

Environmental Protection Acts

1. Environment (Protection) Act, 1986

The **Environment (Protection) Act, 1986 (EPA)** is an important umbrella legislation in India for the protection and improvement of the environment. It was enacted in the aftermath of the Bhopal Gas Tragedy (1984) and came into force in 1986. It provides a broad legal framework for dealing with different forms of environmental pollution and has become the basis for several environmental rules and notifications in India.

Objectives of the Act:

- To protect and improve the quality of the environment.
- To prevent and control environmental pollution.
- To protect human beings, animals, plants and property from environmental hazards.
- To provide the Central Government with broad powers to take measures for environmental protection.
- To regulate the handling of hazardous substances.

Key features of the Act:

- i. Empowers the Central Government to take all measures necessary to protect and improve environmental quality, and to prevent, control and abate pollution.
- ii. Allows setting of standards for emissions and discharges of pollutants.
- iii. Regulates the location of industries.
- iv. Provides for inspection, sampling and laboratory analysis of pollutants.
- v. Establishes penalties for non-compliance: imprisonment up to 5 years and/or fine up to ₹1 lakh, with additional fine for continuing violation.
- vi. Acts as the basis for Environmental Impact Assessment (EIA) notifications.

2. Water (Prevention and Control of Pollution) Act, 1974

The **Water (Prevention and Control of Pollution) Act, 1974** was enacted to prevent and control water pollution and to maintain or restore the wholesomeness of water. The Act provides a legal mechanism for controlling pollution of surface water and groundwater and regulates industrial and municipal discharges.

Objectives of the Act

- To prevent and control water pollution.
- To maintain the quality of rivers, lakes, streams and other water bodies.
- To establish regulatory authorities for pollution control.
- To regulate the discharge of sewage and industrial effluents.

Key features:

3. Establishes Central and State Pollution Control Boards (CPCB/SPCB) to monitor and control air pollution.
4. Empowers State Governments to declare "Air Pollution Control Areas."

5. Requires prior consent of the SPCB before establishing or operating any industrial plant in a control area.
6. Regulates emission of air pollutants from industries and automobiles.
7. Provides for power to give directions, including closure of industries and stoppage of electricity/water supply.
8. Penalties include imprisonment (1.5 to 6 years) and fines for non-compliance.

3. Air (Prevention and Control of Pollution) Act, 1981

The **Air (Prevention and Control of Pollution) Act, 1981** was enacted to prevent, control and reduce air pollution in India. The Act provides the legal basis for controlling emissions from industries and other sources of air pollution.

Objectives of the Act

- To prevent and control air pollution.
- To improve air quality.
- To regulate industrial emissions.
- To provide powers to Pollution Control Boards.

Important provisions of the Act

1. The CPCB and SPCBs have responsibilities for controlling air pollution.
2. State Governments may declare certain areas as Air Pollution Control Areas.
3. Industries operating in such areas may require consent from the State Pollution Control Board.
4. Emission standards can be prescribed for industries.
5. Pollution Control Boards can inspect industrial plants and take samples.
6. Violations can result in penalties and legal action.

Key features:

- Established the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs).
- Prohibits the discharge of pollutants into water bodies beyond given standards.
- Requires industries to obtain 'consent' from SPCB before establishing outlets for discharge of sewage/trade effluents.
- Boards have powers to take samples, inspect and enter premises for testing.
- Provides for a Water Cess (under a related 1977 Act) to encourage pollution control.
- Penalties include imprisonment (1.5 to 6 years) and fines, with enhanced punishment for repeat offences.

4. Wildlife (Protection) Act, 1972

The **Wildlife (Protection) Act, 1972** was enacted to provide protection to wild animals, birds and plants and to deal with matters connected with wildlife conservation.

Objectives:

- To protect wildlife and their habitats.
- To prevent illegal hunting and poaching.
- To regulate trade in wildlife and wildlife products.
- To establish and manage protected areas.

Key features:

- Provides for the creation of National Parks, Wildlife Sanctuaries, Conservation Reserves and Community Reserves.
- Classifies animals into Schedules (I–VI) with varying degrees of protection; Schedule I and Part II of Schedule II offer the highest protection.
- Prohibits hunting of specified species except under limited exceptions (e.g., self-defence, man-eaters with permission).
- Regulates trade in wild animal products through the Wildlife Crime Control Bureau (established later, 2007).
- Provides for constitution of the National and State Boards for Wildlife.
- Prescribes penalties: imprisonment up to 7 years and/or fines for offences related to endangered species.
- Amended over time (notably 2002 and 2022) to align with international conventions like CITES.

5. The Forest (Conservation) Act, 1980

The **Forest (Conservation) Act, 1980** was enacted to check the diversion of forest land for non-forest purposes and to conserve forest resources.

Objectives:

- To conserve forests.
- To restrict the diversion of forest land for non-forest purposes.
- To control indiscriminate deforestation.
- To ensure that forest land is not diverted without appropriate approval.

Key features:

- Restricts State Governments from de-reserving forests or using forest land for non-forest purposes without prior approval of the Central Government.
- Establishes an advisory committee to advise on forest clearance approvals.
- Applies to any forest land, whether notified under the Indian Forest Act or not (as clarified by later Supreme Court rulings and the 2023 amendment).
- The 2023 amendment (Van (Sanrakshan Evam Samvardhan) Adhiniyam) narrowed the applicability, exempting certain categories of land such as land near international borders, security-related infrastructure and small roadside strips.
- Penalties for violations include imprisonment and fines under related rules.

7. Important International Environmental Agreements, Policies and Treaties

Agreement	Year	Focus
Stockholm Conference (UN Conference on the Human Environment)	1972	First major global conference on environment; laid the foundation for international environmental law and India's environmental legislation.
CITES (Convention on International Trade in Endangered Species)	1973	Regulates international trade in endangered plants and animals.
Montreal Protocol	1987	Aims to phase out substances that deplete the ozone layer (CFCs, HCFCs).
Basel Convention	1989	Controls transboundary movement of hazardous wastes.
Rio Earth Summit (UNCED)	1992	Produced Agenda 21, the Rio Declaration and opened for signature the UNFCCC and CBD.
Convention on Biological Diversity (CBD)	1992	Aims at conservation of biodiversity, sustainable use and fair sharing of genetic resource benefits.
UNFCCC (UN Framework Convention on Climate Change)	1992	Framework treaty to address global climate change.
Kyoto Protocol	1997	Set binding emission reduction targets for developed countries under UNFCCC.
Ramsar Convention	1971 (India joined 1982)	Conservation of wetlands of international importance.
Paris Agreement	2015	Global agreement under UNFCCC to limit global warming to well below 2°C, with efforts to limit to 1.5°C.
Nagoya Protocol	2010	Supplementary to CBD, on access to genetic resources and benefit-sharing.
National Environment Policy (India)	2006	Domestic policy framework guiding integration of environmental concerns into development.