THE ENVIRONMENT PROTECTION ACT, 1986

The Act was passed in March 1986 and came into force on 19th November 1986. The constitution of India clearly states that it is the duty of the state to protect and improve the environment and to safeguard the forests and wildlife of the country. The Department of environment was established in India in 1980. This later became the Ministry of Environment and Forests in 1985. The Act came into force soon after the Bhopal Gas Tragedy and is considered an umbrella legislation as it fills many gaps in the existing laws. Thereafter a large number of laws came into existence as the problems began arising.

In India, as in other developing countries, the environmental problems are not confined to side effects of industrialization but reflect the inadequacy of resources to provide infrastructural facilities to contain industrial pollution. Other peculiar problems like population, illiteracy and unemployment obviously also pose questions regarding provisions of good, water, shelter and sanitation.

The issues of pollution control and environment protection assumed enormous importance after the 'Bhopal Gas Tragedy' in December 1984 in which several people lost their lives or became permanently handicapped following the MIC gas leak in the Union Carbide Plant at Bhopal.

Aims & Objectives of the Act

The Act aims at protecting and improving the environment and prevention of hazards to human beings, other living creatures, plants property. The main provisions in the Act envisage:

(a) Laying down standards for the quality of environment in its various aspects;
(b) Laying down standards for emission or discharge of environmental pollutants from various sources;
(c) Restriction of areas in which any industry shall not be carried out or shall be carried out subject to certain safeguards.
(d) Laying down the procedure and safeguards for the handling of hazardous substances; and
(e) Establishing or recognizing environmental laboratories.

Definitions

- **Environment – Section 2(a)**
  Environment includes water, air and land and the inter relationshop which exists among and between water, air and land and human beings, other living creatures, plants, microorganisms and property.
  The sum total of all surroundings of a living organism, including natural forces and other living things, which provide conditions for development and growth as well as of danger and damage.
- **Environmental Pollutant – Section 2(b)**
  Environment Pollutant means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment.
- **Environmental Pollution – Section 2(c)**

Environmental pollution means the presence in the environment of any environmental pollutant.

- **Handling – Section 2(d)**
  Handling, in relation to any substance, means the manufacture, process, treatment, destruction, conversion, offering for sale, transfer or the like of such substance.
- **Hazardous Substance – Section 2(e)**
  Hazardous substance means any substance or preparation which, by reason of its chemical or physicochemical properties or handling, is likely to cause harm to human beings, other living creatures, plants, microorganisms, property, or the environment.
- **Occupier – Section 2(f)**
  Occupier in relation to any factory or premises means a person who has control over the affairs of the factory or premises and includes, in relation to any substance, the person in possession of the substance.

Pollution

Pollution is the introduction of contaminants into the natural environment that cause adverse change, in the form of killing of life, toxicity of environment, damage to ecosystem and aesthetics of our surrounding.

An unwanted change in the environment which involves the physical, biological and chemical changes involving air, water and land which affects the human life in one way or the other.

Pollution has become a serious issue after 2nd world war in developing countries due to unchecked rapid industrialization. Pollution is the root cause of many diseases that kill and disable living organisms.

Presence of matter (gas, liquid, solid) or energy (heat, noise, radiation) whose nature, location, or quantity directly or indirectly alters characteristics or processes of any part of the environment, and causes (or has the potential to cause) damage to the condition, health, safety or welfare of animals, humans, plants or property.

Types of pollution

1. **Air Pollution:**
   Air Pollution is the contamination of air by smoke and harmful gases, mainly oxides of carbon, sulfur and nitrogen. It occurs when things that aren't normally there are added to the air. A common type of air pollution happens when people release particles into the air from burning fuels. This pollution looks like soot, containing millions of tiny particles, floating in the air.
   Another common type of air pollution is dangerous gases, such as sulfur dioxide, carbon monoxide, nitrogen oxides and chemical vapors. These can take part in further chemical reactions once they are in the atmosphere.
   Examples of Air Pollution include:
   - Exhaust fumes from vehicles
   - The burning of fossil fuels, such as coal, oil or gas
   - Harmful off-gasing from things such as paint, plastic production and so on.

- Radiation spills or nuclear accidents.

The effects of air pollution vary based on pollutant. But generally, the impact of air pollution range from:

- Increased risk of respiratory illness and cardiovascular problems
- Increased risk of skin diseases
- May increase the risk of cancer
- Global warming
- Acid rain
- Ozone depletion
- Hazards to wildlife

2. Soil Pollution:

Soil pollution, also called soil contamination, refers to the degradation of land due to the presence of chemicals or other man-made substances in the soil. The xenobiotic substances alter the natural composition of soil and affect it negatively. These can drastically impact life directly or indirectly.

Some of the common causes of soil pollution are:

- Improper industrial waste disposal
- Oil spills
- Acid rain which is caused by air pollution
- Mining activities
- Intensive farming and agrochemicals (like fertilizers and pesticides)
- Industrial accidents.

Effects of soil pollution include:

- Loss of soil nutrients, which renders the soil unfit for agriculture
- Impacts the natural flora and fauna residing in the soil
- Degrades vegetation due to the increase of salinity of the soil
- Toxic dust (such as silica dust) can cause respiratory problems or even lung cancer.

3. Noise Pollution:

It refers to the excessive amount of noise in the surrounding that disrupts the natural balance. Usually, it is man-made through certain natural calamities like volcanoes can contribute to noise pollution. In general, any sound which is over 85 decibels is considered to be detrimental.

Contributors of Noise Pollution:

- Industry-oriented noises such as heavy machines, mills, factories etc.
- Transportation noises from vehicle, aeroplanes, etc.
- Construction noises
- Noise from social events (loudspeakers, firecrackers, etc.)
- Household noises (such as mixers, TV, washing machines etc.)

Noise pollution has now become very common due to dense urbanization and industrialization. Noise pollution can bring about adverse effects such as:

- Hearing loss
- Sleeping disorders

- Hypertension
- Communication problems.

4. Water Pollution:

It is said to occur when toxic pollutant and particulate matter are introduced into water bodies such as lakes, rivers and seas. These contaminants are generally introduced by human activities like improper sewage treatment and oil spills. However, even natural processes such as eutrophication can cause water pollution.

Causes of water pollution include:

- Dumpling solid wastes in water bodies
- Disposing untreated industrial sewage into water bodies
- Human and animal wastes
- Agricultural runoff containing pesticides and fertilizers.

Effects of Water pollution include:

- Disruption of the ecosystem
- Threats to marine life
- Increased risk of water-borne diseases
- Increases toxic chemicals in water bodies.

5. Light Pollution:

Light pollution is the brightening of the night sky inhibiting the visibility of stars and planets by the use of improper lighting of communities.

Some causes of light pollution:

- Street lamps that shine light in all directions, instead of with a hood to point light downward toward the street
- Unnecessary lights, especially around the home.

Light pollution uses more energy (by shining more light up instead of down), may affect human health and our sleep cycles and most importantly, corrupts kids telescopes and their curiosity.

6. Thermal Pollution:

Thermal pollution is the increase of temperature caused by human activity.

- Warmer lake water from nearby manufacturing (using cool water to cool the plant and then pump it back into the lake)
- Included in thermal pollution should also be the increase in temperatures in areas with lots of concrete or vehicles, generally in cities.

These kinds of environmental pollution can cause aquatic life to suffer or die due to the increased temperature, can cause discomfort to communities dealing with higher temperatures and can even affect plant life in and around the area.

7. Visual Pollution:

Visual pollution is an aesthetic issue and refers to the impacts of pollution that impair one's ability to enjoy a view. Visual pollution disturbs the visual areas of people by creating harmful changes in the natural environment. Billboards, open storage of trash, antennas, electric wires, buildings

and automobiles are often considered visual pollution. An overcrowding of an area causes visual pollution. Visual pollution is defined as the whole of irregular formations, which are mostly found in nature.

General Powers of the Central Government

POWER OF CENTRAL GOVERNMENT TO TAKE MEASURES TO PROTECT AND IMPROVE ENVIRONMENT

(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 for the purpose of protecting and improving the quality of the environment and preventing controlling and abating environmental pollution.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:--

i. Co-ordination of actions by the State Governments, officers and other authorities--
   (a) Under this Act, or the rules made there under, or
   (b) Under any other law for the time being in force which is relatable to the objects of this Act;
ii. Planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;
iii. Laying down standards for the quality of environment in its various aspects;
iv. Laying down standards for emission or discharge of environmental pollutants from various sources whatsoever: Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;
v. restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;
vi. Laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
vii. Laying down procedures and safeguards for the handling of hazardous substances;
viii. Examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;
ix. Carrying out and sponsoring investigations and research relating to problems of environmental pollution;
x. Inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution; Act 29 of 1986 270 The Environment (Protection) Act, 1986
xi. Establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;
xii. Collection and dissemination of information in respect of matters relating to environmental pollution;

xiii. Preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;

xiv. Such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purpose of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

PREVENTION, CONTROL, AND ABATEMENT OF ENVIRONMENTAL POLLUTION

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.

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.