

BUSINESS REGULATIONS

Chapter 5

Environment Protection Act 1986

Introduction

Environmental pollution has gained importance in recent years. In developed countries protection of environment is very high on the agenda on national governments. But in developing countries, the priority to protection of environment had for long been neglected in the context of their urgency of expedite industrialization process. However, certain industrial disasters like 'Bhopal Gas Tragedy' have drawn attention of the Government to the seriousness of the problem of environmental degradation and need for its protection. Environment is term of very amplitude and taken in a host of substances like air, water, land and their inter-relationship. In this sense, many Acts were enacted. Environment protection Act, 1986 one of the major Act was enacted to comprehensively cover all the aspects of the environment protection.

Environmental Pollution

Environmental pollution is defined as any substance or contamination introduced in the environment that has an adverse effect on it. A pollutant may cause long or short damage by intervening in the human amenities, comfort, health or property values. It could take the form of substances or such noise, heat and light. *See A1*

Types of Pollution

See 3 1) **Water Pollution:** Water Pollution is the contamination of water bodies (e.g. Rivers, lakes, oceans, aquifer and ground water). Water pollution occurs when pollutants are discharged directly or indirectly into water bodies adequate treatment to remove harmful compounds.

Causes: The major causes of water pollution are as follows:

- ❖ Discharge of industrial waste, toxic chemicals into the water bodies
- ❖ Discharge of waste water and sewage from household
- ❖ Marine dumping- The household garbage such as papers, plastic bottles, glass and also wastefood is sometime dumped in water bodies
- ❖ Oil spills – oil waste from industries, ships and machinery sometimes gain access to water along with other waste products. Oil is not soluble in water hence, most dangerous to water.
- ❖ Discharge of pesticides and chemical fertilizers.

Effects: Following are the effects of water pollution:

- ❖ Diseases like typhoid, cholera, hepatitis and other water borne diseases
- ❖ Destruction of Eco system
- ❖ Eutrophication – Chemicals in water body encourage the growth of algae These algae forma layer on top of the pond or lake. Bacteria feed on these algae and this decreases the amount of oxygen in the water body.
- ❖ Effects the aquatic life
- ❖ Effects on food chain

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2) **Air pollution:** Air contains a mixture of various gases like oxygen, nitrogen, carbon dioxide, argon etc. Air pollution is the introduction into an atmosphere of chemicals particles, or biological materials that cause discomfort, disease, or death to humans, damage to other living organisms such as food crops, natural environment or built environment.

Causes: The major sources of air pollution are:

- ❖ Emission of industrial smoke
- ❖ Vehicular emissions
- ❖ Domestic emission

Some of the most common air pollutants are carbon monoxide, carbon dioxide, sulphur dioxide, nitrogen oxides, hydrocarbons

Effects: Following are the effects of air pollution are as follows:

- ❖ Severe respiratory and heart conditions like asthma, chronic bronchitis, emphysema, heart attacks and strokes along with cancer.
- ❖ Global warming

3) **Noise pollution:** 'Noise' is any unwanted sound that disrupts environmental equilibrium. Noise is measured by decibels. Noise pollution is excessively displeasing to humans, animals, or we can say that machine created environmental noise disrupts the activity or balance of human or animal life. **Causes:** The major sources of Noise pollution are:

- ❖ Noise by vehicles, aircrafts
- ❖ Fire crackers
- ❖ sirens
- ❖ Loud speakers
- ❖ Machineries

Effects: Following are the effects of air pollution are as follows:

- ❖ Hearing loss or hearing impairment
- ❖ Cardio-vascular health effects
- ❖ Decrease in efficiency and concentration
- ❖ Rise in blood pressure
- ❖ Increase in blood pressure

4) **Land or Soil pollution:** It is the contamination of soil by release of harmful substances into the land.

Causes: The major sources of Land pollution are:

- ❖ Deforestation,
- ❖ Release of toxic substances on the land, throwing of unhygienic waste on earth ~~on~~ earth, dumping of garbage, biomedical waste etc.
- ❖ Mining activities
- ❖ Overcrowded landfills
- ❖ Industrialization

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Effects:

- ❖ Climatic effects
- ❖ Effect on wildlife and plant
- ❖ Decrease in soil fertility

5) **Thermal pollution:** Temperature plays an important role in determining the conditions in which living organisms can survive. Any undesirable, harmful change in natural temperature disturbing the natural heat balance of the surroundings is called 'Thermal Pollution'.

6) **Nuclear or Radio-active pollution:** It is one of the dangerous types of pollution. Nuclear pollution is produced by nuclear explosion which are carried out for performing nuclear test ~~ad~~ ^{and} which is further used for making nuclear weapons. Due to these explosions about 15 – 25% of the radio- active particles enter into the atmosphere. Once they enter the atmosphere they continue to fall on the earth for several years.

Example: Atomic bomb attacks on Hiroshima and Nagasaki]

Effects of environmental pollution

There are many negative effects on the earth. Pollution causes the disappearance of entire ecosystems if enough of it is created. In current scenario the major effect of pollution is:

Global warming

Global warming refers to increase in temperature of entire globe averaged over all months and all places. Hence, the change in temperature at a place, in a particular month, may or may not match closely with change in temperature.

Causes of Global Warming

Following are the causes of global warming:

- 1) **Pollution and Population:** warming. Pollution from cars and other machineries directly impacts the rate of global warming. Cars burn and fossil other fuels, machinery which give off Carbon dioxide (CO₂). CO₂ blocks heat from reaching the outer layers of the Earth's atmosphere, creating an oven-like effect on Earth.
- 2) **Deforestation:** Trees transform CO₂ to Oxygen through the process of photosynthesis. Deforestation reduces the number of trees available to convert CO₂ to Oxygen. The result is a greater concentration of CO₂, causing increased global warming. Population directly impacts deforestation, as farmers cut down huge swaths of trees, clearing land for agriculture. More people require more food, and thus more farmland is needed to maintain food supplies.
- 3) **Production of Animals for Food:** Animal production for food impacts global warming more than the burning of fossil fuels by drivers. This process increases animal waste, which emits Nitrous oxide (NO₂). Nitrous oxide has nearly 300 times the effect on global warming of CO₂. Eating animals causes an increase in methane and ammonia output by humans. The impact of methane on global warming is about 25 times greater than that of CO₂, and ammonia causes a large portion of acid rain.

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- 4) **Greenhouse Gases:** Greenhouse effect leads to increase in the temperature of earth by trapping the sun's heat and light in the earth's atmosphere. The greenhouse gases like carbon dioxide, methane, and nitrous oxide plays the major role in greenhouse effect and excessive emission of these gases through various means is a major cause of global warming.
- 5) **Water Vapor and Atmospheric Humidity:** Water vapor, instead, is the most significant greenhouse gas. Atmospheric humidity is associated with water vapor, and charts showing atmospheric humidity and temperature are nearly identical. Additionally, water vapor absorbs the majority of rays across the infrared spectrum while carbon dioxide only absorbs three narrow bands that overlap with those being absorbed by water vapor.
- 6) **Oceans and Volcanic activity:** Parts of Antarctic ice and the polar ice cap at the north pole are shrinking. The cause is not rising air temperatures but rather rising ocean temperatures. Air temperature can only alter the surface of the ocean. The sun is warming the oceans at deeper levels, and the combination of that deeper warming, along with subsurface volcanic activity, is contributing to melting at the poles.

Effects of Global Warming

- 1) **Rise in Global Temperature:** Observations show that global temperatures have by about 0.6 °C over the 20th century. There is strong evidence now that most of the observed warming over the last 50 years is caused by human activities. Climate models predict that the global temperature will rise by about 6° C by the year 2100. Temperature rises and changing landscapes in the arctic circle will endanger several species of animals. Only the most adaptable will survive.
- 2) **Rise in Sea Level:** In general, the faster the climate changes, the greater will be the risk of damage. The mean sea level is expected to rise 9-88 cm by the 2100, causing flooding of low-lying areas and other damages. There are 5,773,000 cubic miles of water in ice caps, glaciers, and permanent snow. According to the National Snow and Ice Data Centre, if all glaciers melted today the seas would rise about 230 feet.
- 3) **Melting Ice Caps:** Melting earth's polar ice caps will throw the global ecosystem out of balance. The ice caps are fresh water, and when they melt, they will desalinate the ocean. The desalinization of the gulf current will "screw up" ocean currents, which regulate temperature.
- 4) **Increased Probability and Intensity of Droughts and Heat Waves:** Although some areas of earth will become wetter due to global warming, other areas will suffer serious droughts and heat waves. Africa will receive the worst of it, with more severe droughts also expected in Europe. Water is already a dangerously rare commodity in Africa, and according to the Intergovernmental Panel on Climate Change, global warming will exacerbate the conditions and could lead to conflicts and wars.
- 5) **Spread of Disease:** As northern countries warm, disease carrying insects migrate north, bringing plague like disease with them. Indeed, some scientists believe that in some countries it is due to global warming that malaria has not been fully eradicated.
- 6) **Food Shortages and Hunger:** Water resources will be affected as Precipitation and evaporation patterns change around the world. This will affect agricultural output. Food security is likely to be threatened and some regions are likely to experience food shortages and hunger.

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Ozone layer depletion

The ozone layer is a portion of the atmosphere that absorbs ultraviolet radiation. Ozone is the molecule responsible for this. Its structure consists of three oxygen atoms, or O₃, which is one more than the normal oxygen molecule O₂ found in air. The concentration of ozone in the atmosphere is naturally low, and over time, the ozone layer has become even smaller.

Causes of Ozone layer depletion

- 1) **Chlorofluorocarbons (CFCs):** One group of chemicals responsible for the depletion of the ozone layer is the chlorofluorocarbons. It is believed that this group of chemicals is responsible for about 80% of the damage to the ozone layer. This chemical was used in coolants for air-conditioners and refrigerators manufactured before 1995.
- 2) **Hydrofluorocarbons (HFCs):** CFCs were replaced by another group of chemicals called Hydrofluorocarbons. These chemicals were less destructive to the ozone layer, but they still reduced the concentration of ozone in the atmosphere. HFCs are very potent greenhouse gases.
- 3) **Halons:** Another group of chemicals which affect the ozone layer is the halons. This type of chemical was commonly used in some types of fire extinguishers.
- 4) **Chloroform:** This is another chemical that damages the ozone layer. It is commonly used for industrial applications including vapor degreasing and chemical processing.
- 5) **Carbon Tetrachloride:** Some types of solvents and certain compounds in fire extinguishers may contain carbon tetrachloride. This chemical negatively affects ozone.

Effects of Ozone layer depletion

- 1) **Effects on Human and Animal Health:** The thinning of the earth's ozone layer has allowed greater amounts of skin-burning UV radiation from the sun to reach the earth. Increased penetration of solar UV-B radiation is likely to have high impact on human health with potential risks of eye diseases, skin cancer and infectious diseases.
- 2) **Effects on Terrestrial Plants:** In forests and grasslands, increased radiation is likely to change species composition thus altering the bio-diversity in different ecosystems. It could also affect the plant community indirectly resulting in changes in plant form, secondary metabolism, etc.
- 3) **Effects on Aquatic Ecosystems:** High levels of radiation exposure in tropics and subtropics may affect the distribution of phytoplankton, which form the foundation of aquatic food webs. It can also cause damage to early development stages of fish, shrimp, crab, amphibians and other animals, the most severe effects being decreased reproductive capacity and impaired larval development.
- 4) **Effects on Bio-geo-chemical Cycles:** Increased solar UV radiation could affect terrestrial and aquatic bio-geo-chemical cycles thus altering both sources and sinks of greenhouse and important trace gases, e.g. carbon dioxide (CO₂), carbon monoxide (CO), carbonyl sulphide (COS), etc. These changes would contribute to biosphere-atmosphere feedbacks responsible for the atmosphere build-up of these greenhouse gases.
- 5) **Effects on Air Quality:** Reduction of stratospheric ozone and increased Penetration of UVB

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radiation result in higher photo dissociation rates of key trace gases that control the chemical reactivity of the troposphere. This can increase both production and destruction of ozone and related oxidants such as hydrogen peroxide, which are known to have adverse effects on human health, terrestrial plants and outdoor materials.

- 6) **Effects on Agriculture:** Increased UV levels will also have an impact on agriculture, including many of the world's major food crops. It has been observed that some crops, such as barley and oats, have shown decreased growth as a result of exposure to increased UV radiation.

Environment Protection Act, 1986

The Environment Act, 1986 puts emphasis on that specific type of pollution, matters related to industrial and environmental safety. There was a necessity for a control mechanism to guard against environmental threat from handling hazardous substances. The environment protection Act, 1986 was realised the protection and improvement of the environment of the environment and the prevention of hazards of human beings, other living creatures, plants and property.

Salient features of Environment Protection Act, 1986

- Sec-B
①
- ❖ This Act is not only for protection of environment but it is also more effective and bold measure to tackle the problem of pollution as compared to all the previous laws in this regard. Under this Act, the Central Government has been empowered to take all appropriate measures to establish an effective machinery to achieve the objectives of Act.
 - ❖ The Act enables Central Government to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment and preventing, controlling and abating environmental pollution. The Central Government is also empowered to constitute an authority for exercising the power vested in it and to frame rules for that purpose.
 - ❖ The Act has adopted a new position with regard to the question of *Locus Standi* so that now even a citizen have a right to approach a court, provided he has given notice of not less than 60 days of the alleged environmental offence and his intention so make a complaint to the Central Government or the competent authority.
 - ❖ The Act strengthens the penal provisions. The maximum penalty for contravention of the Act has been increased to imprisonment up to five years to one lakh rupees or both. If the failure or contravention continues beyond a period of 1 year after date of conviction, the offender shall be punishable with imprisonment for a term which may extend to 7 years.

Definitions of important terms

Section 2 of the Act contains the following important definitions

- Sec-A
①
- **“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-organisms.
 - **“Environmental Pollutant”** means any solid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment.
 - **“Environmental Pollution”** means the presence in the environment of any environmental

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pollutant. **“Handling”** means any substances, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance. (1)

- **“Hazardous Substances”** means any substance or preparation which by reason of its chemical or physio-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-organisms, property or the environment.
- **“Occupier”**, in relation to any factory or premises means a person who has control over the affairs of the factory or the premises and includes, in relation to any substance, the person in possession of the substance. (1)

Power of Central Government to protect environment

- Sec - C
①
- 1) Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling or reducing environmental pollution.
 - 2) Section 3(2) states that without prejudice to the generality of the provision of sub section 1.

Following are the general powers of the Central Government:

- i. Co-ordination of actions by the State Governments, officers and other authorities.
- ii. Planning and execution of a nation-wide program for the prevention, control and reduction of environmental pollution.
- iii. Laying down standards for the quality of environment in its various aspects.
 - i. Laying down standards for emission or discharge of environmental pollutants from various sources.
 - ii. Restriction of areas in which any industries, operation or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards.
 - iii. Laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents.
 - iv. Laying down procedures and safeguards for the handling of hazardous substances.
 - v. Examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution.
 - vi. Carrying out and sponsoring investigation and research relating to problems of environmental pollution.
 - vii. Inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances 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 environment pollution.
 - viii. Establishment or recognition of environmental laboratories and institutes to carry out functions entrusted to such environmental laboratories and institutes under this Act.
 - ix. Collection and dissemination of information in respect of matters relating to environmental pollution.

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- x. Preparation of manuals, codes or guides relating to the prevention, control and reduction of environmental pollution.
 - xi. 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 purpose 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 powers and functions of the Central Government under this Act and for taking measures to tackle the problems relating to environment.

Appointment of officers and their powers and functions

- 1) Without prejudice to the provisions of section 3(3), the Central Government may appoint officers with such designation as it thinks fit for purposes of this Act and may entrust to them such of the powers and functions under this Act as it deems fit.
- 2) The officers appointed under 3(1) shall be subject to the general control and direction of the Central Government or, if so, directed by that Government, also authority or authorities, if any, constituted under section 3(3) or of any other authority or officer.

Power to give directions

Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its power and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall bound to comply with such directions.

Explanation: It is declared that the power to issue directions under this section includes the power to direct,

- a) The closure, prohibition or regulation of any industry, operation or process; or
- b) Stoppage or regulation of the supply of electricity or water or any other service

Rules of Central Government to protect the Environment in India

- 1) The Central Government may, by notification in the official gazette, make rules in respect of all or any of the matters referred 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 standard of quality of air, water or soil for various areas and purposes
 - b) The maximum allowable limits of concentration of various environmental pollutants for different areas.
 - c) The procedures and safeguards for the handling of hazardous substances in different areas.
 - d) The prohibition and restriction on the handling of hazardous substances in different areas

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- e) The prohibition and restriction on the location of industries and the carrying on process and operations in different areas.
- f) The procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.

Measures taken by the Central Government to protect and improve environment:

In order to give effect to the constitutional provision, the Central Government has taken several measures in the form of enactment of acts for environmental protection. Following are the few Acts:

- 1) **The Environment Protection Act, 1986:** The Environment Act, 1986 puts emphasis on that specific type of pollution, matters related to industrial and environmental safety. There was a necessity for a control mechanism to guard against environmental threat from handling hazardous substances. The environment protection Act, 1986 was realised the protection and improvement of the environment of the environment and the prevention of hazards of human beings, other living creatures, plants and property.
- 2) **The Water (Prevention and Control of pollution) Act, 1974:** This Act was enacted in 1974 to provide for the prevention and control of water pollution, and for maintaining or resorting of wholesomeness of water in the country. This is the first law passed in India whose objective was to ensure that domestic and industrial pollutants are not discharged into water bodies.
- 3) **The Air (Prevention and Control of pollution) Act, 1981:** It was enacted to provide for prevention, control and abatement of air pollution in India. It is a specialised piece of legislation, which was enacted to take appropriate steps to preserve the natural resources.
- 4) **The Noise pollution (Regulation and Control) Act, 2000:** There was no direct provision for noise pollution under environment protection Act, 1986 or any other legislation. The increasing noise ambient noise levels in public places from various sources have harmful effects on human health. There the Noise pollution Act was enacted in 2000 to laid down rules to reduce noise pollution.
- 5) **The public liability Insurance Act, 1981:** This Act provides for public liability insurance (i.e. immediate relief) to the persons affected by accidents occurring while handling of hazardous substances.
- 6) **Acts relating to Forest Conservation:** These are provided for conservation of forests, and for matters connected therewith or ancillary or incidental thereto.
- 7) **Acts relating to Wildlife Protection:** These are provided for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensure the ecological and environmental security of the country.

Prevention, control and abatement of Environmental pollution

- 1) **Emission of Pollutants:** Under section 7 of the Act, no person carrying on any industries, operation or processes shall be discharged or emitted any environmental pollutants in excess of such standards as may be prescribed.
- 2) **Handling Hazardous substances:** Under section 8 of the Act no person shall handle or cause to be handled any hazardous substances except in accordance with such procedure and after

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complying with such standards are as prescribed. The Central Government should consider following factors with respect to hazardous substances as per environment protection rules:

- The hazardous nature of the substances
- The substances that may be or likely to be or readily as substitutes for the substances proposed to be prohibited or restricted
- The indigenous availability of substitute, or the state of technology available in the country for developing a safe substitute.

3) Furnishing of information to authorities and agencies in certain cases:

- I. Under section 9 of the Act, 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 responsible for such discharge and the person in charge of the place at which such discharge occur 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;
 - b) Be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed.
 - II. On receipt of information with respect to the fact or apprehension on any occurrence of the nature referred above, the authorities concerned shall cause remedial measures to be taken as necessary to prevent or mitigate the environmental pollution.]
 - III. The expenses, if any incurred by the agency with respect to remedial measures taken, together with interest as may be fixed by the Government from time to time, from the date when a demand for expenses is made until it is paid, may be recovered by such authority or agency.
- 4) **Power of Entry and Inspection:** Under section 10 of the Act, any person empowered by the Central Government shall have a right to enter, at all reasonable times, any place:
- a) 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 what manner, any such functions are to be performed or whether any provisions of this Act or rules made there under or any notice, order, or direction or authorisation served, made, given or under this Act is being or has been complied with;
 - 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 of any building in which he has reason to believe that offence under this Act or the rules made there under, has been or is being or is about to be committed, and for seizing any such equipment, industrial plant, record, register, document or any 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 there under or that such seizure is necessary to prevent or mitigate environmental pollution.
 - d) Every person, carrying on any industry, operation or process or handling any hazardous

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substances is bound to render all assistance to the person who makes an entry referred to above. Failure to render such assistance will amount to an offence under this Act.

5) **Power to take samples:** The procedure to be followed in connection with:

- i. The Central Government or any officer empowered by it in this behalf shall have power to take, for 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.
- ii. The result of any analysis of a sample taken shall not be admissible in evidence in any legal proceedings
- iii. Subject to the provisions of this Act.
- iv. The person taking the sample shall –
 - 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 or person, collect a sample for analysis.
 - c) Cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking 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.
- v. Where a sample is taken and the person taking the sample serves the notice the occupier or his agent, the notice under (a) above, then –
 - a) in a case where the occupier, his agent or person willfully absents himself, the person taking the samples shall collect the samples for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample,
 - b) in 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 section 3(c), 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 recognized and such person shall inform the Government Analyst appointed or recognized under Section 13 in Writing, about the willful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

6) **Environmental laboratories:** Section 12 of the Act provides that the Central Government may by notification in the official gazette, establish one or more environmental laboratories or recognise one or more laboratories or institutes as environmental laboratories to carry out certain functions under the Act.

The functions of such environmental laboratories are:

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- ❖ To evolve standardized methods for sampling and analysis of various types of environmental pollutants;
 - ❖ To analyse samples sent by the Central Government or the officers empowered under section 11(1).
 - ❖ To carry out such investigations as may be directed by the Central Government to lay down standards for the quality of environment and discharge of environment pollutants, to monitor and to enforce the standards laid down.
 - ❖ To send periodical reports regarding its activities to the Central Government
 - ❖ To carry out such other functions as may be entrusted to it by the Central Government from time to time.
- 7) **Government analysts:** 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 analyst for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognised.

8) **Penalty for contravention of the provisions of the Act:**

- i. Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued there under, shall in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to 5 years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to Rs.5000 every day during which such failure or contravention continues after the conviction for the first such failure or contravention.
- ii. If the failure or contravention continues beyond the period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to 7 years.

9) **Offences by Companies:**

- i. Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of 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 contained in this sub-Section shall render any such person liable to any punishment provided in this Act, 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.

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.

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10) Offences by Government Departments:

- i. Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly, provided that nothing contained in this Section shall render such Head of the 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.
- ii. 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, 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.

Environmental Audit Report

In March 1992, Rule 14 was introduced in the Environment (Protection) Rules 1902. Every person carrying on an industry, operation or process requiring consent under Sec. 25 of the Water (Prevention and Control of Pollution) Act, 1974 or under Sec. 21 of the Air (Prevention and Control of Pollution) Act, 1981 or both or authorisation under the Hazardous Wastes (Management and Handling) Rules, 1989, issued under the Environment (Protection) Act, 1986 shall submit an Environmental Audit Report for the financial year ending 31st March in Form V to concerned State Pollution Control Board on or before the 15th day of May every year, beginning Environmental Accidents.

'Ecomark' Scheme

The Government also decided to issue 'Ecomark' labels to industries which will be deemed environment friendly and cause either minimum or no pollution. The general requirements to be met by these products are that they should conform to the standards of the Bureau of Indian Standards in this regard and manufacturers must produce the consent clearance under Water, Air and Environment protection Acts. The products should be recyclable, reusable or bio-degradable.