

UNIT – VI → Legal Regimes for Sustainable Development**Q.1. What is Environmental Legislation?**

Ans. Environment is common to all. During the course of interaction of the society with the surrounding the environment gets affected. Thus affected the entire biosphere including man themselves. Due to this, environmental legislation came into existence. Thus environmental legislation is to protect the environment which is a common resource from various problems like ozone layer depletion, global warming, acid rain, eutrophication etc. traditionally codes of conduct have been framed with a blend of protective, promotional and mitigative measures under legislation various laws have been formulated.

Q.2. Discuss the state of Environmental Legislation in India till 1972.

Ans. The period after independence upto 1972 was the worst period from environmental point of view as environmental degradation took place due to urbanization, industrialization and deforestation. Although some efforts were made which mainly focused on public health and sanitation.

The year 1972 is very significant in the history of environmental protection in India. When the 24th UN General Assembly decided to call on International conference on Environmental and Development on 5th June 1972, (therefore 5th June is celebrated as World Environment Day all over the world) a national committee on environmental planning and coordination was formed and then late Prime minister Smt. Indira Gandhi attended the international conference held in Stockholm. Soon after Stockholm conference, our country took legislative steps for environmental protection by enacted various laws and acts on various components of environment.

Q.3. What were the Provision made for Common Law Remedies and Statutory Remedies in India legislation?

Ans. Common law remedies are oldest remedies to abate pollution. Provision made for

- (i) **Nuisance:** It means anything that annoys or interferes with the quality of life. It can be either in the form of unpleasant smell or water pollution etc. a number of cases have been filed under the public Nuisance Act to combat pollution problems.
- (ii) **Negligence:** when enough care and attention is not taken towards our duty and it results in harm to other, it is known as negligence.
- (iii) **Strict liability:** The doctrine of strict liability states that concerned person will bear the burden of damage if any harm takes place.

Provision made for statutory Remedies includes

- i) **Indian Penal Code (IPC)(1860):-** The section 268 of IPC defines Public Nuisance (PN) and provides for the punishment of PN under section 290. Thus any act causing harm to others and polluting the environment of deliberately can be controlled through this Act. Section 277 is used to prevent water pollution.
- ii) **Criminal Procedure Code (Cr PC), 1973:-** Chapter X part B contains section 133 – 143 and part C has the directions for best and effective remedy against nuisance and pollution problems under section 133 of CrPC. The district magistrate orders to remove the public nuisance on reception of report. A person causing nuisance deliberately shall be prosecuted under sec – 188 of IPC.

Q.4. Write a note on directive Principles of the state policy and their relevance to environmental protection.

Ans. Part IV of the constitution deals with the Directive Principles of State Policy. They form fundamental features and social conscience for the constitution as they are designed to guide the state legislature judiciaries and execute to implement these principles. When cultural heritage is in danger due to big projects, then court may be guided by the directive principle which imposes duty on the state to protect the place of national importance. After the 42nd Amendment Act, 1976 added new principles in article 48A dealing with protection and improvement of the environment. It states that state shall protect and improve environment and also protect wild life and the forest.

Whenever an environmental problem occurs, the Article 48A and 51G gives justice and reminding state and citizen their duties towards protection and improvement of the environment.

Q.5. Describe environmental legislation in India?

Or

**What is your opinion about Indian Environmental Legislation?
Comment in 200 words.**

Ans. The pollution problem has been created in the environment which has threatened the wellbeing of nature and its living component. The problem of environment is tackled through various statutes. India has adopted a federal system in which Govt. Power is shared between the union, central and state govt. Part XI of constitution from articles 245 – 263 regulate the legislative and administrative relations between union and states regarding the issues of the environment.

Article 245 empowers parliament to make laws for whole country where as state legislative have powers to legislate for their respective states.

Article 246 divides various areas of the environment and legislation between union and states. The union list contains 97 subjects like regulations of air traffic, industries, atomic energy etc.

State list has 66 subjects over which states have exclusive power of legislation subject to their territorial limitation like sanitation, hospitals, drainage system etc.

Current list contain 52 subject areas where both parliament and state legislature of various states have power to make laws like forests, population control, protection wild life (fauna) etc.

It also provides that whenever there are any conflicts between central and state law on any subject matter mentioned in the concurrent list the central law shall prevail.

Q.6. What measures are taken by central govt. To protect and improve the environment?

Ans. The central govt. has the power to take all measures for the improvement of the quality of the degraded environment, preventing and controlling environmental pollution. Govt. has taken following measures to protect and improve the environment:

- a. Preparation of manuals, codes, guides related with the prevention, control and abatement of pollution.
- b. Establish various environmental laboratories.
- c. It lays down the standards for the emission of discharge of the environmental pollutants.
- d. It has made number of laws and acts to prevent environment from pollution.
- e. Planning and execution of the nationwide programme for prevention and control of environmental pollution.
- f. It lays down procedures and safe guards for handling hazardous substances.
- g. It gives directions to authorities to take appropriate measures for the prevention and control of the pollution.
- h. Restriction of areas in which any industry or operation shall be carried out.

Q.7. Write an account on Environmental Protection Act (EPA) 1986?

Ans. In the wake of Bhopal disaster and in the recognition of the need for a comprehensive legislation, the Environmental Protection Act was brought into force in the 19th November 1986 – the birth anniversary for Late Prime Minister Indira Gandhi who was a pioneer of environmental protection issues in our country. The Environmental Protection Act under section 2 defines environment as “Environment includes air, water and land and the interrelationship which exists among and between air, water, land human beings, other living things (plants, animals, microbes) and human property under section 2 of this Act environmental pollutant may be defined as any

solid, liquid or gaseous substance present in such concentration that tend to be harmful to the environment.

Salient features of environmental protection act are as follows:-

- a. To protect and improve the quality of environment.
- b. The government has given the power to collect samples of air, water and soil as evidence of the offences under the act.
- c. The central government has been authorized to take all appropriate measures to prevent and control pollution and to establish an effective machinery to achieve this object.
- d. There is special procedure prescribed for handling hazardous substances.
- e. Those who goes against the act has penalty of imprisonment upto seven years or fine upto one lakh or both and if failure continues then 5000 rupee additional fine can be imposed daily.
- f. Central government has powers to appoint officers and prescribing their powers and functions and to give direction of environmental pollution under section 3 to 6 and 25.
- g. To restrict the areas where industrial processes is not to be allowed.
- h. Planning nationwide programs to maintain standards.

Q.8. Why is Environment Protection Act (EPA Act, 1986) called the umbrella act? And what are its objectives.

Ans. The EPA is called as Umbrella act because it provides framework for central govt. to coordinate activities of various central and state authorities established under previous laws. It is the most comprehensive act of Indian constitution enacted under Article 253. Moreover it focuses on over all protection viz, air water and soil.

Objectives of EPA (Umbrella Act):

- a. To implement the decisions made at the UN conference on the Human Environment held at Stockholm.
- b. To enact general law on environmental protection.
- c. Creation of an authority for environmental protection.
- d. To provide punishment who endanger the human environment safety and health.

**Q.9. Write about air (prevention and control of pollution) Act, 1981?
What provisions has been made in the act to meet the specified objectives?**

Ans. The parliament of India, enacted the air (prevention and control of pollution) Act on 19th March 1981 for prevention and control of air pollution. The main postulates or objects of this act are:

- a. The Act provides for prevention and control of air pollution.
- b. To setup laboratories to check all kinds of samples.
- c. In this act, air pollution has been defined as any solid, liquid or gaseous substances (including noise) in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures plants or property or environment.
- d. Noise pollution has been inserted as pollution in this Act in 1987.
- e. Pollution control boards at central and state level have the regulatory authority to implement the air act.
- f. To provide guidelines and technical assistance to State Boards and industries.
- g. To advise central and state govt. about improved methods to check air pollution.
- h. The act has provision for ensuring emission standards from automobiles.
- i. The act has provision for defining the constitutions, powers and functions of pollution control boards, funds, accounts, audit penalties and procedures.
- j. The act has provision under which the state government may declare an area within the state as air pollution control area and can prohibit the use of any fuel other than approved fuel in the area causing air pollution.

Q.10. State wild life protection act, 1972?

Ans. Wild life protection act was enacted on 9th September 1972 for providing legal protection to wild life in general and to endangered fauna of

the country particular. It has a provision for setting up of national parks, sanctuaries, biosphere reserves and zoos for protection of wild life. The act also stresses on the regulation of trade of wild animal and their products. Issuing of licensing on international trade on wild animals also comes in this Act. Any person misuses the license should be punished for three years of jail and fine of rupees 25,000. Under this act there is restriction and prohibition of poaching. Under this act, captive breeding programmes of endangered species have been started. Various conservation projects like tiger project, lion project, crocodile breeding project, elephant project etc, have been started for particular endangered species.

Q.11. Write a note on Forest Conservation Act 1980?

Ans. The government of India enacted the forest conservation Act on 25th dec 1980 to conserve all types of forests. The main purpose of the act was to check indiscriminate deforestation, preservation and diversion of forest land to non forest purpose. Under this act, prior approval of central government is required before any reserved forest is decided to non – forest purpose. If diversion is permitted, compensatory aforestation must be undertaken on an equivalent area of non – forest or double the area of degraded forest. Six regional offices have been opened to monitor the status of forests and take steps for their conservation in Chandigarh, luckhnow, Bhopal, Bangalore and Bhubaneshwar. Under this act, a control should be exerted over Jhum cultivation, encroachment and cattle grazing. Moreover there should be a control of movement of forest produce. Cash crops like tea, coffee, saffron etc are not permitted in the reserved forests under the act. Through this act forests are conserved and hence ecological balance is maintained in nature.

Q.12. What is water (prevention and control of pollution) Act, 1974? Give its objectives.

Ans. The water (prevention and control of pollution) act was enacted on 23 March 1974. It provides for the prevention and control of water pollution and the maintenance or restoration of the wholesomeness of the water bodies. The

act defined the water pollution as “alteration in physical; chemical or biological properties of water”.

Objectives of the act are:

- a. It provides for maintenance and restoration of quality of all types of surface and ground water.
- b. It provides rules for implementing penalties for the contravention of the provision of the act.
- c. To establish central and state boards for the prevention and control of water pollution.
- d. To establish testing laboratories.
- e. Central and state boards assigned distinct functions to promote cleanliness of water bodies.
- f. As per this act, anyone consuming water had to pay certain amount in industries, domestic purpose, or any other processing where water gets polluted.
- g. To find out recent methods for the disposal of treated sewage and industrial effluents.

Q.13. Why is the Water (Prevention and control of pollution) Act 1974 called as state law? Discuss its functions.

Ans. The water act has been passed to tackle the various facts of the pollution problem in different states (Assam, J&K, MP, west Bengal, Rajasthan, Kerala) in their own way but in accordance with the central law that is water (prevention and control of pollution) Act, 1974 is called as state law.

Functions:

- a. Lay down standard for water pollution.
- b. Organize programmes for prevention and control of water pollution.
- c. To inspect the trade effluent treatment plants for their treatment methodology.
- d. To conduct investigations and research with regarding the water pollution.
- e. To evolve efficient treatment and disposal methods of sludge and sewage.

Q.14. Write a note on the noise pollution (regulation and control) rules, 2000?

Ans. Noise is considered as an environmental pollution and it has deleterious effects on human beings. Under EPA Act, 1986, the central government introduced the rules for the regulation of control of noise producing and generating sources, namely the noise pollution (Regulation and control) rule, 2000.

Salient features of the rules are:

1. Restriction on use of loud speakers on public address system especially during certain hours of the day and in sensitive areas.
2. Anyone, in any place covered under the silence area, commits any of the following offences, shall be liable for penalty.
3. The noise level in any area shall not exceed the ambient air quality standards with respect to noise as specified in the schedule.
4. If the noise exceeds ambient noise standard by 10 db or more, complained against offender to the authority.

Q.15. What are the various functions of central pollution control board (CPCB)?

Ans. Various functions of control pollution board (CPCB) are as follows:

1. It advises central government in relation to prevention and control of water and air pollution.
2. It provides state pollution control boards (SPCB) technical assistance and guidance.
3. It prepares manuals for treatment and disposal of sewage and effluents.
4. It organizes training programmes for prevention and control of environmental pollution.
5. To utilize the services of mass media in educating general people about causes, consequences, prevention and control of environmental pollution.

Q.16. What are functions of state pollution control boards (SPCB)?

Ans. There are state pollution boards in every state of the country. These boards perform following functions:-

- a.** These advise state governments on matters conserving environmental pollution.
- b.** The board suggests efficient method for utilization, treatment and disposal of trade effluents.
- c.** The board advises the state government with respect to the location of any industry that might pollute a stream or a well.
- d.** To seek guidance and training of persons from central board.

Q.17. What is UNDP?

Ans. UNDP stands for the United Nations Development programme was found in 1965. It is the world's largest multilateral source of grant funding to the nations having financial problem for economic, environmental and social development. UNDP headquarters are located in New York city. The funds to the UNDP comes from voluntary contributions of member states of the United Nations and affiliated agencies who have committed themselves to provide regular funds to UNDP. The organisation has country offices in 166 countries, where it works with local government to meet development and develop local capacity.

Functions of UNDP:-

- a.** UNDP provides expert advice, training and grant support to developing countries with increased emphasis on assistance to the least developed countries.
- b.** UNDP focuses on poverty reduction, HIV/AIDS, democratic governance, energy and environmental crises, prevention and recovery.
- c.** UNDP also encourages the protection of human rights and the empowerment of women in all of its programmes.
- d.** Moreover UNDP helps in creating an enabling environment for sustainable human development.

- e. UNDP works with local leaders and governments to provide opportunities for impoverishment of people to create business and improve their economic conditions.
- f. UNDP plays an important role in the protection and regeneration of environment.

Q.18. What is UNEP?

Ans. United Nations Environmental Programme (UNEP) was set up in 1972. UNEP coordinates United Nations Environmental Activities, assisting developing countries in implementing environmentally sound policies and encourages sustainable development through sound environmental practices. Its headquarters are in Gigiri, Nairobi and Kenya.

Roles of UNEP:

- a. One of the most important function of UNEP is the promotion of environmental science and information.
- b. UNEP plays a vital role in generating a variety of reports on the state of environment and has also created worldwide awareness on emerging and existing environmental problems.
- c. UNEP has a responsibility in promoting international cooperation in the field of environment and recommending appropriate policies.
- d. It has a responsibility of monitoring the status of environment and gathering and broadcasting environmental information.
- e. UNEP helps in developing international environmental laws. It helps in expert advice on the development of the use of environmental concepts and instruments.
- f. UNEP enables nations and people to improve their quality of life without compromising that of future generation.
- g. UNEP has a significant role in managing the environment.



Q.19. What is WHO?

Ans. The World Health Organization (WHO) is a specialized agency of the United Nations that acts as a coordinating authority on international public health. WHO was established on 7 April 1946 and its headquarters are in Geneva, Switzerland. WHO has 193 member states. The objective of WHO shall be the attainment of the highest possible level of health of all people. Its major task is to combat disease, especially key infections like (AIDS, malaria) diseases and to promote the general health of the people of the world. WHO supports the development and distribution of safe and effective vaccines and pharmaceutical diagnostics and drugs. Its aim is to eradicate polio within the next few years. WHO is financed by contributions from member states and donors (NGO, pharmaceutical industry etc.).



The main objectives of WHO are:

- a.** To assist governments upon request in strengthening health services.
- b.** To stimulate and advance work to eradicate epidemic, endemic and other diseases.
- c.** To promote both mother and child health.
- d.** To promote in cooperation with other specialized agencies where necessary, the improvement of nutrition, housing, sanitation, economic and working conditions and other aspects of environmental hygiene.
- e.** To promote and conduct research in the field of health.
- f.** To promote improved standards of teaching and training in the health, medical and related professions.
- g.** To promote cooperation among scientific advancement of health.

Q.20. What is UNCTAD?

Ans. The United Nations council on Trade and Development (UNCTAD) is a United Nations Organisation. The main objectives of UNCTAD are the eradication of poverty and gender sensitive development. Both elimination poverty as well as gender inequality must be executed together.

UNCTAD plays following roles:

- a. It provides technical support to developing countries to boost their economy and to manage their external debt.
- b. Through UNCTAD programme, policies at the national and international level that are conducive to stable economic growth and sustainable development.
- c. It provides an important policy space for sustainable gender sensitive development.
- d. Its programmes on international trade is to promote the development of developing countries through international trade, provide support for their participation in international trade negotiations.
- e. It analysis trends in foreign direct investment and their impact on development and help countries to promote international investment and understand issues involved in international investment agreements.

Q.21. What is Earth Summit and what are its various principles?

Or

Where was Erath Summit 1992 held. What were the main principles of Rio declaration?

Ans. Earth Summit also known as the United Nations Conference on Environment and Development (UNCED) was held in June 1992 at Rio de Janeiro Brazil. More than 150 countries participated Earth Summit. It was on of the largest UN conference which stressed on “sustainable development”. Earth Summit forced people to protect the degraded environment by adopting principles of sustainable development.

Principals of Earth Summit:

The Rio declaration has several principles. Some important principles are given below.

Principle 1: Man has pivot role for sustainable development. He is entitled to be healthy and productive life in harmony with nature.

Principle 2: The right to development must be fulfilled so as to equitable meet developmental and environmental needs of present and incoming generations.

Principle 3: For achieving sustainable development, environment protection should go side by side with development.

Principle 4: There should be global cooperation for protection and conservation of earth's ecosystem.

Principle 5: States should reduce and eliminate unsustainable patterns of production and consumption to achieve sustainable development.

Principle 6: State shall develop national laws regarding liability and compensation for the victims of pollution and other environmental damage.

Principle 7: EIA as a national instrument shall be under taken for proposed activities.

Principle 8: Women participation is important for achievement of sustainable development as they have a role in environmental management.

Principle 9: Environmental issues are best handled with the participation of all concerned citizens at the relevant level.

Principle 10: Peace, development and environment protection are interdependent and indivisible.



Q.22. Discuss the major document signed at the Earth Summit.

Ans: Following documents have been signed at the earth summit.

a. The Rio Declaration: It was originally conceived of as an “Earth Charter”, a statement of environmental principles for national behavior. Following were the main principles in the document.

1. The right to development.
2. Protection of environment.
3. Access to information and citizen participation.
4. Polluter pays principles

5. Right to exploit own resource in accordance with own policies of state.

- b. Convention on climatic change:** A convention was held on climatic change having main objective of stabilization of greenhouse gas concentration at a level that would not interfere with the climate. The convention establishes financial support for implementation in developing countries administered by the global Environmental facility. It also established institutional mechanisms for periodic review and an update of commitments.
- c. Convention on biodiversity:** The convention was initiated in 1988 by UNEP. The issue of biodiversity and biotechnology were separately treated but were merged to be handled by a single intergovernmental negotiating committee in 1991. The treaty has three goals, viz conservation, sustainable use of biodiversity and fair sharing of products made from gene stocks. Hence signatories must protect habitat and species and to help developing countries by finance to protect biological habitats.
- d. Forest Principles:** The FAO of UN discussed forest treaty before the establishment of UNCED and recommended in Nov. 1990. The most important issue at UNCED was about creation of forest treaty. Although some delegations advocating adding a statement to the forest principles that either explicitly called for or excluded a future treaty, the final document merely commits Govt. to keep the principles under assessment for their adequacy for further international cooperation on forest issue.
- e. Agenda – 21:** Agenda – 21, a product of earth summit (UNCED) is a blue print for encouraging sustainable development of diversity through social, economic and environmental measures in the 21st century. It is the largest product of earth summit comprising 40 chapters and 800 pages. Agenda – 21, is not a legally binding document but a “work plan” or “agenda for action” with a political commitment to pursue a set of goals.
In agenda – 21 (Earth Summit) following resolutions have been taken up.

- i. To adopt measures for international cooperation to accelerate sustainable development in developing countries and related domestic policies.
- ii. To adopt policies of combating poverty.
- iii. To adopt measures for changing consumption pattern, better demographic dynamics human health and sustainable human settlements.
- iv. To adopt measures of combating, deforestation, desertification and drought.
- v. To adopt environmental friendly technology.
- vi. To conserve biodiversity.
- vii. To adopt measures to protect aquatic resources.
- viii. To adopt measures for environmental sound management of solid waste and sewage related issues.
- ix. To adopt measures for combating problems like global warming, ozone layer depletion, acid rain etc.
- x. To promote sustainable agriculture and rural development.

Q.23. What is Agenda 21? Briefly discuss its various sections.

Ans: Agenda – 21: Agenda – 21, a product of earth summit (UNICED) is a blue for encouraging sustainable development of diversity through social, economic and environmental measures in the 21st, century. It is the largest product of earth summit comprising 40 chapters and 800 pages. Agenda – 21, is not a legally binding document but a “work Plan” or ‘agenda’ for action” with a political commitment to pursue a set of goals.

The various sections of Agenda 21 are discussed below:

Section 1: Social and economic dimension: It focuses on sustainable development in developing countries through international economic environment or better domestic policies. It also stresses on sustainable human settlement and human health.

Section 2: Conservation and management of resources for development: It mostly stresses on combating climate change, ozone layer depletion and air pollution. It also stresses on proper management of land resource, combat

deforestation, desertification and drought. it also emphasizes biodiversity conservation. It emphasize on proper disposal of solid waste.

Section 3: Strengthening the role of major groups: It ensures importance of non-governmental sectors in implementing sustainable development of women, child and young. The various non-governmental sections are NGO, Trade Union, Local authorities etc.

Section 4: Means of implementation: This section discusses the issue of promoting public awareness of environmental issue through education and training. It covers the use of scientific knowledge in sustainable development and resource management and includes calls for a wide variety of environment related monitoring activities.

Q.24. Do you think that the Earth Summit was successful in meeting its objectives? What are the failures and achievements of the Earth Summit?

Ans. Earth Summit was one of the largest UN conference over held to put the whole world on one path of sustainable development. It was successful in meeting its objectives.

Failures and ‘Achievements of the Earth’s Summit’:

Failures

- a. The USA diluted the biodiversity convention by not signing that it did not protect technology. It also argued that the financing arrangements were wrong.
- b. It failed in raising funds for Global Environment Facility (GEF) for launching Agenda 21 for 21st century.
- c. Though U.S and other industrialized countries signed convention on climatic change but they rejected to make specific time bound commitment to decrease green house gas emission like CO₂.

Achievements:

- a. It succeeded in putting environmental issues including protection of the “only one Earth” on world agenda in order to protect it from further degradation.

- b. India succeeded in getting its approach widely and endorsed. It was recognized as an activist country in movement of environment and development.

Q.25. What is GATT?

Ans. General Agreement on Tariffs and Trade (GATT) was framed in 1948. It has 107 contracting parties, majority of which are developing countries. GATT was meant to be a temporary arrangement to settle friendly among countries, disputes regarding who gets what share of world trade. This is achieved by determining both tariff rates and quantitative restrictions and imports and exports globally, it asks contracting parties to expand trade with developing countries by harmonizing and adjusting national policies and regulations, technical and commercial standards affecting production. GATT meetings are held behind closed doors which makes it easier to forge and strike deals (the deals may sometimes be against public interests) before the public is fully aware of the deal.

The basic objectives of GATT are:

- a. To provide the framework for the conduct of trade relations.
- b. To resolve disagreements through consultations.
- c. To provide set or rules that will inhibit member nations from taking any unilateral actions.
- d. To reduce the trade barriers and discrimination.

GATT allows nations to restrict the import of the products from another nation as long as these restrictions do not discriminate between the alien and native products. GATT rules are not obstacle to environmental protection but the trade weapon could be counterproductive. Under GATT rules there is no pressure on a country's right to protect its own environment against damage from either domestic production or the consumption of domestically

GATT
(General Agreement On
Tariffs and Trade)



produced or the consumption of domestically produced or imported products.

GATT has made the world a better place to do business by allowing more free and fruitful flow of goods and services.

Q.26. What is WTO? Describe its agreements and functions:

Ans. World trade organization (WTO) is an international organization is aimed to flow international trade of various goods and commodities smoothly and freely. WTO came into force from 1st of January 1995 and has about 150 members. The WTO secretariat is located at Geneva. The GATT of old became the WTO (WTO is predecessor of GATT) .

Agreements:

WTO's rules and agreements are the result of negotiation between the members. They ensure fair and practical trade. The current set were the outcome of 1986 – 94. Uruguay Round negotiations which include a major revision of the original GATT.

GATT is now the WTO's principle rule book for trade in goods. The Uruguay Round created new rules for dealing with trade in services, relevant aspect of intellectual property, dispute settlement and trade policy reviews. Through these agreements, WTO members operate a non discriminatory trading system that spell out their rights and obligations.

Functions of WTO are given below:

- a. WTO's principles bind governments to keep their trade policies within agreed limits so that everyone get benefited.
- b. Main role of WTO is to keep a check on the trade of various goods, and commodities.
- c. Two's procedure for resolving trade quarrels under the dispute settlement understanding is vital for enforcing the rules and therefore for ensuring that trade flows smoothly and freely.
- d. Transport companies, banks, hotels etc. looking to do business abroad can now enjoy the same principles of free trade that originally only applied to trade in goods.

- e. Under WTO's intellectual property agreement intellectual property should be protected when trade is involved.
- f. WTO provides the institutional framework for conduction of trade relations among its members in matter related to the environmental and legal instruments.
- g. WTO helps in protecting and conserving exhaustible resources by keeping check on them like agricultural trade.

Q.27. Discuss the relationship between trade and environment.

Ans. Right from the beginning of trade, relationship between trade and environment has established. Over the past two decades, procedures in countries with environment standards have worried increasingly about the impact of those standards on their competitiveness in world markets. At the same time, Govt. and firms in other countries have expressed concern about new barriers being erected against imports produced under less stricter standards.

Recently, there has been growing public concern with issue relation environment problems like ozone layer depletion, climatic change etc. this had raised important questions about the uses of trade policies to influence environmental measures in other countries.

Some opines that, expanding trade is a source of increased wealth and diffusion of technology both of which enhance society's ability to protect and uplift the environment. Some opines that unrestricted trade can be harmful to the environment especially when a country's environmental policies are weak.

In absence of appropriate domestic environmental policies, trade liberalization could worsen particular environmental problems. Moreover increased trade could produce negative environmental effects.

Q.28. How does WTO help in protecting IPRs?

Ans. WTO establishes least levels of protection that each Govt. has to give to the intellectual property of fellow WTO members. In doing so, it strikes a

balance between the long term benefits and possible short term costs to society. Moreover when there are trade disputes over intellectual property rights, the WTO settles them. they also give adequate protection to IPR.

Q.29. Write a note on United Nation framework convention on climate change.

Ans. Global warming is a worldwide problem. It causes climate change. In order to find ways of mitigating the deleterious effects of global warming, a convention was held called United Nations Framework Convention on Climate Change. The main objective of the convention is the stabilization of the GHG at a safe level that would prevent dangerous human interference and it stressed all the countries to protect the earth's climate system. Developed countries must take immediate steps to combat the climate change. Developing countries must take immediate steps to combat the climate change. Developing countries should undertake sustainable development as per the convention provision. The convention laid down the time framework for achieving 1990 level of GHG emission by 2000 and also called for further scientific research on subject.

Write note on convention on Biological diversity.

Ans. Biodiversity refers to the variety of life form on the surface of earth. Biodiversity has tremendous importance. Therefore a convention on biodiversity in Rio Summit in 1992 was held having 175 signatories. The main objectives of the convention are to conserve biodiversity and its sustainable use.

From above objectives, the convention recognizes;

- a. Importance of biodiversity and need to global cooperation for conservation.
- b. Relevant technologies including biotechnology have to be transferred on fair terms to the developing countries.
- c. It emphasizes EIA.
- d. Public education and awareness about importance of conservation of biodiversity.
- e. It emphasizes in situ and ex situ conservation measures.

Q.30. Write a note on United Nations convention on the Law of the sea (UNCLOS).

Ans. The UNCLOS established several duties with respect to marine environment. The main features of UNCLOS are as:

- a. The member countries of UNCLOS have a responsibility to protect and preserve marine environment and take necessary measures to control the problem.
- b. It obliges the nations to cooperate on a global and regional basis with environmental organisation to formulate international rules, standards and procedures for protection of the marine environment.
- c. It stresses on promotion of scientific research and data exchange programmes regarding marine pollution.
- d. It stresses on cooperation in eliminating effecting of pollution.

Q.31. Write a note on Forest principles.

Ans. Global forest degradation had led to an alarming concern over forest conservation and therefore, the forest principles encourage public participation in the sustainable forestry practices. During annual group of seven industrial nation's economic summit in 1990, group of seven industrial nations endorsed forest protection treaty. The US pursued a global forest treaty which would have been a binding treaty. Developing countries opposed the binding treaty. The non – binding soft laws were accepted having 13 principles recommended what an individual nation should do to ensure the sustainable forest practices.

Q.32. Write a note on space treaty.

Ans. Outer space treaty was signed in 1967 that impose nations to continue studies of outer space including moon and other heavenly bodies. It permits conducting exploration to them to avoid harmful contamination and adverse changes in earth's environment to resulting from the introduction of extra terrestrial matter and to adopt immediate necessary.

Q.33. Write an account on IPR?

Ans. Intellectual Property Rights [IPR] are those rights which are given to people for making a product of their own mind. They usually give the creator an exclusive right over the use of the product for a certain period of time. Intellectual property is intangible and includes, patents, trade secrets, copy rights and trademarks. The right to protect this property forbid others from making copy using or selling the proprietary subject matter.

Intellectual property rights has two categories:-

- a) Copy right and related rights:- These rights are given to authors of literary and artistic works and producers of phonograms and broadcasting organisations e.g books, films, painting, sculpture etc.
- b) Industrial Property Rights:- These include the protection of distinctive signs like trademarks, product logo and brand names and geographical indications.

In most industrialized countries crop varieties are subjected to intellectual; property rights in the form of plant breeders rights (PBR). In biotechnology one of the most important example of intellectual property is the processes and products which results from the development of genetic engineering techniques through the use of restriction enzyme to create recombining DNA.

Q.34. What is TNC?

Ans. Trans National Corporations (TNC) are those corporations which operate in more than one country or nation at a time. These have become some of the most powerful economic and political entities in the world these days. The number of TNC has increased from 7000 in 1970 to 40000 in 1995. France, Germany, the Netherland, Japan and the United States has about the half number of these corporations. The United Nations has described just these corporations as “the productive core of the globalizing world economy”. These corporations have far more power than the nation states across whose borders they operate. The TNC hold 90% of all technology and product patents worldwide and are involved in 70% of world trade. More than 30% of

this trade occurs between units of the same corporation. TNC's extract most of the world's minerals from the ground. They manufacture and sell most of the world's automobiles, airplanes, computers, home electronics, chemicals, medicines and biotechnology products. They harvest much of the world's wood and make most of its paper. They grow many of the world's major agricultural crops while processing and distributing much of its food. Given their dominance of politics, economics and technology. It is not surprising to find the big transnational's deeply involved in most of the world's serious environmental crisis.

Q.35. What are regional Trade Agreements (RTA) and Preferential trade Agreements (PTA)? Are they building blocks or blockades on the way of multinational trade agreements?

Ans. the multilateral agreements involving different countries across the globe are difficult to materialize and reach at a consensus due to lack of political will from a number of countries. Hence, RTA involving different countries of a region gathering pace. This regional approach to trade liberalization represents a continuation of a trend of 1990's. All the countries of the world today are either members of a bilateral or RTA or are in the process of negotiating membership and several countries are members of more than one agreement. The formation of RTA primarily took place in Euro – Mediterranean region and recent Asian and Pacific countries have been executed. The large number of PTA form a complex web of trading relationship across the globe.

PTA differ with respect to product coverage, extent of tariff preferences, time frames for implementation, rules of origin, technical standards, safe guard provisions, customs administration rules. PTA make the relationship between regionalism and multilateralism debatable. PTA may act as building blocks on the path to globe free trade.

The PTA's share the objective of reducing trade barriers between member countries. Granting trade preferences to member countries implies discrimination against non – member countries. This also promotes

regionalism at a time when efforts are being made to liberalise international trade.

Q.36. What is sustainable development? Why there is need for sustainable development?

Ans. The concept of sustainable development was propounded by G.H. Brundtland (prime Minister of Norway who was also director of WHO) in 1987 in a report “Our common future” he presented the report on concept of sustainable development in WCED and defined sustainable development as ‘the development that meets the needs of the present without compromising the ability of future generations to meet their needs’.

Some steps by which we can achieve the “sustainable development”:

- a) Avoid wasteful use of natural resource.
- b) Conserve all non – renewable resources.
- c) Avoid excess use of fossil fuels.
- d) Use alternate renewable and non – polluting sources of energy like solar and wind energy.
- e) Conserve biodiversity.
- f) To check human population.
- g) Environmental Impact Assessment [EIA] should be done before any developmental activity.
- h) Educate and empower general public.
- i) Avoid excess use of chemical fertilizers and pesticides and encourage bio fertilizers and bio pesticides.

Short Answer Type Questions:

Q1. What are the primary objectives of legislation in India?

Ans. The primary objectives of any legislation is to ensure social justice and wellbeing through enforcement of certain code of conduct. In case of environmental legislation, it seeks to prevent damage to the environment, which is regarded as a common source form various problems (pollution).

Q2. Write a note on fundamental duties under the Indian constitution.

Ans. In Indian constitution article 51 (A) deals with the fundamental duty of the citizen with respect to the environment. It is the duty of every citizen of India to protect and improve the natural environment. Under this article fundamental duty has been imposed on every citizen to preserve and improve quality of the environment, the natural resources should be used in a proper way. It is our duty to preserve the natural resources in the same way as nature had bestowed it to all of us.

Q3. Write about Motor Vehicle Act, 1939.

Ans. The motor vehicle act, 1939 empowers state government to make rules for regulation emission of smoke, visible vapour, ashes and reduction of noise produced by the vehicles. Motor vehicle rule 148 and 151 deals with the control of noise while as the rule 157 deals with the control of air pollution. Hence the motor vehicle act, 1939 provides for control for both noise as well as air pollution. Under this act, every vehicle has a maximum life of ten years for transport vehicles and 16 years for other vehicles. Driver should be at least matriculate. All future vehicles should have unleaded petrol engine.

Q4. What do you know about biomedical waste [Management and Handling] rules, 1998?

Ans. Biomedical waste (Management and Handling) (BMWM) rules were framed by Ministry of Environment and forest on 20 July 1998 with a view to stop the indiscriminate disposal of biomedical waste.

Features of BMWM rules:

- a.** To regulate the disposal of biomedical waste like anatomical waste, animal waste, blood, body parts, medicine, biotechnological waste etc.
- b.** Every occupier shall install an appropriate facility for proper treatment of biomedical waste.

- c. Before transportation of biomedical waste, it should be segregated in container from generation sites.
- d. Biomedical waste should be properly collected, treated and disposed.

Q5. What are the roles of UNEP?

Ans. Some important rules of UNEP are:

- a. It promotes science and information.
- b. It creates worldwide environmental awareness.
- c. It has a responsibility of monitoring the status of environment.
- d. It helps in developing international environmental laws.
- e. It plays an important role in keeping the environment safe from various problems.

Q6. What are the functions of UNDP?

Ans. Important functions of UNDP are:

- a. It helps in creating an enabling environment for sustainable human development.
- b. It has a role in the protection and regeneration of environment.
- c. It forces on poverty reduction, AIDS, etc.
- d. It encourages protection of human rights and empowerment of women.

Q7. What are the roles of WHO?

Ans. Important roles of WHO are:

- a. It acts as the directing and coordinating authority on international health work.
- b. It assists Govt. upon request, in strengthening health services.
- c. It helps to provide highest possible level of health of all people.
- d. It plays an important role in development and distribution of safe and effective vaccines and drugs.

Q8. What is the difference between GATT and WTO?

Ans.

a. GATT stands for general agreement on tariffs and trade	a. WTO stands for World Trade Organisation.
b. GATT came into force in 1948.	b. WTO came in to force in 1995.
c. It has 107 contracting parties.	c. It has 150 members
d. Its main objective is to provide frame work for the conduct of trade relations.	d. Its main objective is to flow international trade of various goods smoothly and freely.

Q9. What are the various roles of GATT?

Ans. Some important roles of GATT are:

- a. It develops trade relations among nations.
- b. It promotes increased market access under favourable conditions for their processed and manufactured products.
- c. The GATT recognizes the urgency of raising the standard of living of developing countries and the progressive development of their economics.
- d. It reduces the trade barriers.

Q10. What do you know about state laws for conservation of environment?

Ans. Our environment is degraded one. At present there are various issues of environment. So states have enacted the laws on various environmental issues which require continuous actions like water pollution, air pollution and those resources which are facing major problems and effecting mankind. Hence water and air act have been passed to tackle the various effects of pollution problem in different states in their way. (The water and air acts have been discussed in previous long answer type questions).

Q11.What do you know about Recycled Plastics Manufacture and Usage Rules, 1999?

Ans. Plastic is a common article and is used for carrying items. So there is generation of large quantities of plastic waste. It is non – degradable one. It causes soil pollution and also sometimes blocks drains. The plastic bags are not reused and are not suitable for storing and forests, Govt. of Indian has notified the recycled plastics manufacture and usage rule 1999 for regulating the manufacture and use of recycled plastic carry bags and containers. Some important features of the rules are:

- a. Prohibition of usage of carry bags or containers made of recycled plastic.
- b. Carry bags or containers made of virgin plastic shall be in natural shade or white.
- c. Carry bags or containers made of recycled plastic should not used for storing or packaging.
- d. Minimum thickness of carry bags made of recycled plastic shall not be less than 20 microns.

Q12.What do you know about Municipal Solid Waste (Management and Handling) Rules, 2000?

Ans. The municipal Solid Waste (Management and Handling) rules were notified on 25th September 2000. According to these rules:

- a. Municipal bodies are responsible for management and handling of solid waste.
- b. The municipal solid waste should be properly disposed off in land fill sites.
- c. It describes the standards for separation, collection, storage transportation processing and disposal of municipal solid waste.
- d. The rules give the specification for land fill closure and post care of the land fill once it is covered.
- e. It also provides standards for composting, treating and for incineration.

Q13. Under which Act, rules have been notified in India? Write a note on any two rules notified in India.

Ans. Under EPA, rules have been notified in India.

Two rules that have been notified in India have already been written as Bio-medical waste (Management and handling) rules, 1998 and recycled plastics manufacture and usage rules, 1999.