

Powers of Central government under the Environmental Protection Act 1986

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In news : The Kochi Corporation faces prosecution proceedings for violation of Water, Air and Environment Protection Acts for unauthorised or improper management of solid waste at Brahmapuram.

A brief note on the Environment (Protection) Act, (EPA) 1986

- The Environment (Protection) Act, 1986 authorizes the central government to protect and improve environmental quality, control and reduce pollution from all sources, and prohibit or restrict the setting and /or operation of any industrial facility on environmental grounds.
- The Environment (Protection) Act was enacted in 1986 with the objective of providing for the protection and improvement of the environment.
- It 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

General Powers of the Central Government under EPA 1986

Power of Central Government to take measures to protect and improve environment

As per the 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 and abating environmental pollution. It includes:

- Coordination of actions by the State Governments, officers and other authorities
- Planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution
- Laying down standards for the quality of environment in its various aspects
- Laying down standards for emission or discharge of environmental pollutants from various sources whatsoever
- Restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards
- Laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents
- Laying down procedures and safeguards for the handling of hazardous substances
- Examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution
- Carrying out and sponsoring investigations and research relating to problems of environmental pollution
- 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 environmental pollution
- Establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act
- Collection and dissemination of information in respect of matters relating to environmental pollution
- Preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental

pollution

Appointment of officers and their powers and functions

As per section 3 of the act, 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

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 powers and functions under this Act as it may deem fit.

Power to give directions

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, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Rules to regulate environmental pollution

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.

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:

- The standards of quality of air, water or soil for various areas and purposes
- The maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas
- The procedures and safeguards for the handling of

hazardous substances

- The prohibition and restrictions on the handling of hazardous substances in different areas
- The prohibition and restrictions on the location of industries and the carrying on of processes and operations in different areas
- The procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.