



# Environment (Protection) Act (EPA)

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## Environment (Protection) Act (EPA)

- ✓ The **Environment (Protection) Act (EPA)** was enacted in **1986** with the objective of providing 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.
- ✓ The Act is **one of the most comprehensive legislations** with a pretext to protection and improvement of the environment.
- ✓ The roots of the enactment of the EPA lies in the **United Nations Conference on the Human Environment** held at Stockholm in June, **1972 (Stockholm Conference)**, in which India participated, to take appropriate steps for the improvement of **the human environment**.
- ✓ The Act implements the decisions made at the **Stockholm Conference**.



# Environment (Protection) Act (EPA)

## Environment (Protection) Act (EPA)

- ✓ EP Act was passed under **Article 253 of the Indian Constitution**, which empowers the Centre to enact laws to give effect to international agreements signed by the country.
- ✓ The purpose of the Act is **to implement the decisions of the UN Conference on the Human Environment**.
- ✓ They relate to the **protection and improvement** of the human environment and the prevention of hazards to human beings, other living creatures, plants and property. /It was enacted in 1986 on the backdrop of **Bhopal Gas Tragedy (1984)**.
- ✓ The **Act was last amended in 1991 & 2022**.





# Environment (Protection) Act (EPA): Constitutional Provisions

## Constitutional Provisions

- ✓ The EPA Act was enacted **under Article 253 of the Indian Constitution** which provides for the **enactment of legislation for giving effect to international agreements.**
- ✓ **Article 48A of the Constitution** specifies that the **State** shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.
- ✓ **Article 51A** further provides that **every citizen** shall protect the environment.
- ✓ **Coverage:** The Act is applicable to the whole of India including the state of Jammu & Kashmir.



## Why this Act?

- ✓ The Act is an "**umbrella**" **legislation** that has provided a framework for the environmental regulation regime in India.
- ✓ **It covers all major industrial and infrastructure activities and prohibits and regulates specific activities in coastal areas and eco-sensitive areas.**
- ✓ The Act also provides for coordination of the activities of various central and state authorities established under other environment-related laws, such as the Water Act and the Air Act.

# Environment (Protection) Act (EPA)

## Powers of the Central Government

EPA 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.

### EPA also empower the Government to:

- ✓ **Plan and execute a nation-wide programme** for the prevention, control and abatement of environmental pollution.
- ✓ **Lay down standards for the quality of the environment** in its various aspects like emission or discharge of environmental pollutants from various sources.
- ✓ The **Central government as per the Act has the power to direct:**
  - a) The **closure, prohibition or regulation of any industry, operation or process.**
  - b) The **stoppage or regulation of the supply of electricity or water or any other service.**

## Offences and Penalties

- ✓ Non-compliance or Contravention to any of the provisions of the Act is considered as an offence.
- ✓ **No Court shall take cognizance of any offence** under this Act except on a **complaint made by:**
  - i. The **Central Government or any authority on behalf of the former.**
  - ii. A person who has approached the Courts after a **60-day notice** has been furnished to the Central Government or the authority on its behalf.
- ✓ In case of **any non-compliance or contravention of the current provisions of the EPA**, or of the rules under this Act, the violator can be punished with **imprisonment up to 5 years or with a fine up to Rs 1,00,000, or with both.**
- ✓ In case of **continuation of such violation**, an additional fine **of up to Rs 5,000 for every day during which such contravention continues** after the conviction for the first such contravention can be levied.
- ✓ If the violation continues beyond a period of one year after the date of conviction, the offender can be punished **with imprisonment for a term which may extend to seven years.**



# Environment (Protection) Act (EPA)

## Amendments in the Environment Protection Act, 1986

- ✓ The **Ministry of Environment, Forest and Climate Change** proposed **amendments in the Environment Protection Act, 1986**.
- ✓ Incidentally, the **Environment Protection Act provisions will be in force for penal provisions of the single use plastic ban** which has come into force recently.

## Key Amendments Proposed in the Environment Protection Act

- ✓ The Ministry has proposed the **decriminalization of the existing provisions of the EPA, 1986 in order to weed out fear of imprisonment for simple violations**.
- ✓ It involves **removal of imprisonment as a penalty for the "less severe" contraventions**.







# Environment (Protection) Act (EPA)

## Amendments in the Environment Protection Act, 1986

### Key Amendments Proposed in the Environment Protection Act

- ✓ "However, **serious violations of EPA** which lead to **grievous injury or loss of life** shall be covered under the provision of **Indian Penal Code (IPC)**.
- ✓ "Failure or contravention or non-compliance of the provisions of EPA such as submitting reports, furnishing information etc. will now be **dealt by imposing a monetary penalty through duly authorized Adjudicating Officer**.
- ✓ "Instead of **imprisonment**, the amendments propose the creation of an **Environmental Protection Fund** in which the amount of **penalty imposed** by the Adjudicating Officer after adjudicating the damage to the environment **shall be remitted**.
- ✓ "The **Central Government** may prescribe the manner in which the **Protection Fund** shall be administered.





# Environment (Protection) Act (EPA)

## Key Provisions Environment Protection Act, 1986

- ✓ "The Environment (Protection) Rules lay down procedures for setting standards of emission or discharge of environmental pollutants.
- ✓ The objective of **Hazardous Waste (Management and Handling) Rules, 1989** is to control the generation, collection, treatment, import, storage, and handling of hazardous waste.
- ✓ The **Manufacture, Storage, and Import of Hazardous Rules** define the terms used in this context, and sets up an authority to inspect, once a year.
- ✓ The **Cells Rules, 1989** were introduced with a view to protect the environment, nature, and health in connection with the application of gene technology and micro-organisms.



# KYOTO PROTOCOL

## KYOTO PROTOCOL – CoP (3<sup>rd</sup>)

- ✓ The UNFCC Meetings are called as **COP (Conference of parties)**.
- ✓ **Kyoto was signed at the 3rd CoP of the UNFCC in Kyoto, Japan in 1997.**
- ✓ The protocol came into **effect in 2005**.
- ✓ There are around **192 member countries** where the major polluting countries like **US (never signed the protocol)** and **Canada (withdrew in 2012)** are absent.
- ✓ It is an **international treaty which extends the 1992 United Nations Framework Convention on Climate Change (UNFCCC)** that commits state parties to reduce greenhouse gas emissions.
- ✓ The **Kyoto Protocol** is an international agreement linked to the **United Nations Framework Convention on Climate Change**, which commits its **Parties by setting internationally binding emission reduction targets.**

# KYOTO PROTOCOL

## KYOTO PROTOCOL – CoP (3<sup>rd</sup>)

- ✓ The **Kyoto Protocol** was adopted in **Kyoto, Japan, in 1997.**
- ✓ **India** ratified **Kyoto Protocol** in **2002.**
- ✓ The **Kyoto Protocol** came into force in **February 2005.**
- ✓ There are **currently 192 Parties.**
- ✓ **USA** never ratified **Kyoto Protocol.**
- ✓ "**Canada** withdrew in **2012.**"

## Goal of Kyoto Protocol

- ✓ **Fight global warming** by reducing **Greenhouse Gas** concentrations in the atmosphere to "a level that would prevent dangerous anthropogenic interference with the **climate system.**"
- ✓ Kyoto protocol aimed to cut emissions of greenhouse gases across the developed world by **about 5 per cent by 2012 compared with 1990 levels.**
- ✓ The Protocol is based on the **principle of Common but Differentiated Responsibilities (CBDR).**
- ✓ Kyoto Protocol is the only global treaty with binding limits on **GHG emissions.**

# KYOTO PROTOCOL

## KYOTO PROTOCOL – CoP (3<sup>rd</sup>)

- ✓ It is not legally binding.
- ✓ Only members of UNFCCC can become parties to the Kyoto Protocol.
- ✓ Kyoto Protocol was adopted at the 3rd session of UNFCCC.
- ✓ To meet the targets of the Kyoto Protocol, member countries cannot include international shipping and international aviation
- ✓ Countries can use Land Use (W), land-use change (LUC) and Forestry to meet their Kyoto targets.

**Which are the countries that are not parties of the Kyoto Protocol?**

**The United States of America**

**Canada**

**Andorra**

**South Sudan**

# KYOTO PROTOCOL

## What is Common but Differentiated Responsibilities — Kyoto Protocol?

- ✓ It puts the obligation to reduce current emissions on developed countries on the basis that they are historically responsible for the current levels of greenhouse gases in the atmosphere.

### CBDR divides countries into two categories

1.	<b>Historically Biggest Polluting Developed Countries</b>	Historically Biggest Polluting Developed Countries like US, UK, France, Japan, Russia etc. (they are polluting the earth since Industrial Revolution).
2.	<b>Recently Polluting Developing Countries</b>	Recently Polluting Developing Countries like China, India, Brazil, etc. (polluting since 1950s).

**Common**

Every country (both developing and developed) must take part in the fight against climate change.

"But differentiated responsibilities"

Historically biggest polluters should do more compared to the recent polluters, i.e., responsibilities proportional to pollution caused

# KYOTO PROTOCOL

## Six Greenhouse Gases List in Annex A

Recognizing that developed countries are principally responsible for the current high levels of GHG emissions in the atmosphere as a result of more than 150 years of industrial activity, the Protocol places a heavier burden on developed nations under the principle of **“Common but Differentiated Responsibilities.”**

### The six greenhouse gases listed in Annex A

1	Carbon dioxide (CO <sub>2</sub> )
2	Methane (CH <sub>4</sub> )
3	Nitrous oxide (N <sub>2</sub> O)
4	Hydro fluorocarbons (HFCs)
5	Per fluorocarbons (PFCs)
6	Sulphur Hexafluonde (SF <sub>6</sub> )

### The Kyoto Protocol emission target gases.