

Notes on Environment Protection Act, 1986

The Environment (Protection) Act was enacted in the year 1986. It was enacted with the main objective to provide the protection and improvement of the environment and for matters connected therewith.

India's original Constitution did not contain any provision for the protection of the natural environment. However, the Fundamental Duties, which were added by the 42nd Amendment to the Constitution, prescribed the protection of the environment including forests, lakes, rivers and wildlife as a duty of the citizens of the country.

This amendment also added new Directive Principles of State Policy, one of which was Article 48A, which directed the State to protect and improve the environment and to safeguard forests and wildlife.

These developments were a result of the United Nations Conference on Human Environment, held in Stockholm in 1972. First, the Wildlife Protection Act, 1972 was enacted. Then, the Water (Prevention and Control of Pollution) Act, 1974 was passed, followed by the Air (Prevention and Control of Pollution) Act 1981. Then in 1986, the EPA was passed by the Parliament, in the wake of the Bhopal Gas Tragedy, which occurred on Dec 2, 1984.

Aims and Objectives of the Environment Protection Act

The chief aims and objectives of the Environment Protection Act, 1986 are listed below.

1. Implementing the decisions made at the United Nations Conference on Human Environment held in Stockholm.
2. Creation of a government authority to regulate industry that can issue direct orders including closure orders.

3. Coordinating activities of different agencies that are operating under the existing laws.
4. Enacting regular laws for the protection of the environment.
5. Imposing punishments and penalties on those who endanger the environment, safety and health. For each failure or contravention, the punishment includes a prison term of up to five years or a fine of up to Rs. 1 lakh, or both. This can also be extended for up to seven years in cases.
6. Engaging in the sustainable development of the environment.
7. Attaining protection of the right to life under Article 21 of the Constitution.

Main Provisions of Environment Protection Act

The EPA empowers the Centre to “take all such measures as it deems necessary” in the domain of environmental protection.

- Under the law, it can coordinate and execute nationwide programmes and plans to further environmental protection.
- It can mandate environmental quality standards, particularly those concerning the emission or discharge of environmental pollutants.
- This law can impose restrictions on the location of industries.
- The law gives the government the power of entry for examination, testing of equipment and other purposes and power to analyse the sample of air, water, soil or any other substance from any place.
- The EPA explicitly bars the discharge of environmental pollutants in excess of prescribed regulatory standards.
- There is also in place a specific provision for handling hazardous substances, which is prohibited unless in compliance with regulatory requirements.
- The Act empowers any person, apart from authorised government officers, to file a complaint in a court regarding any contravention of the provisions of the Act.

Q1) What is the main provisions of the Environment Protection Act of 1986?

Q2) What is the objective of Environment Protection Act 1986?