

ENVIRONMENT PROTECTION ACT 1986

E-MODULE

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MCOM SEM 1

BUSINESS ENVIRONMENT

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Meaning and definitions

- An act to provide for protection and improvement of environment and the matters connected there with.
- DEFINITIONS –
- Environment – Sec2(a) environment includes water, air and land and the inter-relationship which exists among and human beings, other living creatures, plants, micro organisms and property.

INTRODUCTION

- The environment protection act, 1986 is an act of parliament of India. The commencement date of this act is 9 Jan. 1986.
- In the wake of Bhopal gas tragedy(2.dec.1984), the government of India enacted the act under article 253 of constitution.
- The purpose of this act to implement the decisions of united nations conference on human environment.

❑ Environment pollutant – Sec2(b) means any liquid, solid or gaseous substance present in such concentration as may be or tend to be, injurious to environment.

❑ Environment pollution – Sec2(c) means the presence in the environment of environmental pollutant.

❑ Handling – Sec2(d) in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, conversion, offering for, transfer or the like of such substance.

❑ Hazardous substances – Sec2(e) means any substance or preparation which by reasons of its chemical or physio-chemical properties or handling is liable to cause harm to human beings, to other living creatures, plants, micro-organisms, property or the environment.

❑ Occupier – Sec2(f) 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 substances, the person in possession of the substance.

Salient features

- Comply with the directions given by central government. The directions are:
- Closure, prohibition or regulation of any industry.
- Stoppage or regulation of work.(eg. Supply of electricity, water)
- Prevent discharge or emission of waste in excess of standards.
- Entry and inspection.
- Furnish information.
- Allow sample to be taken.
- Environment clearance by MOEF.
- Environment statement to SPCB.

Framework of governing bodies



General powers of central government

- Have power to take measures as it necessary for environment.
- Co-ordination of actions by the state gov., officers and other authorities.
- A) rules there under.
- B) under any other law for the time being in force which is relatable to this act.
- Planning and execution of programme.
- Set standards for quality of environment.
- Set standards for emission or discharge of environmental pollutants from various sources.

powers:

- ❑ Restriction of areas in which industries, operations, processes shall not be carried out subject to certain safeguards.
- ❑ Laying down procedures and safeguards for prevention of accidents.
- ❑ Handling of hazardous substance.
- ❑ Examination of manufacturing processes as are likely to cause environment pollution.
- ❑ Inspection of any premises, plant, equipment, machinery, manufacturing or others processes.

Other powers

- Appointment of officers(sec-4)
- Powers to give direction(sec-5)
- Rules to regulate environmental pollution(sec-6)
- Powers of entry and inspection(sec-10)

Prevention, Abatement and Control of environmental pollution

- No person carrying any industry or operation shall discharge or emit pollutant in excess of standards as may be prescribed.
- No person shall handle any of the hazardous substance except in accordance with the procedural safeguards.
- On receipt of such information, the authority and agencies shall cause such remedial measures which are necessary to prevent and mitigate the environmental pollution.

Penalties for contravention under this act

1.) Whosoever fails to comply with the provisions of this act or rules made or orders or direction there under, shall in respect of each of such failure, be punishable with imprisonment for a term which may extend to 5 years or with fine which may extend to one lakh rupees or with both if such contravenes continues by person then he may punished with five thousand rupees per day of contravene, after failure of first such contravene.

Penalties:

- 2.) If contravene of such provision continues beyond a period of one year then the imprisonment may extend to seven years.
- 3.) Where any offence under this act has been committed by a company, every person at the time of such offence was committed was directly incharge of, as well as the company shall be liable to be proceeded against and punished accordingly.

The Environment (Protection) Act 1986



	contravenes any of the provisions of the Act	Punishment
Any person	1 st time	With imprisonment upto 5 years, or fine upto 1 lakh rupees, or with both
	In case of failure or subsequent contravention	Additional fine which may extend to 5000 Rs/day
	If the failure or contravention continues beyond 1 year after conviction,	Imprisonment for a term which may extend to 7 years.
company or govt. departments	Person directly in charge or Head of the department shall be deemed to be guilty	

Public participation

- Eco-clubs under all zila parishads.
- Environmental brigades under selected district collector.
- District environment committees under each and every district collector.

Examples of eco-club:

Public Participation



Conclusion

- Environmental pollution are not affecting only individual, but also the entire countries of the world. The awareness towards improving the quality of environment is increased substantially and efforts are made at all levels to minimize the pollution for improving the quality of life.
- India is a soft state. It has a perfect environmental laws but lack implementation.

It's not yours,
Nor mine,
It's ours.
So, Protect your
mother who,
nourish you.

