



ENVIRONMENTAL LAW

UNIT – IV

Water • Air • Noise • Wildlife • Forest

Twenty slides in this unit

1. Water Act 1974

2. Water Act offences and remedies

3. Air Act 1981

4. Air quality tools

5. Noise Rules 2000

6. Wildlife (Protection) Act 1972

7. Wildlife authorities and courts

8. Forest Act 1927 and FCA 1980

9. Godavarman continuing mandamus

10. Hunting and trade

11. Boards – powers in practice

12. Remedies map for Unit IV

13. Noise as a rights issue

14. Forest rights overlay

15. Section pack to memorise

16. Revision

17. Revision

18. Cases

19. Takeaways

20. Close

Water Act 1974

Consent regime for bringing sewage or trade effluent into a stream. State Boards + CPCB.

s.2 definitions

Stream, sewage, trade effluent.

s.24

Prohibition on use of stream for disposal.

ss.25-26

Consent to establish / operate.

s.33 / 33A

Board directions and court applications.

Water Act offences and remedies

ss.41–45 penalties; cognizance rules; later amendments raised teeth.

Who is liable

Company + person in charge.

Closure

Direction to shut a tap or a unit.

Samples

Statutory sampling procedure matters in trial.

NGT

Water Act is in the NGT schedule.

Air Act 1981

Same family as Water: consent, standards, boards, directions.

Air pollutant s.2

Solid, liquid, gas including noise in some readings of later rules.

s.21 consent

Establish / operate in an air-pollution control area.

s.22A / 31A

Court application and directions.

Vehicular

Mehta line + later Fuel norms.

Air quality tools

NAAQS, non-attainment cities, GRAP in Delhi – policy sitting on the Act.

Standards

CPCB notifications.

EPCA / CAQM

Special statutes for the capital region.

Industry siting

Red / orange / green categories.

Case

Mehta vehicular + brick kilns.

Noise Rules 2000

EPA rules: zones (industrial, commercial, residential, silence) and day/night dB limits.

Silence zone

Hospitals, courts, 100 m of certain institutions.

Loudspeakers

Permission + time cap.

Firecrackers

SC restrictions in festival cases.

Offence

Through EPA penalty machinery.

Wildlife (Protection) Act 1972

Schedules I–VI; hunting ban; sanctuaries and national parks; trade in trophy and animal articles.

s.9 hunting

Prohibited except as provided.

ss.18–38

Protected areas.

s.39

Government property in wild animals.

CITES echo

Appendix-style schedules.

Wildlife authorities and courts

Wildlife Warden, State and National Boards, CWLW. Courts treat Schedule I cases as grave.

Sansar Chand line

Trade in skins.

Relicensing zoos

CZA.

Human-wildlife

Compensation schemes beside the Act.

NGT / criminal court

Both can appear.

Forest Act 1927 and FCA 1980

1927 is colonial reservation. Forest (Conservation) Act 1980 bars State diversion of forest land without Central prior approval.

Reserved forest

Strongest 1927 category.

FCA s.2

The diversion gate.

Godavarman

'Forest' = dictionary + records.

Compensatory afforestation

CAMPA mechanism.

Godavarman continuing mandamus

T.N. Godavarman v. UOI (1996 onwards) turned FCA into a living supervision of felling, sawmills and diversions.

Definition of forest

Not only notified land.

CEC

Central Empowered Committee.

Working plans

Felling only as permitted.

Criticism

Court as forest minister – still the law students must know.

Hunting and trade

Wildlife ch. V and VI plus CITES and Customs. Possession of scheduled animal articles without licence is the usual charge.

s.40 declarations

Ownership declarations.

s.49B

Dealings in scheduled items.

Transit

Vehicle confiscation in State rules.

Bail practice

Often strict on Schedule I.

Boards – powers in practice

Consent, inspection, sample, direction, closure recommendation, prosecution.

Independence issue

Boards can be captured – courts step in.

Joint action

Water + Air + EPA notices together.

Public hearing

EIA on large projects (Unit V).

Annual reports

Oversight paper trail.

Remedies map for Unit IV

Criminal prosecution + Board direction + NGT original application + writ.

Choose forum

NGT for restoration; criminal for punishment.

Interim

Closure pending consent.

Compensation

Polluter pays quantified.

Restoration

Not only a fine.

Noise as a rights issue

Noise is an Art. 21 harm when it wrecks health and sleep. Rules give the numbers; courts give the injunctions.

Loudspeaker cases

Time limits.

Housing societies

Generator and temple speakers.

Airports / metro

Public project vs neighbourhood.

Evidence

Decibel readings by the Board help.

Forest rights overlay

Forest Rights Act 2006 sits beside FCA. Diversion now also asks about community rights.

Not in old syllabus line

But courts use both.

Gram sabha

Consent debates.

Exam

Mention FRA if the facts are tribal forest.

Godavarman + FRA

Tension students should flag.

Section pack to memorise

Water ss.24–26, 33A; Air s.21, 31A; Wildlife s.9, 39; FCA s.2; Noise Rules zones.

One case each

Mehta air; Godavarman forest; Sansar Chand wildlife.

EPA residual

Use when medium-specific Act is thin.

NGT schedule

All of these Acts sit there.

Company officers

Person-in-charge clauses.

CASES

Landmark authorities

M.C. Mehta – vehicular / Ganga

Air and water continuing mandamus.

T.N. Godavarman (1996–)

Forest definition and FCA.

Sansar Chand

Wildlife trade.

Noise / firecracker SC line

Rules plus Art. 21.

Vellore

Tanneries under Water + principles.

Lafarge / diversion cases

FCA clearance discipline.

Key takeaways

- 01 Water and Air Acts are consent-and-board statutes.
- 02 Noise Rules 2000 fix dB by zone.
- 03 Wildlife 1972: hunting ban + schedules + protected areas.
- 04 FCA s.2 + Godavarman is forest law in practice.
- 05 Remedies: Board + NGT + criminal + writ.
- 06 Memorise Water 25–26, Air 21, Wildlife 9, FCA 2.

End of UNIT – IV

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