

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, except the State of Jammu and Kashmir. According to this Act,

"animal" includes amphibians, birds, mammals, and reptiles, and their young, and also includes, in the cases of birds and reptiles, their eggs,

"animal article" means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal [has been used and ivory imported into India and an article made therefrom.

"hunting", includes,

- (a) capturing, killing, poisoning, snaring, and trapping or any wild animal and every attempt to do so,
- (b) driving any wild animal for any of purposes specified in sub clause
- (c) injuring or destroying or taking any part of the body of any such animal, or in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles;

"taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation of trophies;

“trophy” means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes,

(a) rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy, and

(b) antler, horn, rhinoceros horn, feather, nail, tooth, musk, eggs, and nests;

“uncured trophy” means the whole or any part of any captive animal, other than vermin, which has not undergone a process of taxidermy, and includes a [freshly killed wild animal ambergris, musk and other animal products];

“vermin” means any wild animal specified in Sch.V

“wildlife” includes any animal, bees butterflies, crustacean, fish and moths; and aquatic or land vegetation which forms part of any habitat.

FOREST CONSERVATION ACT, 1980

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto. BE it enacted by Parliament in the Thirty-first year of the Republic of India as follows:

1. **Short title, extent and commencement.** - (1) This Act may be called the Forest (Conservation) Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of October, 1980.

2. **Restriction on the de-reservation of forests or use of forest land for non-forest purpose.** Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

- that any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- (ii) that any forest land or any portion thereof may be used for any non-forest purpose;
- (iii) [that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation]

[Explanation - For the purposes of this section “non-forest purpose” means the breaking up or clearing of any forest land or portion thereof for-

- the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticulture crops or medicinal plants;

(b) any purpose other than reforestation, but does not include any work relating or ancillary to conservation, development and management of forests and wild-life, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes].

3. Constitution of Advisory Committee. The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to -

(i) the grant of approval under section 2; and

- any other matter connected with the conservation of forests which may be referred to it by the Central Government.

[3A. Penalty for contravention of the provisions of the Act. - Whoever contravenes or abets the contravention of any of the provisions of section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

3B. Offences by authorities and Government departments. - (1) Where any offence under this Act has been committed -

(a) by any department of Government, the head of the department; or

- by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- Notwithstanding anything contained in sub-section(1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly].

4. Power to make rules. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

- Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Repeal and saving. (1) The Forest (Conservation) Ordinance, 1980 is hereby repealed.

- Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have done or taken under the corresponding provisions of this Act

AIR (PREVENTION AND CONTROL POLLUTION) ACT 1981

An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution;

AND WHEREAS it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution;

In this Act, unless the context otherwise requires,-

- (a) "air pollutant" means any solid, liquid or gaseous substance [(including noise)] present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;
- (b) "air pollution" means the presence in the atmosphere of any air
- (c) "approved appliances" means any equipment or gadget used for the bringing of any combustible material or for generating or consuming any fume, gas or particulate matter and approved by the State Board for the purpose of this Act;
- (d) "approved fuel" means any fuel approved by the State Board for the purposes of this Act;
- (e) "automobile" means any vehicle powered either by internal combustion engine or by any method of generating power to drive such vehicle by burning fuel;
- (f) "Board" means the Central Board or State Board;
- (g) "Central Board" means the [Central Board for the Prevention and Control of Water Pollution] constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974;
- (h) "chimney" includes any structure with an opening or outlet from or through which any air pollutant may be emitted;
- (i) "control equipment" means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant;
- (j) "emission" means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet;
- (k) "industrial plant" means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;
- (l) "member" means a member of the Central Board or a State Board, as the case may be, and includes the Chairman thereof,
- (m) "occupier", in relation to any factory or premises, means the 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;]
- (n) "prescribed" means prescribed by rules made under this Act by the Central Government or as the case may be, the State government;
- (o) "State Board" means,
 - (i) in relation to a State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a [State Board