



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

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SUBJECT: Environmental Laws

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NAME OF FACULTY: Mohammad Aqib

Lecture-21



LECTURE 21: The Environment Protection Rules,1986 and Prevention, Abatement and Control of Environment Pollution and Procedure to be followed for legal proceedings under the Environment Protection Act

The Environment (Protection) Rules, 1986

The rules of Environment protection came into force on 19th November 1986 and these rules provide for the following:

1. The standards of quality of air, soil and water for various areas and purposes of environment.
2. The standard set up to know about the limits of the environmental pollutants.
3. Rules include the procedure and safeguards needed to handle the hazardous substance.
4. Restrictions and some prohibitions on handling the hazardous substances in different areas and premise
5. The procedures and safeguards required for the prevention of accidents which may cause environmental pollution and also the remedies for it.
6. The prohibition and restrictions possessed on the location of industries in different areas.

Prevention, Abatement and Control of Environmental Pollution

Section 7 of the Environment Protection Act 1986 suggest that no person in the country shall be carrying any of the activity or operation in which there is a large emission of gases or other substances which may lead to excess environmental pollution.

Section 7 of the act provides certain standards that ought to be maintained in which it is a must that no person is allowed to damage the environment and if a person is found guilty for causing damage to the environment by polluting the pollution pay principle.

He can be asked for the 'exemplary damages' if he is found guilty of damaging the environment.

Section 8 provides that any person who is handling the hazardous substance needs to comply with the procedural safeguards.

If the emission is to a very large extent or is apprehended through an accident, the person responsible for it is obliged to mitigate from that place in order to reduce the environmental pollution.

He is also required to give an intimation to the higher authorities regarding the same and for that one receipt of remedies shall be required to prevent or to mitigate the environmental pollution.

In subsection (1), it is also provided that if a person wilfully delays or obstructs the person designated by the central government, he will be charged guilty under this act.

Procedure to be followed for the legal proceedings under the Environmental Protection Act

The following procedure needs to be followed for the legal proceedings.

1. The notice must be delivered to the occupier or his agent and it must indicate the intention or the analysis of the issue of a particular case.
2. Samples of the extent of pollution to be checked must be taken in the presence of the occupier or the agent.
3. The sample should be sent directly to the laboratory without any delay in the process.
4. The sample should be kept in a container with a label on it and it should have the signature of both the occupier party and the person taking the sample.

The central government must recognise at least one or two laboratories under this act and the report of analysis can be used as evidence of the facts stated in any procedure done under this act.