

# **Environment Protection Act**

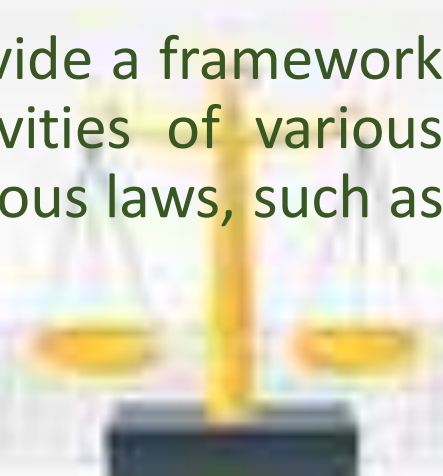
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# Introduction

- The period of 1970s experienced an ascend globally in industrialisation leading to degradation of the environment at a very high pace.
- The need was felt for a combined effort towards environment conservation from all over the world.
- The result of these combined efforts was The United Nations Conference on the Human Environment i.e. **The Stockholm Conference**, 1972 from 5 to 16 June 1972.
- In India, the Bhopal Gas Tragedy of 1984 called for urgent legislation in the field of environment.
- In this background the Parliament passed the **Environment Protection Act, 1986** and the **Environment Protection Rules, 1986**.

# Environment Protection Act, 1986

- ✓ The Act came into force on Nov. 19, 1986 and extends to the whole of India.
- ✓ The Act was passed to provide for the protection and improvement of environment and for matters connected there with.
- ✓ The Act gives certain powers to the Central Government to take measures for the purpose of protecting and improving the quality of the environment and to prevent environmental pollution.
- ✓ The Act is an “umbrella” legislation designed to provide a framework for Central Government coordination of the activities of various central and state authorities established under previous laws, such as the Water Act and the Air Act.



# Important Definitions



- **"Environment"** includes water, air and land and the inter- relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property. [S-2(a)]
- **"Environmental Pollutant"** means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment [S-2(b)]
- **"Environmental Pollution"** means the presence in the environment of any environmental pollutant [S-2(c)]

# Central Government is most powerful under EP Act

- **General Powers of the Central Government (S-3)**
  - Take all necessary measures for environment protection.
  - Coordinate the actions of State Governments
  - Lay down standards of environment quality and pollutants.
  - Execute nationwide programmes.
  - Restriction of areas for industries, etc.
  - Inspecting industrial premises,
  - Preparation of manuals, codes or guides
- The Central Government may appoint officers and entrust them with such powers and functions as it may deem fit. **(S-4)**

# Central Government is most powerful under EP Act

- The Central Government is empowered to issue directions to any person, officer or any authority . (S-5)
  - Closure direction
    - (with power to disconnect electricity and water supply)
- The Central Government is empowered to make rules to regulate environmental pollution on the following matters: (S-6)
  - the standards of quality of air, water or soil
  - the maximum allowable limits of pollutants
  - the procedures for the handling of hazardous substances
  - the prohibition and restriction on the location of industries
  - the procedures and safeguards for the prevention of accidents



# Prevention, Control, And Abatement Of Environmental Pollution under EP Act, 1986

- No person/industry is allowed to pollute the environment. (S-7)
- Procedures and processes are laid down to control pollution.(S-9)
- Monitoring authority can carry out inspections. (S-10)
- Power to take samples (As per prescribed procedure). (S-11)
- Samples are tested in environmental laboratories. (S-12)

# Salient Features Of The Act

- This Act deals with criminal jurisdiction.
- Central Government is most powerful.
- Environmental labs are established or authorised by Central Govt., State Govt., CPCB or State PCB.
- Standards are laid down by Central Govt., State Govt., CPCB or State PCB.
- Stringent penalties and punishments.
- Person having highest authority is prosecuted.
- Hazardous wastes are defined and special procedure is laid down.
- Locus standi is relaxed. Any person can file a case.
- This Act is also applicable to Government Department.
- This is an Umbrella Legislation.



# Umbrella Legislation

There are several Rules laid down under the EP Act. Few of the important Rules are as under-

- Environment Protection Rules, 1986
- Hazardous Waste Rules, 1989 (Now 2016)
- Bio Medical Waste Rules, 1998
- Municipal Solid Waste Rules, 2000
- Noise Pollution Rules, 2000
- Ozone Depleting Substances Rules, 2000
- Battery Waste Rules, 2001
- Plastic Waste Rules, 2011
- Electronic waste Rules, 2011

# Umbrella Legislation

There are several Notifications issued under EP Act, 1986. Few important notifications are as under-

- ✓ Notification for restricting industries in Doon Valley area, 1989.
- ✓ CRZ Notification, 1991 (Now 2011).
- ✓ Notification for declaration of Dahanu Taluka as eco-sensitive zone, 1991.
- ✓ Notification for declaration of Matheran as eco-sensitive zone, 1992.
- ✓ Notification for declaration of Mahabaleshwar as eco-sensitive zone, 1993.
- ✓ Notification on Fly ash, 2000.
- ✓ EIA Notification, 2006.

# Important Cases

- ❖ Oleum gas leak case, 1986- (M.C. Mehta v/s Union of India)
- ❖ Mining- Dehradun Valley (quarrying) case, 1987
- ❖ Development allowed- (Sachidanand Pandey v/s State of West Bengal, 1987)
- ❖ Development stopped- (Bangalore Medical Trust v/s Mundappa, 1991)
- ❖ Vehicular Pollution case, 1991 (M.C. Mehta v/s Union of India)
- ❖ Water- Ganga water pollution case, 1992
- ❖ Relocation of Industry- (Bayer Ltd. v/s State of Maharashtra, 1994)
- ❖ Delhi Garbage case, 1996 (B.L. Wadhwa v/s Union of India)
- ❖ Shrimp Culture case, 1997 (S. Jagannath v/s Union of India)
- ❖ Calcutta Tanneries case, 1997 (M.C. Mehta v/s Union of India)
- ❖ Goa Foundation v/s Diksha Holding, 1998
- ❖ Taj Trapezium case, 1999 (M.C. Mehta v/s Union of India)

# Important cases establishing International Environmental norms

- ✓ Citizen's Right to a decent and healthy environment- (Subhash Kumar v/s State of Bihar, 1991)
- ✓ Sustainable Development- (Vellore Citizens Forum v/s Union of India, 1991)
- ✓ Polluter pay Principle- (Bichhri case, 1996)
- ✓ EIA- several cases are filed against project proponents.
- ✓ Invite inputs from NGOs- CRZ Notification case, 1996 (NGO- Indian Council for Enviro Legal Action)
- ✓ Intergenerational Equity- (Himachal Pradesh v/s Ganesh Wood Products, 1996)
- ✓ Public Trust Doctrine- (M.I. Builders Pvt. Ltd vs Radhey Shyam Sahu, 1991)
- ✓ Precautionary Principle- (Andhra Pradesh PCB v/s M.V. Naidu, 1999)



# Environment Protection Rules, 1986

These Rules lay down further details for implementation of the Act

- It provides standards for emission or discharge etc.
- Procedure laid down for giving direction under S-5 by Central Govt.
- Prohibition and restrictions on locations. (based on proximity to human settlement, ancient monument, biodiversity etc.)
- Procedure to take samples.
- When any person is filing complaint, format of notice and details about whom to serve the notice etc.
- Format of environmental lab reports.
- Format of environmental Audit.





# Schedules under EP Rules, 1986

- Schedule I lays down the Procedures and Standards for 87 different industries (e.g. rubber, copper, iron etc.)
- Schedule II - Noise Standards
- Schedule III- Standards for Motor Vehicles
- Schedule IV- General standards for effluents, inland surface, public sewer, land of irrigation, marine coastal areas etc.





# CRZ- Goals, Purpose & Act

# INTRODUCTION

- ❖ The purpose of coastal regulations in India is to preserve the coastal environment by regulating the use of land near the Indian coastline.
- ❖ Developmental activities along the Indian coast are governed by the provisions of the Coastal Regulation Zone (CRZ) Notification 1991, under the Environment Protection Act 1986.
- ❖ This notification provides guidelines for protection and use of the land within 500 meters of the coast and 100 meters along the tidal influenced water bodies.

# What is CRZ ?

- Central Government have declared the coastal stretches of seas, bays, estuaries, creeks, rivers and back waters which are influenced by tidal action (in the landward side) up to 500 meters. from the High Tide Line (HTL) and the land between the Low Tide Line (LTL) and the HTL as “Coastal Regulation Zone” (CRZ), on 19.2.1991.
- On January 07, 2011 the Indian Ministry of Environment and Forests (MoEF) released Coastal Regulation Zone (CRZ) Notification 2011 to replace CRZ Notification of 1991.
- Also for the first time, an Island Protection Zone Notification (IPZ), 2011 was released to cover Andaman & Nicobar Islands, Lakshadweep.

# The objectives of the Coastal Regulation Zone Notification, 2011

## □ The main objectives of the Coastal Regulation Zone Notification, 2011 are:

- ✓ To ensure livelihood security to the fishing communities and other local communities living in the coastal areas;
- ✓ To conserve and protect coastal stretches; To promote development in a sustainable
- ✓ manner based on scientific principles, taking into account the dangers of natural hazards in the coastal areas and sea level rise due to global warming.

# Classification of Coastal Regulation Zone

- ✓ Category I (CRZ-I) (ecologically sensitive areas).
- ✓ Category-II (CRZ-II) (built up municipal areas).
- ✓ Category-III (CRZ-III) (rural areas) .
- ✓ Category-IV (CRZ-IV) (the islands of Lakshadweep & Andaman and Nicobar) .

## CRZ-1

- A. The areas that are ecologically sensitive and the geomorphologic features which play a role in the maintaining the integrity of the coast,-
  - (a) Mangroves, in case mangrove area is more than 1000 sq meters, a buffer area of 50 meters along the mangroves shall be provided;
  - (b) Corals and coral reefs and associated biodiversity;
  - (c) Sand Dunes;
  - (d) Mudflats which are biologically active;
  - (e) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act, 1980 (69 of 1980) or Environment (Protection) Act, 1986 (29 of 1986); including Biosphere Reserves;
  - (f) Salt Marshes;
  - (g) Turtle nesting grounds;
  - (h) Horse shoe crabs habitats;
  - (i) Sea grass beds;
  - (j) Nesting grounds of birds;
  - (k) Areas or structures of archaeological importance and heritage sites.
- B. The area between Low Tide Line and High Tide Line;



# **Norms For Regulation Of Activities Permissible In CRZ-I**

# **No new construction shall be permitted in CRZ-I except**

- (a) Projects relating to Department of Atomic Energy;**
- (b) Pipelines, conveying systems including transmission lines;**
- (c) Facilities that are essential for activities permissible under CRZ-I;**
- (d) Installation of weather radar for monitoring of cyclones movement and prediction by Indian Meteorological Department;**
- (e) Construction of trans harbour sea link and without affecting the tidal flow of water, between LTL and HTL;**
- (f) Development of green field airport already approved at only Navi Mumbai;**

II. Areas between LTL and HTL which are not ecologically sensitive, necessary safety measures will be incorporated while permitting the following, namely:-

- (a) Exploration and extraction of natural gas;
- (b) Construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, jetties, water supply, drainage, sewerage which are required for traditional inhabitants living within the biosphere reserves after obtaining approval from concerned CZMA.
- (c) Necessary safety measure shall be incorporated while permitting such developmental activities in the area falling in the hazard zone;
- (d) Salt harvesting by solar evaporation of seawater;
- (e) Desalination plants;
- (f) Storage of non-hazardous cargo such as edible oil, fertilizers and food grain within notified ports;
- (g) Construction of trans sea links, roads on stilts or pillars without affecting the tidal flow of water.

# CRZ-II

- ❖ The areas that have already been developed up to or close to the shoreline.

## Explanation

- ❖ For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

## **NORMS FOR REGULATION OF ACTIVITIES PERMISSIBLE IN CRZ-II :-**

- i. Buildings shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized structures;
- ii. Reconstruction of authorized building to be permitted subject with the existing Floor Space Index or Floor Area Ratio Norms and without change in present use;
- iii. Facilities for receipt and storage of petroleum products and liquefied natural gas appended to this notification and facilities for regasification of Liquefied Natural Gas.



# **NORMS FOR REGULATION OF ACTIVITIES PERMISSIBLE IN CRZ-II**

**iv. Desalination plants and associated facilities;**

**v. Storage of non-hazardous cargo, such as edible oil, fertilizers and  
food grain in notified ports;**

**vi. Facilities for generating power by non-conventional power sources  
and associated facilities;**



# CRZ-III

- Areas that are relatively undisturbed and those which do not belong to either Category-I or II.
- These will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

# **NORMS FOR REGULATION OF ACTIVITIES PERMISSIBLE IN CRZ-III**

- Development of vacant plots between 200 and 500 meters of High Tide Line in designated areas of CRZ-III with prior approval of Ministry of Environment and Forests (MEF) permitted for construction of hotels/beach resorts for temporary occupation of tourists/visitors.**
- Construction/reconstruction of dwelling units between 200 and 500 meters of the HTL permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and gaothans.**

# **NORMS FOR REGULATION OF ACTIVITIES PERMISSIBLE IN CRZ-III**

- Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling unit shall not be more than twice the number of existing units, total covered area on all floors shall not exceed 33 percent of the plot size; the overall height of construction shall not exceed 9 meters and construction shall not be more than 2 floors (ground floor plus one floor).**

# CRZ-IV

- A. The water area from the Low Tide Line to 12 nautical miles on the seaward side;
- B. Shall include the water area of the tidal influenced water body from the mouth of the water body at the sea up to the influence of tide which is measured as 5 ppt (parts per thousand) during the driest season of the year.

## List of Petroleum Products Permitted for Storage in Coastal Regulation Zone except CRZ-I(A)

- (i) Crude oil;**
- (ii) Liquefied Petroleum Gas;**
- (iii) Motor spirit;**
- (iv) Kerosene;**
- (v) Aviation fuel;**
- (vi) High speed diesel;**
- (vii) Lubricating oil;**
- (viii) Butane;**
- (ix) Propane;**
- (x) Compressed Natural Gas;**
- (xi) Naphtha;**
- (xii) Furnace oil;**
- (xiii) Low Sulphur Heavy Stock;**
- (xiv) Liquefied Natural Gas;**
- (xv) Fertilizers and raw materials for manufacture of fertilizers.**