

Environment Protection

Environment (Protection) Act (EPA), 1986

Comprehensive legislation to protect env. from (1) Pollutants (2) Harmful microbes (3) Human Interference

• one of the worst industrial disasters in the world -

• Union Carbide Chemical Plant

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MIC leak

Methyl isocyanate

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Poisonous Gas

Introduction

- Enacted by Parliament in 1986 after the Bhopal Gas Tragedy (1984).
- Made under Article 253 of the Constitution to implement decisions from the United Nations Conference on the Human Environment, 1972.
- India, a party to the conference, committed to measures for

environmental protection and improvement.

Overview

- The Act defines "environment" broadly to include water, air, land, and their interrelationships with human beings, other living creatures, plants, micro-organisms, and property.
- Rules on hazardous waste management and handling are included.
- Defines responsibilities of handlers, conditions for disposal sites, reporting of accidents, packaging and labelling requirements, and an appeal process for denied authorizations.

- Rules cover the manufacture, storage, and import of hazardous chemicals, microorganisms, genetically engineered organisms, or cells.
- Serves as umbrella legislation coordinating activities of Central and State authorities established under previous laws like the Water Act and Air Act.

Provisions

- Comprised of 4 chapters and 26 sections. (अध्याय)
- **Chapter 1:** Preliminary aspects and definitions.
- **Chapter 2:** General powers of the Central Government for environmental quality improvement.

• Central Govt. has been given more power.

- **Chapter 3**: Substantive provisions for prevention, control, and abatement of pollution; includes penal provisions.
- **Chapter 4**: Miscellaneous aspects.
- Sections 3 to 6 outline the Central Government's general powers for environmental protection.
- Central Government has powers to:
 - Restrict areas for certain industries, processes, and operations.
 - Establish and recognize environment laboratories and appoint Government analysts.

Environment (Protection) Rules, 1986

- Introduced to protect and improve environmental quality and prevent pollution.
- Specify emission or discharge standards for industries, operations, or processes (outlined in Schedules I to IV).

Recent Amendments

- **Sixth Amendment Rules, 2023:**
 - Regulates brick kilns.
 - Mandates conversion to zig-zag technology, vertical shaft, or use of piped natural gas.

- **Draft Seventh Amendment Rules, 2023:**

- Establish standards for the Pulp and Paper Industry.

- Covers effluent standards, freshwater consumption, effluent discharge standards, and emission standards. } *liquid discharge*

Environment Impact Assessment (EIA)

Introduction

- EIA is a management tool for sustainable development.
- Began in India with river valley project assessments in 1978-79.
- EIA scope expanded to include industries, thermal power projects, mining schemes, etc.
- Governed by EIA Notification 2006, a tool for minimising industrialisation impacts and reversing trends

leading to climate change.

- Mandatory for 29 categories of activities with investments of Rs. 50 crores and above.

Environmental Appraisal Committees

- Expert Committees for sectors like:
 - Mining Projects
 - Industrial Projects
 - Thermal Power Projects
 - River Valley Projects
 - Infrastructure Development
 - Nuclear Power Projects
- Process:
 - Application scrutiny by technical staff.
 - Evaluation by Committees based on

data, site visits, or assessments.

- Recommendations for project approval or rejection.

EIA Process

- **Screening**: Determines necessity and level of EIA.
- **Scoping**: Details terms of reference, significant impacts for EIA.
- **Baseline Data**: Describes existing environmental status; includes primary and secondary data.
- **Impact Prediction**: Maps environmental consequences, studying aspects like air quality, deforestation, socio-economic impacts.

- **Assessment of Alternatives and Mitigation Measures:**
Identifies project alternatives, compares environmental attributes, includes NO PROJECT option.
- **Public Hearing:**
Informs and consults public on proposed development; conducted by State Pollution Control Boards.
- **Decision Making:**
Involves consultation between project proponent and impact assessment authority.
- **Monitoring:** Ensures implementation of safeguards; undertaken by regional Ministry offices.

Amendment to EIA Rules (July 2022)

- Exempts certain highway projects of strategic and defence importance from environmental clearance.
 - Includes Char Dham project.
- Exempts thermal power plants up to 15 MW based on biomass.
- Exempts fish handling ports and harbours with less pollution potential.
- Exempts toll plazas requiring wider installations for toll collection.

National Green Tribunal (NGT)

Introduction

- Established on 18.10.2010 under the National Green Tribunal Act 2010.
- Aims for effective disposal of cases related to environmental protection and natural resource conservation.
- Includes enforcement of environmental legal rights, relief, and compensation for damages.

Functioning

- Acts as a special fast-track court.
- Guided by principles of natural justice, not bound by the Code of Civil Procedure, 1908.
- Powers to decide on laws in Schedule I of the NGT Act:

- Water (Prevention and Control of Pollution) Act, 1974
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- Forest (Conservation) Act, 1980
- Air (Prevention and Control of Pollution) Act, 1981
- Environment (Protection) Act, 1986
- Public Liability Insurance Act, 1991
- Biological Diversity Act, 2002
- Prohibited from hearing issues under the Indian Forest Act, 1927, Wildlife (Protection) Act, 1972, and state laws related to forest protection.

Organization

- Chaired by a retired Supreme Court judge.
- Judicial members are retired High Court judges.
- Principal bench in Delhi; other benches in Bhopal, Pune, Kolkata, and Chennai.

Importance

- Addresses environmental issues, forest conservation, and legal environmental rights.
- Provides relief and compensation for environmental damages.
- Reduces litigation burden on higher courts.
- Supports Constitutional right to a healthy environment (Article 21).

