

The Environment (Protection) Act, 1986

The act was passed in the wake of Bhopal gas tragedy, 1984. It was passed under Article 253 of the constitution to implement the decisions of the United Nations Conference on the Human Environment of 1972.

It is a comprehensive legislation in India with a broad objective to provide the protection and improvement of the environment.

Main Provisions:

1. **Authority to the Central Government:** The Act empowers the Central Government to take all necessary measures to protect and improve the quality of the environment and to prevent, control, and abate environmental pollution.
2. **Setting Standards:** The Act authorizes the Central Government to set standards for emissions and discharge of pollution in the atmosphere by any person or industry and for the quality of various aspects of the environment (air, water, soil).
3. **Regulation of Industrial Processes and Operations:** The Act empowers the Central Government to regulate or prohibit industrial operations and processes on environmental grounds.
4. **Handling of Hazardous Substances:** It includes regulations for the handling, management, and disposal of hazardous substances.
5. **Environmental Clearance:** Industries and projects must seek environmental clearance from the Ministry of Environment, Forest and Climate Change (MoEF&CC) before commencing operation.
6. **Restriction of Areas:** The government can restrict areas in which any industries, operations, or processes shall not be carried out or shall be carried out subject to certain safeguards.
7. **Legal Action for Violations:** The Act prescribes penalties for those who violate the Act or the rules or orders made thereunder. This includes imprisonment, fines, or both.
8. **Public Participation:** The Act allows for and encourages public participation in environmental decision-making processes.
9. **Government's Power to Appoint Officers and Delegating Powers:** The Central Government can appoint officers (such as environmental officers) and delegate powers to them or to the state governments.

Many rules and regulations have been passed under **The Environment (Protection) Act, 1986:**

- Wetlands (Conservation and Management) Rules, 2017
- All Waste Management rules
- The Ozone Depleting substances (Regulation and Control) Rules, 2000
- **Coastal Regulation Zone Regulation, 2018**
- The Noise Pollution (Regulation and Control) Rules, 2000
- Declaration of **Ecological Sensitive Zones**

Statutory bodies created under **The Environment (Protection) Act, 1986:**

- **Genetic Engineering Appraisal Committee (GEAC) under MoEF&CC**
- **National Ganga Council under Ministry of Jal Sakthi**
- **Central Ground Water Authority (CGWA) under Ministry of Jal Sakthi**

Ecological Sensitive Zones:

Ecologically Sensitive Zones (ESZs) in India are areas notified by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, around Protected Areas, National Parks, and Wildlife Sanctuaries.

It is done under Environment protection Act, 1986.

The primary objective of declaring ESZs is to create some kind of "shock absorbers" to the protected areas by regulating and managing the activities around such areas.

They are designated to prevent ecological damage caused due to developmental activities around these areas.

Key Aspects of Ecologically Sensitive Zones:

1. **Prohibited Activities:** commercial mining, setting up of industries, significant construction activities, polluting industries, major hydroelectric projects etc.
2. **Regulated Activities (Restricted with safeguards):** Felling of trees, establishment of hotels and resorts, widening of roads etc.
3. **Permissible activities:** Rainwater harvesting, organic farming, ongoing agriculture and horticulture practices, adoption of green technologies etc.

Buffer Zones: ESZs act as transition zones between areas of high protection (like National Parks and Wildlife Sanctuaries) and areas involving greater human activities. They help in mitigating the effects of urbanization and other developmental pressures on these protected areas.

The extent and nature of ESZs can vary depending on the specific ecological characteristics of the area, the type of the protected region, and local socio-economic conditions.

Coastal Regulation Zone Regulation:

The Coastal Regulation Zone (CRZ) Notification of 2018, issued under the Environment (Protection) Act of 1986 by the Ministry of Environment, Forest and Climate Change (MoEF&CC) is a crucial regulation for managing and protecting the country's coastal regions.

It replaced the earlier CRZ Notification of 2011, aiming to promote sustainable development while ensuring the livelihood security of coastal communities.

Key Features of the CRZ Notification 2018:

1. **Revision of Coastal Regulation Zones:**
 - The CRZ areas are classified into CRZ-I (Ecologically Sensitive Areas), CRZ-II (Built-Up Areas), CRZ-III (Rural Areas), and CRZ-IV (Water and Tidal Influenced Areas).
 - The new notification introduced CRZ-III A (densely populated rural areas with a population density of 2161 per square kilometer or more) and CRZ-III B (rural areas with a population density of less than 2161 per square kilometer).
2. **CRZ-I (ecologically sensitive areas like mangroves, coral reefs, biosphere reserves etc.).**
 - No new construction shall be permitted in CRZ-I except

1. Projects relating to the Department of Atomic Energy;
2. Construction of trans-harbour sea link and roads without affecting the tidal flow of water, between LTL and HTL. Etc.
3. **HTL (High Tide Line)**: the line on the land up to which the highest water line reaches during the spring tide.
4. **LTL (Low Tide Line)**: the line on the land up to which the lowest water line reaches during the spring tide.
3. **CRZ-II** (Areas which are developed up to the shoreline and falling within the municipal limits; includes built-up area - villages and towns are that are already well established), Buildings are permissible on the landward side of the hazardous line.
4. Densely populated rural areas to be afforded greater opportunity for development: **For CRZ-III (Rural) areas**, two separate categories have now been stipulated as below:
 - CRZ-III A - These are densely populated rural areas with a population density of 2161 per square kilometre as per 2011 Census. Such areas shall have a No Development Zone (NDZ) of 50 meters from the HTL as against 200 meters from the High Tide Line stipulated in the CRZ Notification, 2011 since such areas have similar characteristics as urban areas.
 - CRZ-III B - Rural areas with population density of below 2161 per square kilometre as per 2011 Census. Such areas shall continue to have an NDZ of 200 meters from the HTL.
5. CRZ-IV includes the shallow belt of coastal waters extending up to 12 nautical miles. It is a crucial fishing zone for small fishers. The 2018 notification allows land reclamation for setting up ports, harbours and roads

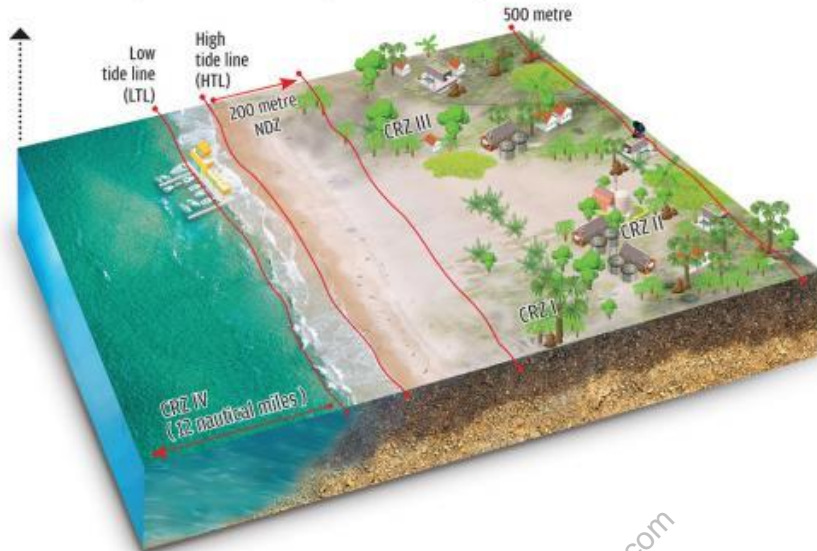
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Hotels, resorts and temporary tourism facilities can now be built closer to the shore; mangroves to make way for ports, harbours

Coastal Regulation Zone Notification, 2011

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- CRZ I:** Eco-sensitive and intertidal areas
- CRZ II:** Areas which have been developed up to or close to the shore
- CRZ III:** Areas that are relatively undisturbed and do not fall under CRZ-I or CRZ-II
- CRZ IV:** Area between Low Tide Line and 12 nautical miles into the sea/ tidal influenced waterbodies
- NDZ:** No development zone that extends up to 200 m from High Tide Line towards land in CRZ-III area



Coastal Regulation Zone Notification, 2018



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- CRZ I A:** Eco-sensitive areas
- CRZ I B:** Inter-tidal areas
- CRZ II:** Areas which have been developed up to or close to the shore
- CRZ III A:** CRZ-III areas, where the population density is more than 2,161 per sq km as per 2011 Census
- CRZ III B:** Areas with population density of less than 2,161 per sq km, as per 2011 Census
- CRZ IV A:** 12 nautical miles from the Low Tide Line towards the sea
- CRZ IV B:** Tidal influenced waterbodies
- NDZ:** 50 metres from High Tide Line in CRZ III A areas, 200 m from HTL in CRZ-III B areas

6. Floor Space Index (FSI) Norms:

- The CRZ 2018 allowed for a Floor Space Index (FSI) for construction projects, which was not permitted in the CRZ Notification 2011. This was particularly relevant for CRZ-II areas.

7. Relaxation for Coastal Communities:

- Special provisions were made for the CRZ-III areas to address the needs of local fishing and coastal communities. The construction of houses and related infrastructure was allowed in these areas for traditional coastal communities.

8. Tourism Infrastructure:

- Temporary tourism facilities like shacks, toilet blocks, change rooms, etc., were permitted in beaches and no-development zones under certain conditions.

9. Islands:

- For islands close to the mainland coast and for all Backwater Islands in the mainland, NDZ of 20 meters from HTL was stipulated for both CRZ-III A and B areas.

10. Pollution Abatement:

- Measures to tackle pollution in coastal areas and to treat effluents before discharging them into the sea were emphasized.

11. Defense and Strategic Projects:

- Clearance for such projects was streamlined for national security and strategic requirements.

12. Hazard Line:

- A hazard line was demarcated by the Ministry, taking into account tides, waves, sea level rise, and shoreline changes.

13. CRZ Clearances:

- The process for obtaining CRZ clearances was streamlined to enhance ease of doing responsible coastal development.

Criticism and Challenges:

- The CRZ Notification 2018 faced criticism from environmentalists and some coastal communities. Concerns were raised about increased vulnerability to natural disasters due to relaxation in regulations, potential damage to coastal ecosystems, and the impact on the livelihoods of fisherfolk and other traditional coastal communities.
- There were apprehensions that easing regulations could lead to rampant construction and commercialization along the coast, adversely impacting the coastal environment.

National Green Tribunal

The National Green Tribunal (NGT) is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues.

It was established in India under the **National Green Tribunal Act, 2010**.

Composition:

- The NGT is composed of both judicial and expert members.
- The Chairperson of the Tribunal is a retired or sitting judge of the Supreme Court or a Chief Justice of a High Court.
- It must have at least 10 and a maximum of 20 full-time judicial members and expert members.
- The expert members have specialized knowledge in the environmental and related sciences.

Powers and Functions:

- The NGT has the jurisdiction over all civil cases where a substantial question relating to the environment is involved.
- It is mandated to make and endeavor for disposal of applications or appeals finally within 6 months of filing.
- The NGT has the same powers as a civil court and its decision is executable as a decree of a civil court.
- The NGT has the power to provide relief and compensation for damages to persons and property.
- It can also enforce the "Polluter Pays" principle and the principle of sustainable development.
- The Tribunal is not bound by the procedures laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice

Laws Under Which NGT Can Take Decisions:

- The NGT deals with cases related to the implementation of laws concerning the protection and conservation of the environment, such as:
 - The Water (Prevention and Control of Pollution) Act, 1974
 - The Water (Prevention and Control of Pollution) Cess Act, 1977
 - The Forest (Conservation) Act, 1980
 - The Air (Prevention and Control of Pollution) Act, 1981
 - The Environment (Protection) Act, 1986
 - The Public Liability Insurance Act, 1991
 - The Biological Diversity Act, 2002

Followings laws are not under the ambit of NGT:

- Wildlife Protections Act, 1972
- Indian Forest Act, 1927
- Forest Rights Act, 2006

Challenges and Criticism:

- The NGT has faced challenges in terms of enforcement of its orders and decisions.
- There have been concerns regarding the lack of sufficient manpower and infrastructure to handle the increasing environmental cases.
- The tribunal's decisions have sometimes faced criticism from various stakeholders for either being too stringent or too lenient.