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UNIT - 3

LEGAL AND POLICY ENVIRONMENT :-

- ❖ Among the many purposes of environmental law,
- ❖ Two stand out: the protection of personal and property rights and the preservation of places.

- ❖ Laws controlling pollution serve primarily the first goal; they constrain the risks people can impose on others.

- ❖ Statutes that pursue the second purpose seek to preserve National Forests, Landscapes, and Landmarks to Protect Historical districts.

- ❖ To” maintain biodiversity” and to defend the integrity of Ecological Systems, such as Rivers and wetlands.

- ❖ These two sorts of statutes emerge from two foundational traditions in the political culture of the United States,

- ❖ The first of which draws on the values of property and autonomy.

- ❖ The second, on those of community and diversity.

- ❖ **The first Tradition, which is associated with libertarianism and individualism, would protect each person from involuntary risks and harms.**
- ❖ **The second tradition, which is associated with Madisonian Republicanism, suggests that Americans may use the representative and participatory processes of democracy to ask and answer moral questions about the goals of a good society.**
- ❖ **Environmental laws, then, may regard shared nature as having a cultural shape, form, or value we are responsible to maintain for its own sake and for future generations.**
- ❖ **Pollution Control Law: may be understood in Ethical rather than economic terms insofar as it protects the separateness and inviolability of persons rather than satisfies their interests or preferences.**
- ❖ **Land-use law preserves the ecological and historical character but not necessarily the economic product of landscapes.**
- ❖ **Environmental law thus responds to intrinsic values, namely, the autonomy of persons and the integrity of places.**
- ❖ **This entry provides a brief account of the three stages aspiration, recrimination, and collaboration that characterize the historical development of Environmental law in the United States since the passage of the National Environmental Policy Act of 1969.**
- ❖ **It then describes some of the normative and conceptual problems that are most likely to affect the future of environmental policy.**

ASPIRATION : 1980–1990

- ❖ During the 1970s, when politicians discovered that being in favour of the Environment won votes, Congress enacted, among other statutes,
- ❖ The Clean Air Act of 1970, the Occupational Safety and Health Act of 1970 (OSHA),
- ❖ The Endangered Species Act (CAA) of 1972, the Safe Drinking Water Act of 1974, the Toxic Substances Control Act of 1976, and the Resource Conservation and Recovery Act of 1976.
- ❖ These laws were aspirational one might say, demagogic because they set lofty but often vague and unrealistic goals, calling, for example, for *safe* thresholds for pollutants for which no such thresholds exist.
- The Ocean Dumping Act of 1972 Prohibited ocean dumping but did not say where the wastes should go instead.
- The Clean Water Act of 1972 required the restoration and maintenance of the "Chemical, Physical, and Biological Integrity of the Nation's Waters." There is still no agreement on what these words mean.

RULES AND BY LAWS OF THE SOCIETY :-

Bye Laws of the Society in NGO

1. Name: The name of the association shall be “ _____ ” here in after referred to as the “SOCIETY”.
2. Headquarters: The principal office of the society be at_____.
3. Area of operation: The area of operation shall be the State of Jammu & Kashmir.
4. Objectives of the society:

➤ **5. MEMBERSHIP :-**

1. The membership shall consist of:

- i. Person should be above 18 years of age.**
- ii. Person shall be admitted in accordance with these rules and regulations.**
- iii. Every member on admission shall pay Rs. 200 as admission fee which shall not be refunded in any case and Rs.50/- monthly fee.**

2. MEMBERSHIP REGISTER:-

➤ **The society shall maintain at its registered office a register of its members and shall enter there in within 15 days after admission of the members or the cessation of membership as the may be with the following particulars.**

- **The name and the address of the members.**
- **The date of which the member was admitted.**
- **The date on which a member ceased to such membership.**

3. CESSATION OF MEMBERSHIP:-

➤ **A person cease to the member:**

- **On death or ii) On his/ her written resignation.**
- **Has not attended 03 consecutive meetings of the general body of the society without intimation.**
- **Has failed to pay subscription of Rs.50/- for continuously 06 months.**
- ❖ **To Have been found of immorality, theft, mischief, Gambling or convicted in any criminal cases by the Government.**

4. RIGHT AND PRIVILAGE OF THE MEMBERS.

- ❖ **Every member shall have an equal right to vote at the annual General body meeting.**
- ❖ **Every member shall have a right to enjoy and participate in the activities of the society.**

6. GENERAL BODY:

- **General body shall consist of all members of the society.**
- **To consider any business brought forward by the governing body.**
- **To consider any of the business brought forward, which shall be determined to be decided or turned down by simple majority after voting.**
- **A simple majority shall decide all other questions before the general body.**
- **To Elect President, Vice President, Joint Secretary, General Secretary, Treasurer by voting.**

7. NOTICE OF THE MEETING :

- **The meeting of the general body shall be held once a year in the first week of July of that year.**
- **A notice for convening such general body meeting shall be issued to all the members by post or email before 10 days.**
- **Special General Body meeting may be convened with a clear notice before 07 days.**
- **The quorum in the general meeting will be one third of the total member in case the quorum is not completed, the meeting shall be adjourned.**
- **The meeting is reconvened after 30 minutes.**

- **The condition of the quorum would deem to have been fulfilled.**

8. GOVERNING BODY:-

- **The first governing shall consist of the person whose names are given in the memorandum of association.**
- **The first governing body shall hold office till the new elections are held.**
- **The Governing shall consist of the following bears.**
- **President, Vice President, General Secretary, Joint Secretary, Treasurer and two of five members.**
- ❖ **The strength of the governing body shall not be less than five and not more than 07.**
- ❖ **The members of the governing body shall hold the office for five years.**
- ❖ **The Governing body shall be responsible for making necessary amendments in the memorandum of association or bye laws or constitution or name or location of the society with a majority of 3/5.**

9. TERMS OF OFFICE:-

- ❖ **The ordinary term of the governing body will be five years after which election will be held.**
- ❖ **In case, the election does not take place after five years for any reason whatsoever the office bearers of the previous shall continue to act as such for a period of maximum one year thereafter.**

10. ELECTIONS:-

- ❖ **Elections shall be held once in a five years. No member shall be eligible to cast his/ her vote in any election if he/ she is in araise of his/ her subscription or other shall be questioned/**

audited in the general body meeting of the society.

- ❖ Voting in all elections of the society be through secret ballot.

11. POWER OF THE GOVERNING BODY:-

- Governing body shall exercise all such Powers of the Society as are required to be exercised by the society in a general meeting without prejudice to above general power of the governing body shall have following powers.
- To invest the funds of the society in such a manner as may be.
- Shall make future plans and programs and activities to be pursued by the society.
- To terminate old members as per the regulation of the society.
- To appoint new members as per the regulations of the society.
- Governing shall meet at least once in three months.

12. POWERS AND DUTIES OF THE OFFICER :-

- MEMBERS.
- **PRESIDENT** will be Head of the Society and will preside over the General Body and Governing body meeting of the society conveyed by the General secretary for the purpose of carrying out the various activities of the society.
- The term of the President shall be 05 years and shall be elected by the General body.

- **VICE PRESIDENT** In the absence of the President, Vice President shall enjoy all power and duties entrusted to the President.
- He shall take care supervise functioning of the society as per the orders of the President.
- The term of the Vice President shall be 05 years and shall be elected by General body.
- **GENERAL SECRETARY:** The term of the General Secretary shall be 05 years and shall be elected by General body.
- To sign on behalf of the society all correspondents and to maintain the records of the proceedings of the meeting of general body.
- To summon and attend the meeting of general body.
- To call ordinary or special general meeting it desired in terms of the constitution of the society.
- He shall also represent the society at various quorum functions.
- JOINT SECRETARY** Joint Secretary is subordinate to general secretary and helps him to discharge duties of Gen. Secretary.
- THE GENERAL SECRERETARY** may give duties as to them from time to time the joint Secretary shall enjoy all the powers and duties entrusted to the General Secretary during the absence of General Secretary.
- **TREASURER** He shall keep and maintain all books of accounts of all receipts and payments of the society and to furnish all necessary information to governing body.
- The treasurer shall be responsible for getting the accounts of the society audited from the certified chartered accountant annually.

- **NO CONFIDANCE MOTION** Any office bearer or a member or governing body may be removed from the office of the society if no confidence motion is passed against incumbent by at least two third majority of General body.
- **AMENDMENT** any amendment to memorandum and rules and regulations or name or location of the society shall be carried out in accordance with the rules and regulations of the society and societies Registration Act of J&K Govt.
SOURCE OF INCOME Subscription, membership fee, donations, special contribution, Grant in Aid, Gifts, local donation.
- ❖ **AUDIT OF THE ACCOUNT** a qualified chartered accountant, Auditor appointed by the Governing body shall audit accounts of the society annually.
- ❖ **OPERATION OF THE BANK** The account of the society shall be opened in any nationalized or scheduled Bank and shall be operated by the President and General Secretary jointly or any two members of the Governing body authorized by Governing body.
- ❖ **ANNUAL LIST OF THE GOVERNING BODY** Once in every year a list of the office bearers and members of the governing body shall be filled with the Registrar of Society Kashmir Government of Jammu and Kashmir.
- ❖ **DISSOLUTION:** The society shall deemed to be dissolved by General body with 4/5th of its majority or the General body through resolution shall merge the society with another society having similar aims and objects but with a 4/5th majority vote of General body. Certified that this is the true and correct copy of the original President & Vice President.
