts.
- Since its inception, NGT has given many fast-track judgments in various cases and has passed several orders to the respective authorities like ban on illegal sand mining, against noise pollution in Delhi, preservation of biodiversity of Western Ghat Mountains, wildlife protection in Kaziranga National Park in Assam, suspended many environmental clearance and so on.



COMPOSITION OF TRIBUNAL (S-4)

1. The tribunal shall consist of
 - a) A full time chairperson.
 - b) Not less than ten but subject to maximum of twenty full time Judicial Members as the Central Government may, from time to time, notify.
 - c) Not less than ten but subject to maximum of twenty full time Expert Members, as the Central Government may, from time to time, notify.
2. The Chairperson of the Tribunal may, if considered necessary, invite any one or more person having specialised knowledge and experience in a particular case before the Tribunal to assist the Tribunal in that case.



PROCEDURE AND POWER OF TRIBUNAL (S-19)

1. The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.
2. Subject to the provision of this Act, the Tribunal shall have power to regulate its own procedure.
3. The Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872.
4. The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters namely,
 - a) Summoning and enforcing the attendance of any person and examining him on oath.
 - b) Requiring the discovery and production of documents.
 - c) Receiving evidence on affidavits.
 - d) Issuing commissions for the examination of witness or documents.
 - e) Reviewing its decisions.



PENALTIES UNDER ACT

1. Penalty for failure to comply with orders of Tribunal (S-26)

- Whoever, fails to comply with any order or decision of the Tribunal under this Act, he shall be punishable with imprisonment for a term which may extend to 3 years, or with fine which may extend to 10 crore rupees, or with both.
- In case the failure continues, with additional fine which may extend to 25,000 INR for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

2. Offence by Companies

- Where any offence under this Act has been committed by a company, every person who, at that time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.



"Be A Part of The Solution Not Part of The Pollution."

**THANKING
YOU**

