

GOOD MORNING

PAVAN KUMAR SHARMA

MSIT,LL.M

ADVOCATE

HIGH COURT OF TELANGANA AT HYDERABAD

Phone: 9440391554

Email: advocates.pks@gmail.com

M/s. Pavan Kumar Sharma & Associates

INTRODUCTION

TOPICS

1. ENVIRONMENTAL LAW

2. RIGHT TO INFORMATION ACT,
2005

(a) "environment" includes water, air and land and the inter- relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property

(b) "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;

(c) "environmental pollution" means the presence in the environment of any environmental pollutant;

(d) "handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;

(e) "hazardous substance" means any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plant, micro-organism, property or the environment;

(f) "occupier", in relation to any factory or premises, means a 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

GENERAL POWERS OF THE CENTRAL GOVERNMENT

3. POWER OF CENTRAL GOVERNMENT TO TAKE MEASURES TO PROTECT AND IMPROVE ENVIRONMENT.-

(1) Subject to the provisions of this Act, the Central Government, shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing controlling and abating environmental pollution.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:--

(i) co-ordination of actions by the State Governments, officers and other authorities-

(a) under this Act, or the rules made thereunder, or (b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever: Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources; (v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution.

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

4. APPOINTMENT OF OFFICERS AND THEIR POWERS AND FUNCTIONS.-

(1) Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may appoint officers with such designation as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

(2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that Government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3 or of any other authority or officer.

5. POWER TO GIVE DIRECTIONS.-

Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may , in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions

Explanation--For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct--

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) stoppage or regulation of the supply of electricity or water or any other service.

WATER QUALITY

National Water Quality Monitoring Programme (NWMP)

MANDATE FOR WATER QUALITY MONITORING

Government of India enacted the Water (Prevention and Control of Pollution) Act 1974 to maintain wholesomeness of aquatic resources. The act prescribes various functions for the Central Pollution Control Board (CPCB) at the apex level and State Pollution Control Boards at the state level.

The main functions of the Central Pollution Control Board are as follows: * To advise the Central Government on any matter concerning restoration and maintaining the wholesomeness of aquatic resources and the prevention, control and abatement of water pollution.

* To plan and cause to be executed a nation-wide programme for the prevention, control and abatement of water pollution.

* To provide technical assistance and guidance to the State Pollution Control Board.

* To carry out and sponsor investigations and research related to prevention, control and abatement of water pollution.

* To collect, compile and publish technical and statistical data related to water pollution; and

* To lay down and annul standards for the quality of water in streams and wells.

The main functions of the State Pollution Control Boards are as follows: * To plan a comprehensive programme for prevention, control and abatement of water pollution and to secure the execution thereof;

* To advise the State Government on any matter concerning prevention, control and abatement of water pollution.

* To collect and disseminate information related to water pollution.

* To collaborate with Central Pollution Control Board in programme related to prevention, control and abatement of water pollution; and

* To inspect air pollution control areas, assess quality of water and to take steps for prevention, control and abatement of water pollution in such areas.

To perform the above functions, CPCB needs continuous monitoring of water quality in the country. Keeping this fact in mind, CPCB has established a network of water quality monitoring.

The water quality monitoring is performed with following main objectives in mind: * For rational planning of pollution control strategies and their prioritisation;

* To assess nature and extent of pollution control needed in different water bodies or their part;

* To evaluate effectiveness of pollution control measures already in existence;

* To evaluate water quality trend over a period of time;

* To assess assimilative capacity of a water body thereby reducing cost on pollution control;

* To understand the environmental fate of different pollutants.

* To assess the fitness of water for different uses

AIR QUALITY

National Air Quality Monitoring Programme (NAMP)

MANDATE

Air (Prevention and Control of Pollution) Act, 1981 Government of India enacted to arrest the deterioration in the air quality. The act prescribes various functions for the Central Pollution Control Board (CPCB) at the apex level and State Pollution Control Boards at the state level.

The main functions of the Central Pollution Control Board are as follows:

- To advise the Central Government on any matter concerning the improvement of the quality of the air and the prevention, control and abatement of air pollution.
- To plan and cause to be executed a nation-wide programme for the prevention, control and abatement of air pollution.
- To provide technical assistance and guidance to the State Pollution Control Board.
- To carry out and sponsor investigations and research related to prevention, control and abatement of air pollution.
- To collect, compile and publish technical and statistical data related to air pollution; and
- To lay down and annual standards for the quality of air.

The main functions of the State Pollution Control Boards are as follows:- To plan a comprehensive programme for prevention, control and abatement of air pollution and to secure the execution thereof;

- To advise the State Government on any matter concerning prevention, control and abatement of air pollution.
- To collect and disseminate information related to air pollution.
- To collaborate with Central Pollution Control Board in programme related to prevention, control and abatement of air pollution; and
- To inspect air pollution control areas, assess quality of air and to take steps for prevention, control and abatement of air pollution in such areas.

NOISE POLLUTION

REDUCE NOISE POLLUTION FOR HEALTHY LIVING

MANDATE

Noise is defined as unwanted sound. Sound, which pleases the listeners, is music and that which causes pain and annoyance is noise. At times, what is music for some can be noise for others.

Section 2 (a) of the Air (Prevention and Control of Pollution) Act, 1981 includes **noise** in the definition of 'air pollutant'. Section 2(a) air pollution means any solid, liquid or gaseous substance including noise present in the atmosphere such concentration as may be or tend to injurious to human beings or other living creatures or plants or property or environment.

Further, for better regulation for noise pollution, there are ***The Noise Pollution (Regulation and Control) Rules, 2000*** under *The Environment (Protection) Act, 1986*.

The main functions of the Central Pollution Control Board are as follows:

- * To advise the Central Government on any matter concerning the prevention, control and abatement of noise pollution.
- * To plan and cause to be executed a nation-wide programme for the prevention, control, and abatement of noise pollution.
- * To provide technical assistance and guidance to the State Pollution Control Board.
- * To carry out and sponsor investigations and research related to prevention, control and abatement of noise pollution.
- * To collect, compile, and publish technical and statistical data related to noise pollution; and
- * To lay down and annul standards for the quality of noise.

The main functions of the State Pollution Control Boards are as follows:

- * To plan a comprehensive programme for prevention, control, and abatement of noise pollution and to secure the execution thereof;
- * To advise the State Government on any matter concerning prevention, control, and abatement of noise pollution.
- * To collect and disseminate information related to noise pollution.
- * To collaborate with Central Pollution Control Board in programme related to prevention, control, and abatement of noise pollution; and
- * To inspect noise pollution control areas, assess quality of noise and to take steps for prevention, control and abatement of noise pollution in such areas

RIGHT TO INFORMATION ACT, 2005

Preliminary

1. (1) This Act may be called the Right to Information Act, 2005.

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

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—

(i) by the Central Government or the Union territory administration, the Central Government;

(ii) by the State Government, the State Government;

(b) "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;

(c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5; (

d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;

e) "competent authority" means—

(i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;

(ii) the Chief Justice of India in the case of the Supreme Court;

(iii) the Chief Justice of the High Court in the case of a High Court;

(iv) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;

(v) the administrator appointed under article 239 of the Constitution; (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form

and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

(g) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

(h) "public authority" means any authority or body or institution of selfgovernment established or constituted—

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any—

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

(i) "record" includes—

(a) any document, manuscript and file;

(b) any microfilm, microfiche and facsimile copy of a document;

(c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(d) any other material produced by a computer or any other device;

(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

(i) inspection of work, documents, records;

(ii) taking notes, extracts or certified copies of documents or records;

(iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

(k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15;

(l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;

(m) "State Public Information Officer" means the State Public Information Officer designated under sub-section

(1) and includes a State Assistant Public Information Officer designated as such under sub-section

(2) of section 5;

(n) "third party" means a person other than the citizen making a request for information and includes a public authority.

Right to information and obligations of public authorities

3. Subject to the provisions of this Act, all citizens shall have the right to information.

4. (1) Every public authority shall—

a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

b) publish within one hundred and twenty days from the enactment of this Act,—

(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;

(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers;

Whom to Address the Application?

A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority; (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,— (i) which is held by another public authority; or (ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer

8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

9. Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State

APPLICATION FOR CERTIFIDE TRUE COPY

Dated:

To,
The Public Information Officer
Office Address

Sir,

1. Name of the Applicant : _____ S/o. _____

2. Full Address :

3. Brief particulars of the documents required :

i) **Required documents and their nature to be mentioned**

4. I hereby state that the information sought for is not covered under the categories which are exempted from disclosure of information under Section 8 or under Section 9 of the Right to information Act, 2005 to the best of my knowledge it pertains to your secretariat.

5. I hereby state that the prescribed application fee through Postal Order of Rs. _____ has been paid vide receipt No. _____ dt. _____ to Drawing and Disbursing Officer, _____, towards the fee payable.

Date :

SIGNATURE OF THE APPLICANT

Place :

GENERAL CONDITIONS
To be detached and kept
by the Sender

रुपये 100.00Rs.
POSTAL ORDER

To whom payable
To whom payable
To whom payable
To whom payable
To whom payable
To whom payable
To whom payable
To whom payable
To whom payable
To whom payable

भारत पोस्ट द्वारा जारी किया गया यह डाकूनामा (पोस्ट ऑर्डर) का उपयोग केवल डाकूनामा के माध्यम से ही किया जा सकता है।



डाकूनामा
POSTAGE STAMPS

INDIAN POSTAL ORDER

THE POSTAL DIRECTOR GENERAL OF POSTS.

PAY TO _____

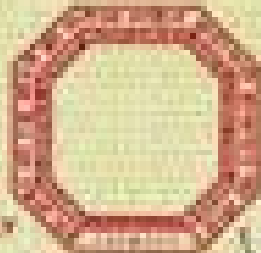
FOR THE PAYEE'S USE ONLY

₹ 100.00Rs

AT THE POST OFFICE AT _____

₹ _____

POSTAGE IS TO BE PAID BY THE PAYEE



सर्वे डाकूनामों पर 2% का स्टाम्प
आवक्य है।

भारत पोस्ट द्वारा जारी किया गया यह डाकूनामा केवल डाकूनामा के माध्यम से ही किया जा सकता है।

SH 618258

SH 618258

*Thank
You*



PAVAN KUMAR SHARMA, ADVOCATE