

Review of Marine and Coastal Policies in India

Dr. Sangeeta Sonak ,Prajwala Pangam, Asha Giriyan

The Energy and Resources Institute
Western Regional Centre, Goa



Structure of the presentation

- Overview of the Constitution of India
- Important legislations pertaining to coastal and marine environment protection
- Overview of existing policies in India
- Conventions to which India is a signatory
- Laws under the purview of different Ministries
- Institutional mapping of laws in India
- Guidelines for ship breaking in India
- Comparison of a few maritime guidelines across the Basel Convention and the IMO Guidelines

Constitution of India

- ❖ Federal Form of Government
- ❖ The Union and State Governments consist
 - ❖ Legislative branch
 - ❖ Judicial branch
 - ❖ Executive branch

Division of Subjects between Centre and State

Article 246 of Constitution

- Union list
- State List
- Concurrent List

Subjects related to coastal and marine environmental protection

Union list

- Entering agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries
- Shipping and navigation on inland waterways
- Maritime shipping and navigation, including shipping and navigation on tidal waters
- Regulation and development of inter-state rivers and river valleys
- Fishing and fisheries beyond territorial waters

Contd.

State List

- Public health and sanitation, hospitals and dispensaries
- Land
- Fisheries

Concurrent List

- Shipping and navigation on inland waterways as regards mechanically propelled vessels
- Factories

Some important legislations

- Coastal Regulation Zone Notification, 1991
- Forest (Conservation) Act, 1980
- Water (Prevention & Control of Pollution) Act, 1974
- Hazardous Waste Management Act, 1989
- Environmental Impact Assessment Notification, 1994
- Environmental Protection Act, 1986
- The Indian Wildlife (Protection) Act, 1972
- Biological Diversity Act, 2002
- Indian Fisheries Act, 1987
- Deep Sea Fishing Policy, 1991
- Marine Fisheries Regulation Acts
- Indian Ports Act, 1908
- Major Port Trust Act, 1963
- Merchant Shipping Act, 1958
- Coast Guard Act, 1978
- Maritime Act
- National Environment Tribunal Act, 1995

Overview of existing policies in India

Existing Act/rules	Salient Features
<p data-bbox="159 496 865 605">Environment Protection Act (EPA), 1986</p> <ul data-bbox="254 630 961 1430" style="list-style-type: none"><li data-bbox="254 630 810 732">• Coastal Regulation Zone Notification, 1991<li data-bbox="254 824 835 927">• Coastal Zone Mgmt Plans (CZMPs)<li data-bbox="254 1019 961 1122">• Hazardous Waste Management Act, 1989<li data-bbox="254 1328 898 1430">• Environmental Impact Assessment Notification, 1994	<p data-bbox="1016 496 1430 545">An umbrella Act</p> <p data-bbox="1016 634 1766 732">Regularizes the various activities in coastal zone</p> <p data-bbox="1016 813 1843 959">Supreme Court Intervention that all the Coastal states prepare their CZMPs by 1996</p> <p data-bbox="1016 1040 1923 1243">This Act provides guidelines for hazardous waste management and also for the import and export of hazardous waste in country.</p> <p data-bbox="1016 1325 1829 1422">The objective of this act is to conserve and protect the environment</p>

Contd.

Water (Prevention and Control of Pollution) Act,1974,Amended in 1988	Control of pollution from land-based sources Pollution Control Board was constituted under this act
Indian Ports act,1908	Enactment relating to ports and port charges. Provides for rules for the safety of shipping and conservation of ports
Major Port Trust Act, 1963	The Act makes provision for the constitution of port authorities for certain major ports in India and to vest the administration, control and management of such ports in such authorities and for matters connected therewith.
Merchant Shipping Act,1958	Control of pollution from ships and off-shore platforms

<p>Coast Guard Act, 1950</p>	<p>Provides levying of heavy penalties for the pollution of port waters</p> <p>In 1993, Coast Guard under Ministry of Defence, made directly responsible for combating marine pollution</p>
<p>Maritime Zones Act, 1976</p>	<p>Describes various zones such as territorial waters, EEZ, Continental shelf etc</p>
<p>Forest Conservation Act, 1980, Amended in 1988</p>	<p>Protection to marine biodiversity</p>
<p>Wildlife Protection Act, 1972 (Amended in 1983, 1986, 1991, 1997, 2001)</p>	<p>Offers protection to marine biota.</p> <p>Creates conditions favourable for in situ conservation of fauna and flora.</p> <p>Amended in 2001 to include several species of fish, corals, sea cucumbers and sea shells in Schedule I and III</p> <p>Whale shark placed in schedule I</p>

Contd.

<p>Indian Fisheries Act, 1897</p>	<p>Offers protection to fisheries against explosives or dynamites</p>
<p>Marine Fishing Regulation Act, 1978</p>	<p>A model act, which provides guidelines to the maritime states to enact laws for protection to marine fisheries by regulating fishing in the territorial waters. The measures include: regulation of mesh size and gear, reservation of zones for various fishing sectors and also declaration of closed seasons</p> <p>Laws framed and Amended from time to time by different maritime states</p>

Contd.

National Environmental Tribunal Act, 1995	This has been created to award compensation for damages to persons, property and the environment arising from any activity involving hazardous substances
The National Environment Appellate Authority Act, 1997	Addresses appeals with respect to restrictions of areas in which classes of industries etc are carried out or prescribed subject to certain safeguards under the EPA The objective is to bring in transparency and accountability and to ensure the smooth and expeditious implementation of developmental schemes and projects
Biodiversity Act, 2002	The Act that has been passed, with an aim to protect and conserve biodiversity and sustainable use of its components

Convention to which India is a signatory

UNCLOS	Disposal of ship-based wastes
Basel convention, 1992	The Basel Convention contains specific provisions for the monitoring of hazardous waste. A number of articles in the Convention oblige Parties (national governments which have acceded to the Convention) to take appropriate measures to implement and enforce its provisions, including measures to prevent and punish conduct in contravention of the Convention.
Ocean Policy Statement	Sets out basic principles through which the development of ocean is to be carried out
Convention on Migratory species	Convention gives protection to many species of crocodiles, Sharks, turtles etc.
MARPOL 73/78	Disposal of ship-based wastes

**Laws under the
purview of different
Ministries in India**

- ⇒ Coastal Regulation Zone Notification, 1991
- ⇒ Forest (Conservation) Act, 1980
- ⇒ Water (Prevention & Control of Pollution) Act, 1974
- ⇒ Hazardous Waste Management Act, 1989
- ⇒ Environmental Impact Assessment Notification, 1994
- ⇒ Environmental Protection Act, 1986
- ⇒ The Indian Wildlife (Protection) Act, 1972
- ⇒ Biological Diversity Act, 2002

- ⇒ Coast Guard Act, 1978
- ⇒ Maritime Zones Act, 1976

Ministry of Environment and Forest

Ministry of Defense

**Ministries
Associated**

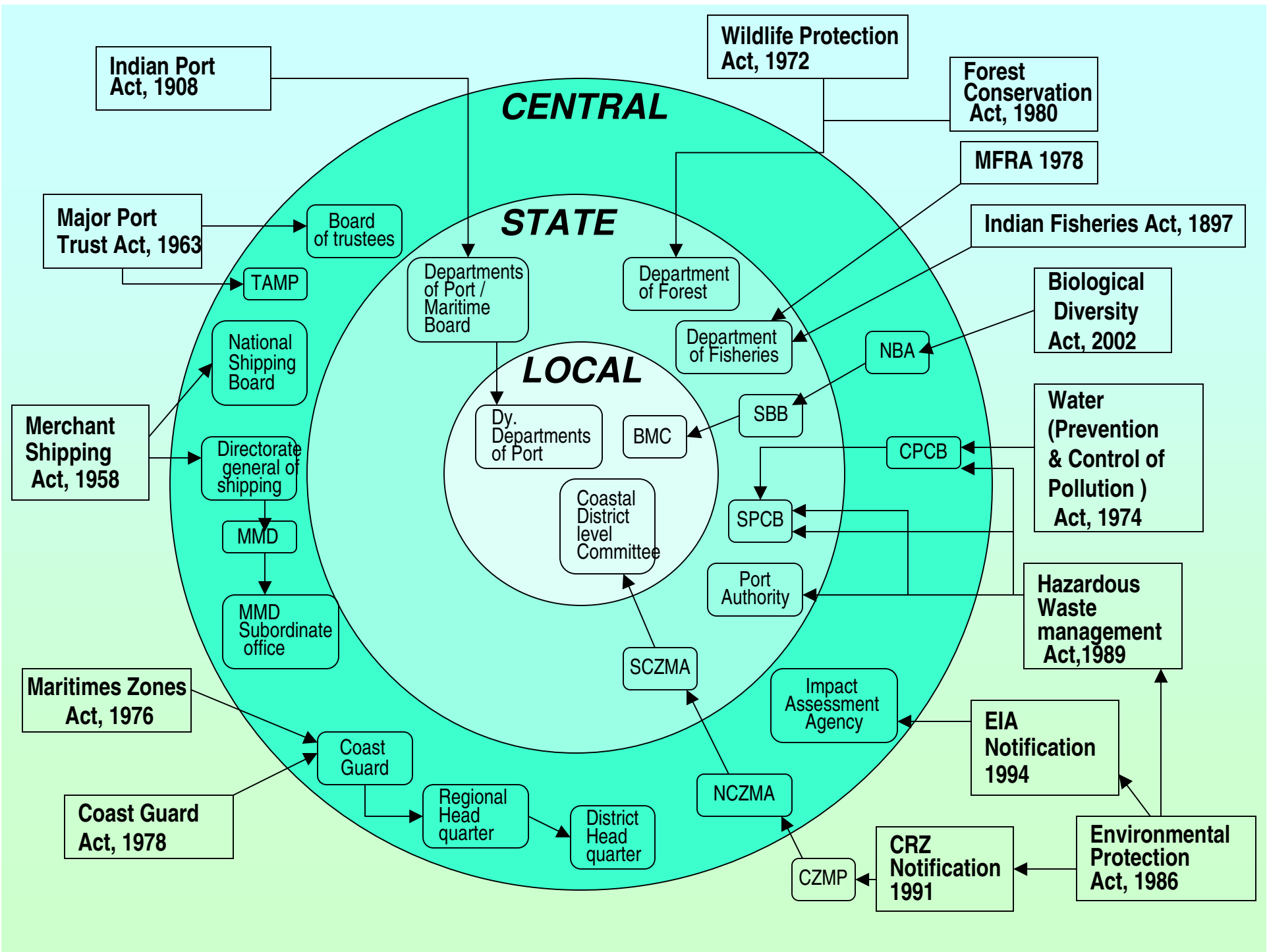
Ministry of Agriculture or
Ministry of Animal Husbandry
and Dairying

Ministry of Shipping

- ⇒ Indian Ports Act, 1908
- ⇒ Major Port Trust Act, 1963
- ⇒ Merchant Shipping Act, 1958

- ⇒ Deep Sea Fishing Policy, 1991
- ⇒ Indian Fisheries Act, 1987
- ⇒ Marine Fisheries Regulation Acts

Institutional mapping of laws in India



Other guidelines and notifications for ship breaking

- **GMB (prevention of fire and accidents for safety of workers and protection of environment during ship breaking activities) Regulation, 2000**

Makes regulations for safety and welfare of workers as during cutting operation in ship-breaking yards and environmental measures to be taken during ship breaking activities

- **Guidelines for ship breaking activities by CPCB**

Aims at minimizing the pollution impact of ship breaking activities by fixing responsibility for several authorities of state government and ship breaking association

**Comparison of some maritime
guidelines across the Basel
Convention and the IMO
Guidelines**

Basel Convention	IMO Guidelines
More responsibility is placed on the exporting /owner of the ship	Responsibility is placed on the importing/ship breaking State
Parties to the convention are not permitted to export the hazardous waste , if the importing state does not consent in writing to specific import	IMO guidelines are silent
Basel convention has set up the guidelines for transboundary movement of hazardous waste	There are no provisions for transboundary movement of hazardous waste

Contd.

<p>In accordance with Basel Convention technical guidelines on full or partial dismantling of ship, it requires removal of hazardous component to the minimum from vessel prior to its final voyage.</p>	<p>In IMO guidelines ship owner/ ship builder should make every effort to minimize the amount of potentially hazardous materials ship and also minimize hazardous waste generation and retention during operating as well as at the end of ship life.</p>
<p>No mention of green passport</p>	<p>IMO guidelines requires the green passport, which makes the inventory of hazardous material in ship structure, operationally generated waste etc.</p>

Thank You