



SBMJEC
6TH SEMESTER
BUSINESS REGULATIONS

The background is a dark teal color. It features several overlapping circles in a lighter teal shade. In the top right corner, there is a vertical red rectangle. The text "Environment Protection Act, 1986" is centered in white.

Environment Protection Act, 1986

Introduction To Environment Protection Act ,1986

- The United Nations Conference on the Human Environment i.e. The Stockholm Conference, 1972 held from 5 to 16 June 1972.
- In India, the Bhopal Gas Tragedy of 1984 called for urgent legislation in the field of environment.
- In this background the Parliament passed the Environment Protection Act, 1986 and the Environment Protection Rules, 1986.

- State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country." Article 48A was added by the Constitution (42nd Amendment) Act, 1976. ... " State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country."
- Right to a wholesome environment – The Supreme Court has expanded fundamental right of life and personal liberty guaranteed in article 21 to include environmental protection.

Environment Protection Act, 1986

- The Act came into force on Nov. 19, 1986 and extends to the whole of India.
- The Act was passed to provide for the protection and improvement of environment and for matters connected there with.
- The Act gives certain powers to the Central Government to take measures for the purpose of protecting and improving the quality of the environment and to prevent environmental pollution.
- The Act is an “umbrella” legislation designed to provide a framework for Central Government coordination of the activities of various central and state authorities established under previous laws, such as the Water Act and the Air Act.

Important Definitions

- **“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. **[S-2(a)]**
- **“Environmental Pollutant”** means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment **[S-2(b)]**
- **“Environmental Pollution”** means the presence in the environment of any environmental pollutant **[S-2(c)]**
- **“Occupier “** means in relation to any factory or premises , 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 **[S-2(f)]**

Powers of Central Government [Sec 3-6]

- **General Powers of the Central Government (S-3)**
 - Take all necessary measures for environment protection.
 - Coordinate the actions of State Governments
 - Lay down standards of environment quality and pollutants.
 - Execute nationwide programmes.
 - Restriction of areas for industries, etc.
 - Inspecting industrial premises,
 - Preparation of manuals, codes or guides.
- The Central Government may appoint officers and entrust them with such powers and functions as it may deem fit. **(S-4)**
- Power to give directions **(S-5)**
- Power to regulate pollution **(S-6)**

Prevention, Control, And Abatement Of Environmental Pollution under EP Act, 1986 (SEC 7-17)

- No person/industry is allowed to pollute the environment. **(S-7)**
- Procedures and processes are laid down to control pollution. **(S-9)**
- Monitoring authority can carry out inspections. **(S-10)**
- Power to take samples (As per prescribed procedure). **(S-11)**
- Samples are tested in environmental laboratories. **(S-12)**
- Government analyst and their reports (S-13 ,14)

Penalty

- Whoever contravenes the provisions of the Act- maximum punishment up to 7 years and penalty up to Rs. 1 lakh or Rs. 5000 per day for continued offence. **(S-15)**
- For defaulter Companies or Body Corporates- Directors or partners are prosecuted. **(S-16)**
- This Act is also applicable to Government Departments and HOD is prosecuted

Case Studies

- Water- Ganga water pollution case, 1992
- Oleum gas leak case, 1986- (M.C. Mehta v/s Union of India)
- Mining- Dehradun Valley (quarrying) case, 1987

Environment Protection Rules, 1986

These Rules lay down further details for implementation of the Act

- It provides standards for emission or discharge etc.
- Procedure laid down for giving direction under S-5 by Central Govt.
- Prohibition and restrictions on locations. (based on proximity to human settlement, ancient monument, biodiversity etc.)
- Procedure to take samples.
- When any person is filing complaint, format of notice and details about whom to serve the notice etc.
- Format of environmental lab reports.
- Format of environmental Audit.

Environmental Acts in India

1. Air (Prevention and Control of Pollution) Act, 1981.
2. Biological Diversity Act, 2002.
3. Environment (Protection) Act, 1986.
4. Forest Conservation Act, 1980.
5. Indian Forest Act, 1927.
6. National Green Tribunal Act, 2010.
7. Protection of Plant Varieties and Farmers' Rights Act of 2001.
8. Public Liability Insurance Act, 1991.
9. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
10. Water (Prevention and Control of Pollution), 1974.
11. Wild Life (Protection) Amendment Act, 2002.
12. Wildlife Protection Act of 1972.
13. Noise Pollution Act.
14. Hazardous waste Handling and management act, 1989.