

# ENVIRONMENTAL PROTECTION ACTS (LPM-606)



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# ENVIRONMENT (PROTECTION) ACT, 1986

- ▶ Enacted in 1986 with the objective of providing for the protection and improvement of the environment.
  - ▶ Empowers Central Government to establish authorities charged with the mandate of preventing environmental pollution in all its forms and to tackle specific environmental problems peculiar to different parts of the country.
  - ▶ Last amended in 1991.
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- An umbrella legislation designed to provide a framework for the coordination of central and state authorities established under the Water Act, 1974 and the Air Act.
  - Protection and improvement of the human environment and the prevention of hazards to human beings, other living creatures, plants and property.
  - Provision for the improved control of pollution to the air, water and land by regulating the management of waste and the control of emissions.



## The purpose of the Environmental Protection Act:

- Support and promote the management, protection, enhancement and wise use of the environment.
- Recognizing the Preventing, mitigating and remediating environmental impacts in making decisions and taking actions.
- The violator will be punishable with imprisonment up to five years or with fine up to Rs 1,00,000, or with both.
- In continuation of such violation, an additional fine of up to Rs 5,000 for every day after the conviction for the first such failure or contravention.
- Violation continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term upto seven years.



## Salient features of the Act

- Central government shall have the power to take all measures for protecting and improving the quality of the environment and preventing, controlling and decreasing environmental pollution.
- No person carrying on any industry, operation or processes shall discharge or emit any environmental pollutants in excess of prescribed standards.
- Central government shall have power to take analysis, sample of air, water, soil or other substances from any premises, factory etc.
- Violation be punishable with imprisonment or with fine or with both.



## The Biological Diversity Act 2002

- Provide for the conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits arising from biological resources and knowledge.
- Prohibition on transfer of Indian genetic material outside the country without specific approval of the Indian Government.
- Prohibition on anyone claiming an Intellectual Property Right (IPR) over biodiversity or related knowledge without permission of the Indian Government.
- Restrictions on collection and use of biodiversity by Indian nationals (exempting local communities).

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- Measures for sharing of benefits from the use of biodiversity, including transfer of technology, monetary returns, joint Research & Development, joint IPR ownership etc.
  - Measures to conserve and sustainably use biological resources, Environmental Impact Assessments of projects, integration of biodiversity into the plans, programmes and policies of various departments.
  - Provisions for local communities to use of their resources and knowledge.

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- ▶ Protection of traditional knowledge through appropriate laws.
  - ▶ Regulation of the use of genetically modified organisms.
  - ▶ Setting up of National, State, and Local Biodiversity Funds to support conservation and benefit-sharing.
  - ▶ Setting up of Biodiversity Management Committees (BMC) at local village level, State Biodiversity Boards (SBB) at state level, and a National Biodiversity Authority (NBA).



# The Public Liability Insurance Act and Rules 1991 and Amendment, 1992

- ▶ Provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident during handling any hazardous substance.
- ▶ Establishment and Administration of Fund: With the prior approval of the Central Government, create and establish a fund by depositing with any nationalized bank, a public liability Insurance fund of that owner.
- ▶ The maximum aggregate liability of the insurer to pay relief shall not exceed **Rs. 5 crores** and shall not exceed **Rs. 15 crores** in the aggregate in case of more than one accident during one year.

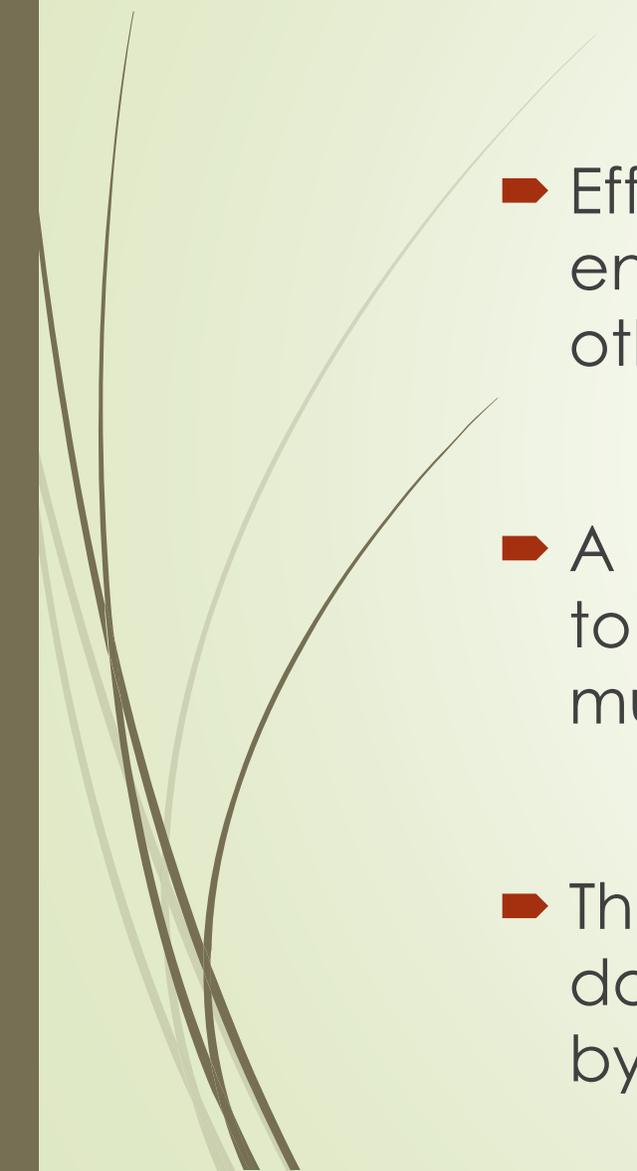


## The National Environmental Tribunal Act, 1995 and Amendment 2010

- Created to award compensation for damages to persons, property and the environment arising from any activity involving hazardous substances.
- Effective and speedy disposal of the cases relating to environment protection and conservation of forests and other natural resources.
- Amendment provides an equal opportunity to any citizen of India to approach the National Green Tribunal.
- Tribunal takes into consideration principles of Sustainable Development, Precautionary principles, Polluter Pays Principles and Inter generational Equity while hearing any appeal and giving judgements.



## National Green Tribunal Act, 2010

- Effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.
  - A specialized body equipped with the necessary expertise to handle environmental disputes involving multidisciplinary issues.
  - The Tribunal shall not be bound by the procedure laid down under the Code of Civil Procedure, 1908, but guided by principles of natural justice.
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- Dedicated jurisdiction in environmental matters for speedy environmental justice and to reduce the burden of litigation in the higher courts.
  - Disposal of applications finally within 6 months of filing.
  - 5 places of sittings: New Delhi (Principal Place), Bhopal, Pune, Kolkata and Chennai.



## **The National Environment Appellate Authority Act, 1997**

- Created to hear appeals with respect to restrictions of areas in which classes of industries etc. are carried out or prescribed subject to certain safeguards under the Environment Protection Act.

## **The Biomedical waste (Management and Handling) Rules, 1998**

- Legal binding on the health care institutions to streamline the process of proper handling of hospital waste such as segregation, disposal, collection, and treatment.



## **The Environment (Siting for Industrial Projects) Rules, 1999**

- Lay down detailed provisions relating to areas to be avoided for siting of industries, precautionary measures to be taken for site selecting and aspects of environmental protection incorporated during the implementation of the industrial development projects.

## **The Municipal Solid Wastes (Management and Handling) Rules, 2000**

- Rules apply to every municipal authority responsible for the collection, segregation, storage, transportation, processing and disposal of municipal solid wastes.



## **The Ozone Depleting Substances (Regulation and Control) Rules, 2000**

- Laid down for the regulation of production and consumption of ozone depleting substances.

## **The Batteries (Management and Handling) Rules, 2001**

- Apply to every manufacturer, importer, re-conditioner, assembler, dealer, auctioneer, consumer and bulk consumer involved in the manufacture, processing, sale, purchase and use of batteries or components to regulate and ensure the environmentally safe disposal of used batteries.



## The Noise Pollution (Regulation and control) (Amendment) Rules, 2010

- Laid down to reduce noise pollution, permit use of loud speakers or public address systems during night hours (10:00 PM - 12:00 midnight) on any cultural or religious festive occasion.
- Any sound producing system or sound amplifier not be used at night time except in closed premises for communication (auditorium, conference rooms, community halls or during public emergency).
- Noise level at the boundary should not exceed 10 dB above the ambient noise standards of that area or 75 dB whichever is less.
- No horn shall be used in silence zones or residential areas at night except in emergency situations.
- Sound emitting construction equipments shall not be operated during night.

## The Air (Prevention and Control of Pollution) Act

- ▶ Enacted in 1981 and amended in 1987 to provide for the prevention, control and abatement of air pollution.
- ▶ **1948** – **The Factories Act and Amendment** in 1987 was the first to express concern for the working environment of the workers. The amendment of 1987 has sharpened its environmental focus and expanded its application to hazardous processes.
- ▶ **1981** - **The Air (Prevention and Control of Pollution) Act** provides for the control and abatement of air pollution. It entrusts the power of enforcing this act to the Central Pollution Control Board.

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- **1982** - The Air (Prevention and Control of Pollution) Rules defines the procedures of the meetings of the Boards and the powers entrusted to them.
  - **1982** - The Atomic Energy Act deals with the radioactive waste.
  - **1987** - The Air (Prevention and Control of Pollution) Amendment Act empowers the central and state pollution control boards to meet with grave emergencies of air pollution.
  - **1988** - The Motor Vehicles Act states that all hazardous waste is to be properly packaged, labelled and transported.

# The Water (Prevention and Control of Pollution) Act

- ▶ Enacted in **1974** to provide for the prevention and control of water pollution and for the maintaining or restoring of wholesomeness of water in the country.
- ▶ The Act was **amended** in 1988.
- ▶ **The Water (Prevention and Control of Pollution) Cess Act** was enacted in 1977 to provide for the levy and collection of a cess on water consumed by persons operating and carrying on certain types of industrial activities.
- ▶ This cess is collected with a view to augment the resources of the Central Board and the State Boards for the prevention and control of water pollution.
- ▶ The Act was last amended in 2003.



**THANKS**

