

THE ENVIRONMENT (PROTECTION) ACT, 1986

- The main objective of this Act is to provide the protection and improvement of environment (which includes water, air, land, human being, other living creatures, plants, micro-organism and properties) and for matters connected therewith. There is a constitutional provision also for the environment protection. Article 48A, specify that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country and every citizen shall protect the environment (51 A). The Environment (Protection) Act is applicable to whole of India including Jammu & Kashmir.
- Environment: It 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.
- Environmental Pollution: It means any solid, liquid or gaseous substances present in such concentration as may be or tend to be injurious to environment and human being are known as pollutant and presence of any pollutant in the environment in such proportion and concentration that has bearing on health and environment is termed as "Environmental Pollution".
- Handling: In relation to any substance, it means the manufacturing, processing, treatment, packaging, storage, transportation, use, collection, destruction, conversion, offering for sale, etc.
- Occupier: It 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.
- The Act provide power to make rules to regulate environmental pollution, to notify standards and maximum limits of pollutants of air, water, and soil for various areas and purposes, prohibition and restriction on the handling of hazardous substances and location of industries (Sections 3-6).
- The Central Government is empowered to constitute authority or authorities for the purpose of exercising of performing such of the powers and functions (Sec 3), appoint a person for inspection (Sec 4), for analysis or samples and for selection or notification of environmental laboratories. Such person or agency has power to inspect or can enter in the premises or can take samples for analysis (Secs 10, 11).
- According to the section 5, the Central Government may issue directions in writing to any person or officers or any authority to comply. There could be closure, prohibition of the supply of electricity or operation or process; or stoppage or regulation of the supply of electricity or water or any other service.
Section 6 empower the government to make rules to achieve the object of the Act.
- Persons carrying on industry, operation etc. not to allow emission or discharge of environmental pollutants in excess of the standards (Sec 7). Persons handling hazardous substances must comply with procedural safeguards (Sec 8) and occupiers must furnish the information to authority.

Penalty

- Whoever Person or Owner/Occupier of companies, factories or whichever source found to be the cause of pollution may be liable for punishment for a term which may extend to five years or with fine which may extend to one lakh rupees or both (Sec 15, 16, 17). If not

comply fine of Rs. 5000 per day extra and if not comply for more than one year then imprisonment may extend up to 7 years. Section 17 specify that Head of the department/ in-charge of small unit may be liable for punishment if the owner /occupier produce enough evidence of innocence. The CPCB or state boards have power to close or cancel or deny the authorisation to run the factory/institution/hospital whichever is causing pollution. No suit, prosecution or other legal proceedings shall lie against govt. officer who has exercise power in good faith in pursuance of this Act (Sec 18).