



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

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SUBJECT: Environmental Laws

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Lecture-20



LECTURE 20: Power of Central Government under Environment Protection Act

Power of the Central government for measures to protect and improve the Environment

It is the power vested in the central government that they can take any reasonable and valid steps and measures for the purpose of the protection and improvement of the quality of the environment. These measures are taken for the prevention, control and abatement of environmental Pollution.

Such measures may include measures with respect to all namely as follows.

1. Laying down the standards for the quality of the standards of the environment.
2. Coordination of actions which are obliged to the state officers and other authorities under any law.
3. Execution and proper planning of the worldwide national programme for the prevention, controlling and the abatement of environmental pollution.
4. Restrictions to be applied in any of the industries, process and any operation shall be carried out.
5. It is the power and the duty of the government to lay down the procedure to carry forward safeguards for the prevention of many inevitable accidents which may inculcate in more environmental pollution.
6. Proposal of remedies should be put forward for the protection and prevention of further incidents.
7. Duty and power to lay down the procedures and safeguards to handle the hazardous substance.
8. Examination of manufacturing processes should be done, materials, substances which are likely to cause environmental pollution.
9. Power to inspect at various premises, equipment, material and the substances and power to direct the authorities for the prevention and control of environmental pollution.
10. To collect the dissemination in the respect of information related to environmental pollution.
11. Preparation of the manuals, codes, guides which are considered suitable enough for controlling environmental pollution.
12. One of the most important tasks is to establish the laboratories.

13. Serving other matters which are necessary for the central government to deal for the effective implementation of the Environmental Protection Act, 1986.

Under Section 3 of the following act, the central government has the power to authorize or constitute other authorities for the accurate implementation of powers and duties which are mentioned above.

Section 3 of the Environmental Protection Act holds importance due to the fact of a better regulatory mechanism.

In the case of **Vellore Citizens' Welfare Forum v Union of India**, the Supreme Court has directed the central government to constitute the 'authority' for the implementation of powers under section 3(3). Thus, the Court directed while keeping in the notice about the degrading quality of the environment that authorities should implement the '**precautionary principle**' and '**pollution pay principle**'.

Power to give direction

The central government in the exercise of powers designated by the Act can issue the directions in writing to any of the person or any officer. They shall be bound to comply with these given directions.

The powers to issue directions will include the power to direct which are as follows:

- (i) The direction of closure, prohibition or the regulation of any industry and its operational process.
- (ii) direction for the stoppage or regulation of the supply of electricity, including any other services.