

Salient Features of the Environmental Protection Act, 1986 (India)

The **Environment (Protection) Act, 1986** is a key legislation in India enacted to implement the decisions of the **United Nations Conference on the Human Environment (Stockholm, 1972)**. It serves as the umbrella framework for environmental regulation in India.

1. Comprehensive Framework

- Provides **centralized authority** to the Union Government to coordinate environmental protection efforts.
- Enables the creation of **uniform environmental laws** across India.

2. Powers of the Central Government

- **Section 3:** Empowers the Central Government to take measures to protect and improve environmental quality.
- Can set **nationwide standards** for emissions, discharges, and waste management.
- Can restrict industrial areas and regulate hazardous substances.

3. Rule-Making Authority

- **Section 6:** Allows the government to frame rules on:
 - Environmental quality standards (air, water, soil).
 - Regulation of hazardous substances.
 - Procedures for handling hazardous waste.
 - Prevention of environmental accidents.

4. Regulation of Pollution

- **Section 7:** Prohibits discharging pollutants beyond prescribed standards.
- **Section 8:** Mandates compliance with procedural safeguards for hazardous waste handling.

5. Environmental Clearances & EIA

- Laid the foundation for **Environmental Impact Assessment (EIA)**, later formalized in 1994.
- Industries must obtain **environmental clearance** before setting up plants.

6. Penalties & Enforcement

- **Section 15:**
 - Violations can lead to **imprisonment up to 5 years** or a **fine up to ₹1 lakh**, or both.
 - Additional fines of **₹5,000 per day** for continuing violations.
- **Section 17:** Corporate liability – company officials can be held accountable.

7. Public Participation & Right to Information

- Though not explicitly mentioned, later amendments and judicial rulings (e.g., **Vellore Citizens' Welfare Forum case, 1996**) linked EPA to **public interest litigation (PIL)** and transparency.

8. Delegation of Powers

- **Section 4:** Allows the Centre to appoint officers to enforce the Act.
- **Section 5:** Authorizes issuing **closure directions** to non-compliant industries.

9. Coverage of Ecosystems

- Applies to **air, water, land, and human health**.
- Later amendments included **coastal zones, forests, and biodiversity**.

10. Linkage with Other Laws

- Serves as the **parent law** for:
 - **Air (Prevention & Control of Pollution) Act, 1981**
 - **Water (Prevention & Control of Pollution) Act, 1974**
 - **Wildlife Protection Act, 1972**
 - **Biological Diversity Act, 2002**

Critical Analysis

✓ Strengths:

- Strong legal backing for environmental governance.
- Allows swift regulatory action via delegated legislation.

✗ Weaknesses:

- **Centralized control** sometimes delays state-level implementation.
- **Weak enforcement** due to bureaucratic hurdles.

- Lack of specific public participation clauses (unlike later laws).

Judicial Interpretations

- **M.C. Mehta vs. Union of India (1987)** – Established **absolute liability** for hazardous industries.
- **Indian Council for Enviro-Legal Action vs. Union of India (1996)** – Enforced the "**Polluter Pays**" principle.

Conclusion

The **EPA 1986** remains the **cornerstone of India's environmental legal framework**, though it requires modernization to address contemporary challenges like **climate change and e-waste management**.

Key Amendments Needed:

- Stricter penalties for repeat offenders.
- Clearer public participation guidelines.
- Integration with **Paris Agreement commitments**.