Environment protection Act 1986

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Delivering lecture at Nagarjuna university, Guntur to BMC members on 19th Feb



Being felicitated on 19th Feb at Nagarjuna university Guntur by the scientist Zoological survey of India after delivering the lecture to BMS presidents



Section 2.DEFINITIONS

□ (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;

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Natural environment



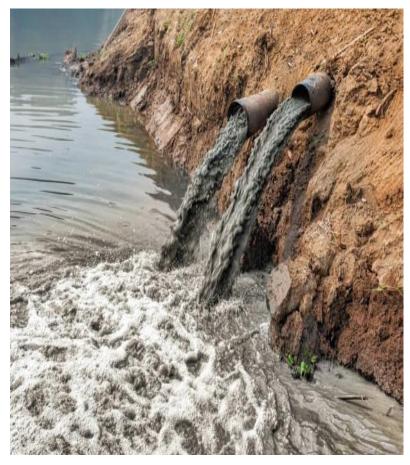
Definitions

√ (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;

Industrial pollution





Plastic pollution





Air pollutants

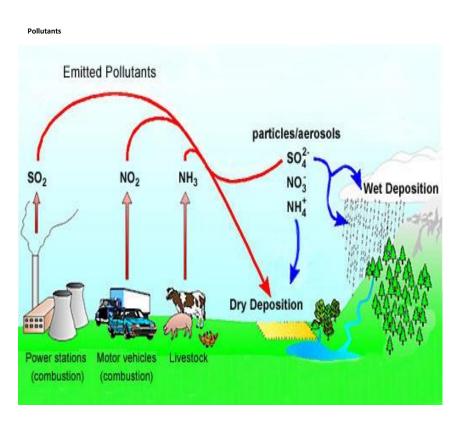
Common pollutants



Air pollutants

- ✓ Air pollutants are substances that can be harmful to people, animals, and the environment. Some common air pollutants include:
- ✓ Particulate matter (PM): Also known as particle pollution, this is a mixture of solid particles and droplets in the air. It can come from dust, smoke, and forest fires.
- ✓ Sulfur dioxide (SO2): A gaseous pollutant that comes from burning sulfur-containing fuels like coal. It's also produced by volcanic eruptions.

Air pollutants



- ✓ Volatile organic compounds (VOCs): A group of chemicals that can vaporize into the air. They're found in many products, including paints, varnishes, and cosmetics.
- ✓ Ozone (O3): A ground-level pollutant that can harm human health.
- ✓ Nitrogen dioxide (NO2): A criteria air pollutant that can harm human health.
- ✓ Carbon monoxide (CO): A criteria air pollutant that can harm human health.

Definitions

- (e) "hazardous substance" means any substance or preparation which, by reason of its chemical or physicochemical 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;

Hazardous substances

. Examples of hazardous substances

- ✓ Biological agents: Bacteria, fungi, and viruses
- ✓ **Natural substances**: Grain, flour, and enzyme dusts
- ✓ Chemical products: Adhesives, cleaning agents, paints, and pesticides
- ✓ Fumes: Soldering, welding, and wood dust fumes
- ✓ Gases: Flammable gases, asphyxiating(to be unable to breathe) gases, and toxic air pollutants
- ✓ **Liquids**: Flammable liquids
- ✓ **Solids**: Flammable solids and corrosive substances/Corrosion is the process in which a metal deteriorates because of an electrochemical process. Rust or ferric oxide is a product of corrosion.
- ✓ Metals: Heavy metals, lead, mercury, and chromium

Hazardous substances





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

- \Box (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
- Ifor the purpose of protecting and improving the quality of the environment and preventing controlling and abating environmental pollution.

section 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.

Section 5. POWER TO GIVE DIRECTIONS.

- Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may
- 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

Section5

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.

Bhopal gas tragedy

- □ Bhopal gas tragedy occurred on December 2–3, 1984, when methyl isocyanate gas leaked from a Union Carbide pesticide plant in Bhopal, India.
- ☐ This is considered the worst industrial disaster in history.

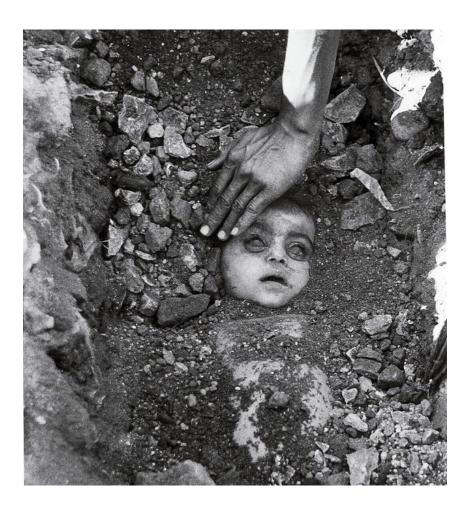
What happened?

- ✓ A chemical reaction in a tank at the Union Carbide factory leaked methyl isocyanate gas
- ✓ A cloud of gas enveloped the city, killing thousands of people and poisoning hundreds of thousands more
- ✓ The gas leak caused long-term health problems, including cancer, lung disease, and birth defects

Health effects

- ✓ **Eyes**: Chronic conjunctivitis, corneal opacities, and cataracts
- ✓ Respiratory: Obstructive and restrictive disease, pulmonary fibrosis, and chronic bronchitis
- ✓ Neurological: Impairment of memory, finer motor skills, and numbness
- ✓ Psychological: Post traumatic stress disorder (PTSD)
- ✓ Children: Peri- and neonatal death rates (death of fetus and infant deaths) increased, and failure to grow and intellectual impairment

Bhopal gas tragedy



On the night of December 2, 1984 an industrial negligence in Bhopal led to a release of 30 tonnes of toxic methyl icocyanate(MIC)gas, exposing nearly 5 lakh people in the city to the deadly gas. A state government report said the accident caused more than 3500 deaths. And more than 8,000 died till now

Section 6. RULES TO REGULATE ENVIRONMENTAL POLLUTION.

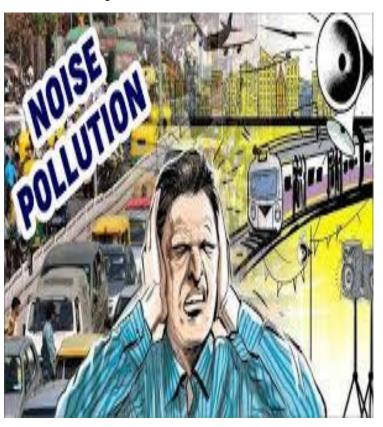
- √ (1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.
- √ (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--
- ✓ (a) the standards of quality of air, water or soil for various areas and purposes;
- √ (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas

Noise pollution

sources of noise pollution?

- Transportation: Traffic, trains, airplanes, and other vehicles
- ✓ Construction: Construction machinery and other construction activities
- ✓ Industrial activities: Factories and other industrial machinery
- ✓ Music: Loud music, loudspeakers, and other musical instruments
- ✓ Other sources: Lawn care, electrical generators, wind turbines, explosions, and people
- √ How does noise pollution affect people?
- ✓ It can interfere with sleep, conversation, and other activities
- ✓ It can harm mental health
- ✓ It can cause permanent hearing loss.

Noise pollution



RULES TO REGULATE ENVIRONMENTAL POLLUTION.

- (c) the procedures and safeguards for the handling of hazardous substances;
- (d) the prohibition and restrictions on the handling of hazardous substances in different areas;
- (e) the prohibition and restriction on the location of industries and the carrying on process and operations in different areas

RULES TO REGULATE ENVIRONMENTAL POLLUTION

- ❖ (f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.
- ❖ According to the Noise Pollution (Regulation and Control) Rules, 2000 in India, the officially allowed noise level in residential areas is 55 decibels (dB) during the day and 45 dB at night, while industrial areas can have up to 75 dB during the day and 70 dB at night
- Decibels are the unit of measurement for sound, abbreviated dB. Sounds at or below 70 dB are considered safe for our hearing. That's the sound of a normal conversation between two people.

Water pollution

Water pollution

- ✓ Water pollution is when water is contaminated by harmful substances, such as chemicals, microorganisms, or waste.
- ✓ Agriculture: Fertilizers and pesticides from farms
- ✓ Industry: Discharges from factories, oil spills, and other industrial activities
- ✓ Waste: Sewage and food processing waste, as well as litter and plastic
- ✓ Naturally occurring chemicals: Arsenic and other hazardous chemicals found in the environment
- Corroded pipes: Chemicals like lead can leach into water from corroded pipes

Water pollution



Oil spilling

Harmful to the birds



Oil spilling into ocean



7. PERSONS CARRYING ON INDUSTRY OPERATION, ETC., NOT TO ALLOW EMISSION OR DISCHARGE OF ENVIRONMENTAL POLLUTANTS IN EXCESS OF THE STANDARDS.-

- No person carrying on any industry, operation or process
- shall discharge or emit or permit to be discharged or emitted any environmental pollutants in excess of such standards as may be prescribed

section 8. PERSONS HANDLING HAZARDOUS SUBSTANCES TO COMPLY WITH PROCEDURAL SAFEGUARDS.-

- No person shall handle or cause to be handled any hazardous substance
- except in accordance with such procedure and after complying with such safeguards as may be prescribed.

9. FURNISHING OF INFORMATION TO AUTHORITIES AND AGENCIES IN CERTAIN CASES.-

- □ (1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event,
- ☐ the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the environmental pollution caused as a result of such discharge and shall also forthwith--
- ☐ (a) intimate the fact of such occurrence or apprehension of such occurrence; and
- ☐ (b) be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed

Section 9. FURNISHING OF INFORMATION TO AUTHORITIES AND AGENCIES IN CERTAIN CASES.-

- √ (2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1),
- ✓ whether through intimation under that subsection or otherwise, the authorities or agencies referred to in sub-section (1)
- ✓ shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

Recovery of money incurred for remedial measures

- ❖(3) The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2),
- together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid,
- may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.

Section 10. POWERS OF ENTRY AND INSPECTION

- (1) Subject to the provisions of this section, any person empowered by the Central Government in this behalf
- shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place—
- ❖ (a) for the purpose of performing any of the functions of the Central Government entrusted to him;
- ❖ (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made there under or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

Section 10. Seizure of equipment

- □ (c) for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object
- or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed
- ☐ and for seizing any such equipment, industrial plant, record, register, document or other material object
- ☐ if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made there under or that such seizure is necessary to prevent or mitigate environmental pollution.

Section 10. guilty under the offence

- ❖ (2) Every person carrying on any industry, operation or process of handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1)
- for carrying out the functions under that sub-section
- and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.
- (3) If any person wilfully delays or obstructs any persons empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act

10. POWERS OF ENTRY AND INSPECTION

- ➤ (4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or an area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall,
- > so far as may be, apply to any search or seizures under this section
- ➤ as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or as the case may be, under the corresponding provision of the said law.

11. POWER TO TAKE SAMPLE AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH.-

- (1) The Central Government or any officer empowered by it in this behalf, shall have power to take, for the purpose of analysis, samples of air, water, soil or other substance from any factory, premises or other place in such manner as may be prescribed.
- □ (2) The result of any analysis of a sample taken under sub-section (1) shall not be admissible in evidence in any legal proceeding
- unless the provisions of sub-sections (3) and (4) are complied with.

Air pollution

Industries



Smoke form car exhaust



11. POWER TO TAKE SAMPLE AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH.-Notice and analysis

- √ (3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall-
- √ (a) serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;
- √ (b) in the presence of the occupier or his agent or person, collect a sample for analysis;

Section 11. POWER TO TAKE SAMPLE AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH.-

(c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;

(d) send without delay, the container or the containers to the laboratory established or recognised by the Central Government under section 12.

11. POWER TO TAKE SAMPLE AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH.-

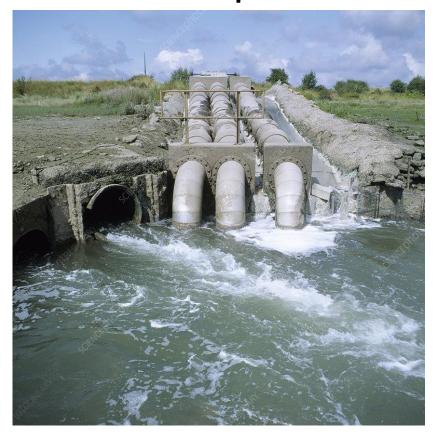
- ➤ (4) When a sample is taken for analysis under subsection (1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub-section (3), then,--
- > (a) in a case where the occupier, his agent or person wilfully absents himself,
- ➤ the person taking the sample shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and

Water pollution

Polluted water



Industrial water pollutiom



polluted water samples





11. POWER TO TAKE SAMPLE AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH

- □ (b) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3),
- ☐ the marked and sealed container or containers shall be signed by the person taking the samples, and the container

11. POWER TO TAKE SAMPLE AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH

- or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised under section 12
- and such person shall inform the Government Analyst appointed or recognised under section 13 in writing,
- about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers

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13. GOVERNMENT ANALYSTS

☐ The Central Government may by notification in the Official Gazette, appoint or recognise such persons as it thinks fit and having the prescribed qualifications to be Government Analysts

☐ for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognised under sub-section (1) of section 12.(Govt.laboratories)

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Pollution testing

Pollution check



Water testing lab



Section 15. PENALTY FOR CONTRAVENTION OF THE PROVISIONS OF THE ACT AND THE RULES, ORDERS AND DIRECTIONS.-

- (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder,
- shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both,
- and in case the failure or contravention continues,
- with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

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15. PENALTY FOR CONTRAVENTION OF THE PROVISIONS OF THE ACT AND THE RULES, ORDERS AND DIRECTIONS.-

- □ (2) If the failure or contravention referred to in subsection (1) continues beyond a period of one year after the date of conviction,
- ☐ the offender shall be punishable with imprisonment for a term which may extend to seven years.

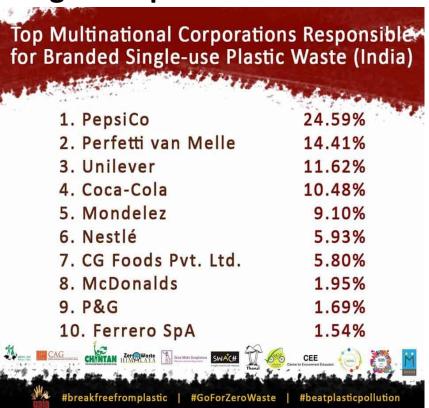
Section 16. OFFENCES BY COMPANIES.

- (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed,
- was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:
- Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence

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Pollution in India

Single use plastic





16. OFFENCES BY COMPANIES.

- (2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company
- and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager,
- secretary or other officer of the company, such director, manager, secretary or other officer shall also deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly

Polluted cities

- As of December 2024, the most polluted cities in India were Delhi, Ghaziabad, Muzaffarpur, and New Delhi
- Tirunelveli, Kanchipuram, Vijayapura, and Madikeri are among the cities in India with the best air quality.
- Other cities with clean air include Palkalaipura, Chikkaballapur, Ranipet, Thanjavur, and Karwar.

Section 17. OFFENCES BY GOVERNMENT DEPARTMENTS.

- □(1) Where an offence under this Act has been committed by any Department of Government,
- ☐ the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercise all due diligence to prevent the commission of such offence.

Section 17. OFFENCES BY GOVERNMENT DEPARTMENTS.

- ❖ (2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer,
- other than the Head of the Department,
- such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly

Section 18. PROTECTION OF ACTION TAKEN IN GOOD FAITH.

- No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or any member,
- officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

Section 19. COGNIZANCE OF OFFENCES.

- Cognizance of an offense is when a magistrate or court takes judicial notice of an alleged crime. It's a key step in the process of starting criminal proceedings.
- ➤ No court shall take cognizance of any offence under this Act except on a complaint made by--
- ➤ (a) the Central Government or any authority or officer authorised in this behalf by that Government, or
- ➤ (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

21. MEMBERS, OFFICERS AND EMPLOYEES OF THE AUTHORITY CONSTITUTED UNDER SECTION 3 TO BE PUBLIC SERVANTS.-

- ❖ All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act
- ❖ or the rules made or orders or directions issued there under shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Who is a public servant?

Section 21 of the Indian Penal Code (IPC) defines a public servant. This includes people who work for the government, judges, and others who work in the legal system.

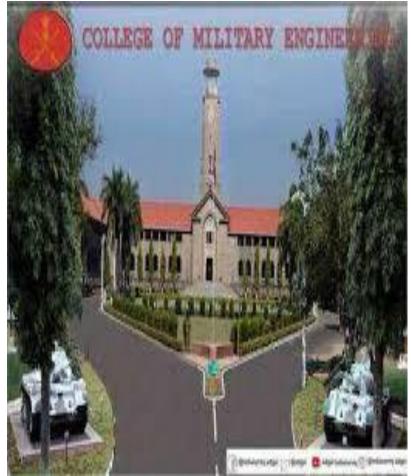
- ✓ Commissioned officers in the military, naval, or air forces
- ✓ Judges and other people who perform adjudicatory functions
- ✓ Court of Justice officers who investigate, report, or execute judicial processes Jury members, assessors, or panchayat members who assist a court of justice
- ✓ Arbitrators or others who are referred a case for decision or report People who can place or keep people in confinement
- ✓ Government officers who prevent offenses, bring offenders to justice, or protect public health, safety, or convenience

Military engineers

- ☐ A military engineer is considered a public servant in most countries outside of India because they are employed by the government and serve a public function within the armed forces, typically involved in construction and infrastructure development for military use;
- Dhowever, in India, the "Military Engineer Services" (MES) is specifically classified as a government organization with both military and civilian components, making its employees technically public servants as well

Military engineers





22. BAR OF JURISDICTION

❖ No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under this Act.

23. POWERS TO DELEGATE

- ☐ Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notifications,
- □ such of its powers and functions under this Act [except the powers to constitute an authority under sub-section (3) of section 3 and to make rules under section 25] as it may deem necessary or expedient, to any officer, State Government or other authority.

Pollution control boards

- ❖ The Central Pollution Control Board (CPCB) was established under the Water (Prevention and Control of Pollution) Act, 1974. The CPCB was formed in September 19
- State Pollution Control Boards (SPCBs) were established under the Water (Prevention and Control of Pollution) Act, 1974. The State Government of a state can constitute an SPCB under Section 4 of this Act.

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CPCB



25. POWER TO MAKE RULES.-

- ❖ (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely--
- ❖ (a) the standards in excess of which environmental pollutants shall not be discharged or emitted under section 7;
- (b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be handled or caused to be handled under section 8;

Section 25. POWER TO MAKE RULES

- ❖ (c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom all assistance shall be bound to be rendered under sub-section (1) of section 9;
- ❖ (d) the manner in which samples of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11;

25. POWER TO MAKE RULES

- (e) the form in which notice of intention to have a sample analysed shall be served under clause (a) of sub section (3) of section 11;
- (f) the functions of the environmental laboratories, the procedure for the submission to such laboratories of samples of air, water, soil and other substances for analysis or test;
- □ the form of laboratory report; the fees payable for such report and other matters to enable such laboratories to carry out their functions under subsection (2) of section 12;

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25. POWER TO MAKE RULES

√ (g) the qualifications of Government Analyst appointed or recognised for the purpose of analysis of samples of air, water, soil or other substances under section 13;

√ (h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19;

25. POWER TO MAKE RULES

- √ (i) the authority of officer to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20;
- √ (j) any other matter which is required to be, or may be, prescribed.
- ✓ 26. RULES MADE UNDER THIS ACT WERE LAID BEFORE PARLIAMENT

