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Current National Law Related Biodiversity in India

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Abstract

The phrase “biodiversity” refers to the diversity of life on earth, including the millions of different types of plants, animals, and microorganisms, as well as the genes they carry and the complex and frequently delicate ecosystems they generate. Only the abundance and diversity of nature can coexist with humans. As a result, numerous species of plants and animals are endangered and in danger of going extinct. They merit our protection. Biodiversity is essential in a number of ways, which include helping to promote the aesthetic value of the natural environment and contributing to our material well-being by giving food, timber, fuel and medicine. This is in relation to the variety of habitats, biotic communities, & ecosystem systems in the biosphere. Botanical gardens, zoological gardens, reforestation, national parks, sanctuaries, biosphere reserves, germplasm banks, breeding techniques, tissue culture techniques, and social forestry to reduce stress on the exploitation of forest resources are some of the current measures of biodiversity conservation.

Introduction

Biodiversity is the variety among living species from many sources, including terrestrial, marine, and desert habitats, and the ecological complexes of which they are a part”. Biodiversity includes the enrichment of environmental assets found in the air, water, and land. Biodiversity is a treasured and irreplaceable resource. The Indian Constitution and India’s international commitments both recognize the need of protection of the environment, conservation, and sustainable resource use. Every Indian citizen has a responsibility to preserve and enhance the natural environment, including forests, lakes, rivers, and animals, as well as to have compassion for all living things, according to Part IVA of the Constitution (Article 51A-Fundamental Duties). Additionally, the State shall make efforts to maintain the nation’s forests and animals as well as to protect and promote the environment, according to Part IV of the Indian Constitution (Rawat and Agarwal, 2015).

Biodiversity of India

India is one of the world’s 17 mega-biodiverse nations. Despite occupying only 2.4% of the planet’s surface, it is home to 7-8% of all known species. India’s management of its natural resources is essential to preserving the biodiversity of the entire globe because it is home to about half of the world’s aquatic plants, 47,000 kinds of plants, and 96,000 species of animal (Ayyappan *et al.*, 2011).

Biodiversity related Indian legislation:

- Indian Fisheries Act, 1897.

- The Air (Prevention and Control of Pollution) Act, 1981.
- The Water (Prevention and Control of Pollution) Act, 1974.
- The Environment Protection Act, 1986.
- The Wildlife Protection Act, 1972.
- The Forest Conservation Act, 1980.
- The Biological Diversity Act, 2002.

Indian Fisheries Act, 1897

The following were underlined by the Indian Fisheries Act:

Use of damaging fishing techniques, such as dynamiting and poisoning, is forbidden in upland and coastal waters. Fishing regulations include limiting mesh size, fish size, and capture, as well as a two-year prohibition on fishing during specific seasons and locations. Fish protection in certain waters. Imprisonment and warrantless arrest for any offence.

The Air (Prevention and Control of Pollution) Act, 1981

The Air (Prevention and Control of Pollution) Act of 1981 (the "Air Act") establishes boards at the central and state levels to carry out the aforementioned functions as well as the prevention, control, and abatement of air pollution. To mitigate the problems connected with air pollution, air quality index requirements were created under the Air Act. By outlawing the use of harmful fuels and substances and enforcing regulations on air-polluting appliances, the Air Act aims to reduce air pollution. The State Government is authorized under the Air Act to designate any place or locations within the State as air pollution control area(s), after consulting with the SPCBs. According to the Act, SPCBs must approve the construction or operation of any industrial facility in the pollution control area. SPCBs are also supposed to inspect manufacturing procedures, inspect pollution control machinery, and analyze the air in air pollution control zones.

The Water (Prevention and Control of Pollution) Act, 1974

The Water Prevention and Control of Pollution Act, 1974 (the "Water Act") was passed to address water pollution prevention and control as well as to preserve or restore the nation's water's wholesomeness. In order to achieve out the aforementioned aims, it also provides for the creation of committee for the control and prevention of water pollution (Garg, 2012). The Water Act restricts the discharge of contaminants into water bodies beyond just a specified standard, and lays forth penalties for disobedience. At the Centre, the Water Act has set up the CPCB which lays down standards for the prevention and control of water pollution. SPCBs operate at the State level under the supervision of the CPCB and the State Government. Additionally, the Water (Prevention and Control of Pollution) Cess Act was passed in 1977 to establish the levying and collection of a cess on water used by people engaging in specific industrial activities (Yadav, 2016). This cess is gathered to supplement the funds available to the Central Board and Statutory Bodies for the

water pollution prevention and control pollution, which were established in accordance with the 1974 Water (Prevention and Control of Pollution) Act. The Act last underwent revision in 2003.

The Environment Protection Act, 1986

The Environment Protection Act of 1986 (the "Environment Act") addresses environmental preservation and enhancement. The Environment Protection Act lays out a framework for researching, organizing, and putting into practice long-term environmental safety criteria. It also sets a mechanism for prompt and adequate reaction to environmental threats. It is an overarching piece of legislation established to offer a framework for the collaboration of federal and state agencies created by the 1974 Water Act and the Air Act. Under section 2(a) of the Environment Act, the term "environment" has a fairly broad definition. Water, air, and land are all included, as well as the connections between them and people, other living things, plants, microorganisms, and property. The Environment Act gives the Central Government the authority to take the steps required to safeguard and enhance the quality of the environment. These steps include establishing standards for the emissions and releases of pollution into the atmosphere by anyone engaged in industrial or commercial activity, regulating where industries can be located, managing hazardous waste, and safeguarding the health and welfare of the general public.

The Wildlife Protection Act, 1972

In order to properly safeguard the country's wild animals and to prevent poaching, smuggling, and the illegal trade in wildlife and its products, the Wild Life (Protection) Act, 1972, was passed. Following an amendment to the Act in January 2003, the penalties and punishment for violations of the Act are now more severe. The Ministry has suggested adding stricter regulations to the Act in order to strengthen it. The goal is to safeguard the biologically significant protected areas as well as the designated endangered species of plants and animals.

The Forest Conservation Act, 1980

To aid in the preservation of the nation's woods, the Forest Conservation Act of 1980 was passed. Without the prior consent of the Central Government, it rigorously prohibits and monitors the de-reservation of forests and the utilization of forest land for non-forest purposes. The Act outlines the requirements for diverting forest land for non-forest uses in order to achieve this. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, recognizes the rights of forest-dwelling Scheduled Tribes and other traditional forest dwellers over the forest areas in which they have traditionally resided and establishes a framework for doing so. The Indian Forest Act of 1927 codifies the law governing forests, the movement of forest products, and the taxable value of wood and other forest products.

The Biological Diversity Act, 2002

The United Nations Convention on Biological Diversity (CBD), 1992, which recognizes the sovereignty of states to utilize their own Biological Resources, inspired India to create the Biological Diversity Act 2002. The Act aims to preserve biodiversity and related knowledge while also facilitating sustainable access to them. The Act's primary goal is to safeguard India's biological diversity (Singh, 2022). The Act calls for the preservation of biological diversity and the responsible use of all of its elements. The Act promotes conservation and includes a clause that allows for a fish population to be labeled threatened if it is being overexploited. The National Biodiversity Authority, located in Chennai, was created with the intention of carrying out the Act's goals.

Coastal Regulation Zone Notification, 1991

The Coastal Regulation Zone Notification was published by the Ministry of Environment and Forests on Notification no. SO. 19(E), dated January 6, 2011, was issued with the goal of ensuring livelihood security to fisherfolk and other local communities living in coastal areas, conserving and protecting coastal stretches, and promoting development in an environmentally friendly manner based on scientific findings principles, taking into consideration the dangers of natural hazards in coastal regions and sea level rise due to global warming. And whereas, the Central Government has given due consideration to the complaints and recommendations received in response to the aforementioned draught Coastal Regulation Zone Notification, 2018.

Classification of CRZ

The CRZ region shall be divided into the following categories in order to conserve and safeguard the coastal regions and marine waters.

CRZ-I

The most environmentally vulnerable CRZ-I locations are further divided into the following categories:

CRZ-I A: The following environmentally sensitive areas (ESAs) & geomorphological characteristics that contribute to preserving the integrity of the coast shall be included in CRZ-I A:

- Mangroves (if the area of the mangroves exceeds 1000 square meters, a buffer of 50 metres along the mangroves shall be established and such land shall also form CRZ-I A);
- Sand dunes;
- Biologically active mudflats;
- National parks, marine parks, sanctuaries, reserve forests, wildlife habitats, and other protected areas covered by the Wild Life (Protection) Act of 1972 (Act No. 53 of 1972), the Forest (Conservation) Act of 1980 (Act No. 69 of 1980), or the Environment (Protection) Act of 1986 (Act No. 29 of 1986), including Biosphere Reserves;

- Salt marshes;
- Turtle nesting grounds;
- Horse shoe crabs' habitats;
- Sea grass beds;
- Nesting grounds of birds;
- Areas or structures of archaeological importance and heritage sites.

CRZ-I B: The CRZ-I B will consist of the intertidal zone, or the space between Low Tide Line and High Tide Line.

CRZ-II

The developed land areas up to or near the shoreline, within the current municipal limits, or in other currently recognized legally defined urban areas, that are substantially built-up with a ratio of built-up plots to total plots of more than 50%, and have been provided with drainage and approach roads as well as other infrastructural development, such as water supply system, sewerage mains, etc., shall constitute CRZ-II.

CRZ-III

The relatively undeveloped land regions (such as rural areas, etc.) that do not come within CRZ-II make up CRZ-III, which is further divided into the following categories:

CRZ-III A: If the CZMP as per this notification, framed with due consultation, has been approved, an NDZ of 200 meters shall continue to apply. Such highly populated CRZ-III areas, where the density of population is more than 2161 km⁻² as per 2011 census base, shall be designated as CRZ-III A. In CRZ-III A, area up to 50 meters from the HTL on the landward side shall be earmarked as the "No Development Zone (NDZ)".

CRZ-III B: According to the 2011 census data base, all other CRZ-III regions with population densities less than 2161 km⁻² are to be designated as CRZ-III B. In CRZ-III B, the area up to 200 metres from the HTL on the landward side is to be designated as the "No Development Zone (NDZ)".

CRZ-IV

The CRZ-IV shall constitute the water area and shall be further classified as under:

CRZ-IV A: The CRZ-IV A area is made up of the water and seabed between the Low Tide Line and 12 nautical miles out to sea.

CRZ-IV B: The CRZ-IV B areas must have a salinity of 5 parts per 1,000 (ppt) during the driest time of the year. These areas must also comprise the water area and the bed area between the LTL at the bank of the tidally influenced water body and the LTL on the other side of the bank.

Conclusion

Biodiversity is a term without a clear definition. The typical context in which it is used emphasizes the importance of paying attention to our living environment & the use of

natural resources sustainably. The management of biodiversity is a complicated issue that necessitates the participation of a wide range of partners, including governmental organizations, private businesses, non-governmental organizations, and volunteers. Leaving that aside, commitment, laws, and enforcement at the national and international levels provide a crucial foundation for promoting and sustaining biodiversity.

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