



Environment Protection Act, 1986

For Prelims: Environment Protection Act, 1986, Environmental Protection Fund, United Nations Conference on the Human Environment, Stockholm Conference.

For Mains: Amendments Proposed in the Environment Protection Act, Features of EPA, Drawbacks of Environment Protection Act, 1986.

Why in News?

The **Ministry of Environment, Forest and Climate Change** proposed **amendments in the [Environment Protection Act, 1986](#)**.

- Incidentally, the **Environment Protection Act provisions will be in force for penal provisions of the [single use plastic ban](#)** which has come into force recently.

What are Key Amendments Proposed in the Environment Protection Act?

- The Ministry has proposed the **decriminalisation of the existing provisions of the EPA, 1986** in order **to weed out fear of imprisonment for simple violations**.
 - It involves **removal of imprisonment as a penalty for the "less severe" contraventions**.
 - However, **serious violations of EPA** which lead to **grievous injury or loss of life** shall be covered under the provision of **[Indian Penal Code](#)**.
- Failure or contravention or non-compliance of the provisions of EPA such as submitting reports, furnishing information etc. will now be **dealt by imposing a monetary penalty through duly authorised Adjudicating Officer**.
- Instead of imprisonment, the amendments propose the creation of an **Environmental Protection Fund** in which the amount of **penalty imposed** by the Adjudicating Officer after adjudicating the damage to the environment **shall be remitted**.
 - The Central Government may prescribe the manner in which the Protection Fund shall be administered.

What is the Environment (Protection) Act, 1986?

- **About:**
 - The EPA, 1986 establishes the framework for **studying, planning, and implementing long-term requirements of environmental safety** and laying down a system of speedy and **adequate response to situations threatening the environment.**
- **Background:**
 - The roots of the enactment of the EPA lies in the **[United Nations Conference on the Human Environment](#) held at Stockholm** in June, 1972 (Stockholm Conference), in which **India participated, to take appropriate steps for the improvement of the human environment**.
 - The **Act implements the decisions made at the [Stockholm Conference](#)**.

- **Constitutional Provisions:**
 - The **EPA Act** was enacted under [Article 253 of the Indian Constitution](#) which provides for the **enactment of legislation for giving effect to international agreements.**
 - **Article 48A** of the Constitution specifies that the **State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.**
 - **Article 51A** further provides that **every citizen shall protect the environment.**
- **Powers of the Central Government:**
 - EPA empowers the **Central Government** to establish authorities charged with the **mandate of preventing environmental pollution in all its forms and to tackle specific environmental problems** that are peculiar to different parts of the country.
 - EPA also empower the Government to:
 - **Plan and execute a nation-wide programme** for the prevention, control and abatement of environmental pollution.
 - **Lay down standards for the quality of the environment** in its various aspects like **emission or discharge of environmental pollutants from various sources.**
 - **The Central government as per the Act has the power to direct:**
 - The **closure, prohibition or regulation of any industry,** operation or process.
 - The **stoppage or regulation of the supply of electricity or water or any other service.**

What is the Current Status of Offences and Penalties under EPA?

- Non-compliance or Contravention to any of the provisions of the Act is considered as an offence.
- **Cognizance of Offences:**
 - **No Court shall take cognizance of any offence** under this Act **except on a complaint made by:**
 - The **Central Government or any authority on behalf** of the former.
 - A person who has approached the Courts after a **60-day notice** has been furnished to the Central Government or the authority on its behalf.
- **Penalties:**
 - In case of **any non-compliance or contravention of the current provisions of the EPA,** or of the rules under this Act, the violator can be punished with **imprisonment up to 5 years** or with a **fine up to Rs 1,00,000, or with both.**
 - In case of **continuation of such violation,** an **additional fine of up to Rs 5,000 for every day during which such contravention continues** after the conviction for the first such contravention can be levied.
 - If the **violation continues beyond a period of one year** after the date of conviction, the offender can be punished with **imprisonment** for a term which **may extend to seven years.**

What are the Drawbacks of Environment Protection Act, 1986?

- **Complete Centralisation of the Act:**
 - A potential drawback of the Act could be its centralization.
 - While such wide powers are provided to the Centre and **no powers to the state governments,** the former is liable to its arbitrariness and misuse.
- **No Public Participation:**
 - The Act also says **nothing about public participation** as regards environmental protection.
 - There is a **need to involve the citizens in environmental protection to check arbitrariness and raise awareness** and empathy towards the environment.
- **Incomplete Coverage of Pollutants:**
 - The Act **does not address modern concepts of pollution** such as **noise, overburdened transport systems** and **radiation waves** which are also an important cause for the deteriorating environment.

What are the other Initiatives to Protect Environment?

- **India:**
 - [National River Conservation Programme](#)
 - [Green India Mission](#)
 - [National Afforestation Programme](#)
 - [National Coastal Management Programme](#)
 - [National Mission on Himalayan Studies under Climate Change Program](#)
- **International Conventions to which India is a Signatory:**
 - The [Montreal Protocol to the Vienna Convention](#) on Substances that deplete the Ozone Layer, 1987.
 - [Basel Convention](#) on Transboundary Movement of Hazardous Wastes, 1989.
 - [Rotterdam Convention, 1998.](#)
 - [Stockholm Convention on Persistent Organic Pollutants \(POPs\).](#)
 - [UN Framework Convention on Climate Change \(UNFCCC\), 1992.](#)
 - [Convention on Biological Diversity, 1992](#)
 - [UN Convention to Combat Desertification, 1994](#)

UPSC Civil Services Exam, Previous Year Questions (PYQ)

Q. Consider the following statements: (2019)

The Environment Protection Act, 1986 empowers the Government of India to:

1. State the requirement of public participation in the process of environmental protection, and the procedure and manner in which it is sought.
2. Lay down the standards for emission or discharge of environmental pollutants from various sources.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (b)

Exp:

- Environmental Impact Assessment (EIA) Notification 2006 was issued under relevant provisions of the Environment (Protection) Act, 1986.
 - The EIA provides for screening, scoping, public consultation and appraisal of project proposals.
 - One of the most significant determinants of EIA is the procedure of Public Hearing and Public Participation on any developmental project.
 - However, the Environment (Protection) Act (EPA), 1986, nowhere mentions public participation for environmental protection. It is only concerned with government authorities and polluters to protect the environment.
 - **Hence, statement 1 is not correct.**
- The EPA, 1986 empowers the Central Government to take all appropriate measures to prevent and control pollution and to establish effective machinery for the purpose of protecting and improving the quality of environment and preventing, abating and controlling environmental pollution.
 - Section 3 of the EPA, 1986, empowers the Central Government to lay down standards for emission or discharge of environmental pollutants from various sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources.
 - **Hence, statement 2 is correct.**
- Therefore, option (b) is the correct answer.

Source: IE

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