

ENVIRONMENT PROTECTION ACT, 1986

THE ENVIRONMENT (PROTECTION) ACT, 1986 MINISTRY OF ENVIRONMENT & FORESTS
DEPARTMENT OF ENVIRONMENT, FORESTS & WILDLIFE GOVERNMENT OF INDIA NEW
DELHI The Environment (Protection) Act, 1986 No. 29 OF (ZrdMay, -An Act to Proride for the
Protection and I mprovement of Enrim•mmt •d for Matters C mnected therewith. WHEREAS dwisioos
were [a.k.zü at Lhc UOiLed NaGous Confercoce on the Human Enviroomeot beld at Stockholm in Juoe.
1972. in which endia participated, Lo take appropri'le steps for lhe protection and improvement of human
euvimnmenv, AND WHEREAS iL is considered necessary further to implement the decisions aroresaid in
30 far as they recate to the protection and improvement of eovironment and Ehe prewntion of hamrds to
human beings, alhcr li ving creatures. plants and property; BB it enacted by Perliement in Lhe Thirty-
seventh Year bf the Republic of ndia as follows: CHAPTER 1 PRELIMINARY 1. (L) Act may be called
the Environment (Proteceioo) Acti 86. (2) It extends lhe whole of Iodic (3) It shall come into Porce on date
as the Central Government may, by notification in Lhe Official Gazette. appoint and different dates may
bc appointed for different provioxionx QC Ellis Act and for different areas. Short title. ex- tent and mence-
ment. Power THE t 6 2. In this Act, unless theecontextotherwiserequires: {u) • "environment" includes
water, air and land and the inter€ relationship which exists among and between water, air and land, and
human beings, other livingcrgalures, plant>, micro. or unimandproperty: (b) "environmental pollutantff
means any sohd, liquid or ga- seous substance present m such concentration as may bc, or tend to be.
injurious to environmenL; (e) meas presence vironment vironmemal poll u tan t; (d) "'handling", in
relation to any substance, means themanurac- cure, processing, treatment, package, storage, trariSéOratian
use collection, •destruction. conversion, offering ror sale, transferor 'he like or.sueh substance; (e)
E'hazardous substance" means any substance Or preparation which. by reason fits chemicalor
physico•chemicalproper. ties•or handling: iS harm to human beings. Qtber living creatures, plants,;
micro,,organism. property or the environment; (O relation to any facloxy or premises. means a person who
hæs contro: over the affairs of the factory Or tbc premises and includes, in relation to any substance, the
personin possession orthe substance; (g) "prescribed" means prescribed byrulekmådeunderthisAC!_
CHAPTER 11 GENERA L POWERS OF THECFFRÅL Go VER r 3, (1) Subject to the provisions ofthis
ACE, theCentcal Govern. ment Shail have the power take an such measures as deems necessary or
expedient for lhe purpose of protecting and improving the quality of the environment and preventing,
controlling and abating environmental pollution. ENVIRONMENT (PROTECTION) 1986 (2) 'In
particular, and without prejudice to the generality of the provisions of sub-section such measures may
include measures with respect to all or any of the followingmatters, namely: — (i) co-ordination of
actionsby theStateG6vernments, officers and other authorities:— (a) underthis Act,orthe rules made
thereunder, or (6) under any other law for the time being m force which is relatable to Lheobjects of this
Act; (ii) blanningand execution of &natiOn-wideprogramme61' the prevention, control and abatement of
enviionmental pol- lution; (iii) laymg down standardsfor the qualityofenvironment inits vari 0 us aspects;
(iv) laying down standards for emission Of discharge Of vironmehlal 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 SOu- rceS; (v) restriction Of afeas in which any industries, opesations,
or processes or class of industries€ operations or processes shall not be carried out or shall be carried out
subject to certain safeguards; (vi) layingdown procedures and safeguards for lhe prevention of accidents
which may cause environmental pollution and remedial measuresfor Suchåccidents; (Vii) laying down
procedures Andsafeguards I-i&ndiing'or hazardous substances; 3 prove THE ENVIRONMENT
(PROTECTION) ACT, [1986 (viii) examination of such manufacturing processes, materials and substances
as are likely to cause environmental pol lution; (ix) carrying out and sponsoring investigations and
research relating to problems ofenvironmental pollution: (x) inspection of any premises, plant. equipment,
machinery manufacturing or other processes. materials or substanc\$ 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 environmen- tal pollution; (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 purposes 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 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. THE ENVIRONMENT PROTECTION ACT, 1986 (1) Without prejudice to the provisions of Sub-section (3) Of section 3, the Central Government may appoint officers with such designations as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as may deem fit. (2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that Government, also of the authority or authorities, if any, constituted under 'Sub-section (3) Of section 3 Or of any other authority or officer. 5, Notwithstanding anything contained in any other law but subject to the provisions Of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person or any authority and such person, officer or authority shall be bound to comply with such directions. Explanation: —For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct:— (a) the closure, prohibition Or regulation any industry, operation or process; or (b) stoppage or regulation of the supply water or any Other service. 6. (1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3, (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all Or any of the following matters, namely: — (a) the standards of quality Of air, water or Soil various areas and purposes; (b) the maximum allowable limits Of concentration Of various environmental pollutants (including noise) for different (C) the procedures and safeguards for the handling of hazardous substances; (d) the appointment of Officers and their direction - Rules to regulate Persons industry etc., not Or different; (e) the prohibition and restrictions on the handling of hazardous substances in different areas; (f) the prohibition and restrictions on the carrying on of processes and operations in different (1) the procedures and safeguards for the accidents which may cause environmental pollution and for providing for remedial measures for such accidents CHAPTER III PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL POLLUTION 1. No person shall carry on any industry, operation or process which may cause or emit Or permit to be discharged or emitted any environmental pollutant in excess Of such standards as may be prescribed. No person shall handle or dispose of or cause to be handled any hazardous substance except in accordance with such procedure and complying with such safeguards as may be prescribed. 1986 9. (1) Where the discharge Of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge Of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the environmental pollution caused as a result of such discharge and shall also forthwith: (a) intimate the fact of such occurrence or apprehension of such occurrence; and (b) bound, if called upon, to render an assistance to such authorities or agencies as may be prescribed. (2) On receipt of information with respect to the fact or apprehension or any of the nature referred to in section whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution. (3) The cost, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2) shall be a charge on the person in charge of the place with interest (at such reasonable rate as the Government may, by Order, fix) from the date when a demand for the same is made until it is paid may be recovered by

such authority or agency from the person concerned a.k.a arrears of land revenue or of public demand, IO.

(I) Subject to the provisions of this section: •any person -by the Central Government in this behalf shall have a right to enter all or any reasonable premises with such assistance as he considers necessary, any place: —

(B) for the purpose of performing any of the functions of the Central Government entrusted to him; (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has complied with; author; -cies and Licence of entry and occupation shall be followed in connection with THE ENVIRONMENT (PROTECTION) ACT, 1986 (c) for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object Or for conducting a search or any building in which he has reason to believe that an offence under this Act Or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution. (2) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act. (3) If any person wilfully delays or obstructs any person empowered by The Central Government under (1) the performance of his functions, he shall be guilty of an offence under this Act. (4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provision of the said law. 11. (1) The Central Government or any officer empowered by it in this behalf, shall have power to take, for the purpose of analysis, samples of air, water, soil or other substance from any factory, premises Or other place in such manner as may be prescribed. (2) The result of any analysis of a sample taken under sub-section (1) shall be admissible in evidence in any legal proceeding unless the provisions of the sub-sections (3) and (4) are complied with. (3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall "AE ».'VIRONMENT (PROTECTION) ACT, 1986 (a) serve on the Occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed; (b) in the presence of the occupier Or his agent sample for analysis, (c) Cause the sample to be placed in container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person; (d) send without delay, the container Or the containers to the laboratory established or recognised by the Central Government under section 42. 14) When a sample is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub-section (3), then:— (a) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and (b) if a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container Or containers shall be signed by the person taking the samples, and the container Or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised under section 12 and such person shall inform the Government Analyst appointed or recognised under section 13 in writing, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers, 12. (1) the Central Government may, by notification in the Official Gazette: (a) establish one Or more environmental laboratories: laboratory Government Analysts • Reports or Government Analysts, Penalty condition of the or the Act and the rules, orders thereon. Offence by companies THE ENVIRONMENT (PROTECTION) Act, 1986 (b) recognise or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act, (2) The Central Government may, by notification in the Official Gazette, make rules — (a) the functions of

environmental laboratory (b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report; (e) Such other matters as may be necessary or expedient to enable that laboratory to carry out its functions. 13. The Central Government may by notification in the Official Gazette, appoint or recognise such persons as it thinks fit and having the prescribed qualifications to be Government Analysts for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognised under sub-section (1) of section 12.

14. Any document purporting to be a report signed by Government analyst may be used as evidence the facts stated therein in any proceeding under this Act.

(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for term which may extend to five years or with fine which may extend to one lakh rupees, or with both, rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention. (2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years. 16. (1) Where any offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business or the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing in this subsection shall render any such person liable to be punished provided in this if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company; such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. the purposes of this section:— (a) "company" means any body and includes a firm or other association of individuals: (b) "director": in relation to a firm, means a partner in the firm. 17. (1) Where an offence under this Act has been committed by any Department of Government, the Head of that Department shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this section shall render such Head of Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, or, any officer other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. by Government. 12. Power of action taken in good faith. Cognizance of offences. 10. Members and employees of the authority constituted under section 3. 10. Bar of the Environment Act, 1986. CHAPTER IV MISCELLANEOUS 18. No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder. 19. No court shall take cognizance of any offence under this Act except on complaint made by.— (a) the Central Government or any authority or officer authorised in this behalf by that Government; or (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

20. The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it or any prescribed authority or officer any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so. 21. All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or directions

issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code

22. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to his functions under this Act

23. Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act, [except the power to constitute an authority under sub-section (3) of section 3 and to make rules under section 25] as it may deem necessary or expedient, to any officers of the State Government or other authority,

24. (1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act. (2) Where any person commits an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act. 25. (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for "all or any of the following matters, namely: (a) the standards in or of which environmental pollutants shall not be discharged or emitted under section 7; (b) the procedure in accordance with and the safeguards for compliance with which hazardous substances shall be handled or cause to be handled under section 8; (c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom assistance shall be rendered under section 9; (d) the manner in which samples of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11; (e) the form in which notice of intention to have sample analysed shall be served under clause (a) of sub-section (3) of section 12; (f) the functions of the environmental laboratories, the procedure for the submission to such laboratories of samples of air, water, soil and other substances for analysis or test; the form or laboratory report; the fees payable for such report and other matters to enable such laboratories to carry out their functions under sub-section (2) of section 12; (g) the qualifications of Government Analyst appointed or recognised for the purpose of analysis of samples of air, water, soil or other under section 13; (h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19; (i) the authority or office to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20; (j) any other matter which is required to or may be, prescribed

26. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect: as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. This Act of Parliament received the assent of the President of India on 1985: —