

# **THE ENVIRONMENT (PROTECTION) ACT, 1986**

## **INTRODUCTION**

Since the sixties concern over the state of environment has grown the world over. There has been substantive decline in environment quality due to increasing pollution, loss of vegetal cover and biological diversity, excessive concentrations of harmful chemicals in the ambient atmosphere and in food chains, growing risks of environmental accidents and threats to life support systems. The decisions which were taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972 were based on the world community's resolve to protect and enhance the environmental quality. While participating in the said Conference Government of India strongly voiced the environmental concerns. Although several measures had been taken for environmental protection both before and after the Conference it was found necessary to enact a comprehensive law on the subject to implement the decisions of the Conference. Accordingly the Environment (Protection) Bill was introduced in the Parliament.

## **STATEMENT OF OBJECTS AND REASONS**

(1) Concern over the state of environment has grown the world over since the sixties. The decline in environmental quality has been evidenced by increasing pollution, loss of vegetal cover and biological diversity, excessive concentrations of harmful chemicals in the ambient atmosphere and in food chains, growing risks of environmental accidents and threats to life support systems. The world community's resolve to protect and enhance the environmental quality found expression in the decisions taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972. Government of India participated in the Conference and strongly voiced the environmental concerns. While several measures have been taken for environmental protection both before and after the Conference, the need for a general legislation further to implement the decisions of the Conference has become increasingly evident.

(2) Although there are existing laws dealing directly or indirectly with several environmental matters, it is necessary to have a general legislation for environmental protection. Existing laws generally focus on specific types of pollution or on specific categories of hazardous substances. Some major areas of environmental hazards are not covered. There also exist uncovered gaps in areas of major environmental hazards. There are inadequate linkages in handling matters of industrial and environmental safety. Control mechanisms to guard against slow, insidious build up of hazardous substances, especially new chemicals, in the environment are weak. Because of a multiplicity of regulatory agencies, there is need for an authority which can assume the lead role for studying, planning and implementing long-term requirements of environmental safety and to give direction to, and co-ordinate a system of speedy and adequate response to emergency situations threatening the environment.

(3) In view of what has been stated above, there is urgent need for the enactment of a general legislation on environmental protection which *inter alia*, should enable co-ordination of activities of the various regulatory agencies, creation of an authority or authorities with advocate powers for environmental protection, regulation of discharge of environmental pollutants and handling of hazardous substances, speedy response in the event of accidents threatening environment and deterrent punishment to those who endanger human environment, safety and health.

(4) The Bill seeks to achieve the above objects.

#### **ACT 29 OF 1986**

The Environment (Protection) Bill having been passed by both the Houses of Parliament received the assent of the President on 23rd May, 1986. It came on the Statute Books as THE ENVIRONMENT (PROTECTION) ACT, 1986 (29 of 1986) (*Came into force on 19-11-1986*).

#### **AMENDING ACT**

The National Green Tribunal Act, 2010 (19 of 2010).

# THE ENVIRONMENT (PROTECTION) ACT, 1986

(29 of 1986)

[23rd May, 1986]

*An Act to provide for the protection and improvement of environment and for matters connected therewith.*

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

## CHAPTER I PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Environment (Protection) Act, 1986.

(2) It extends to the whole of India.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different areas.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

- (a) “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-organism and property;
- (b) “environmental pollutant” means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;
- (c) “environmental pollution” means the presence in the environment of any environmental pollutant;
- (d) “handling”, in relation to any substance, means the manufacture, processing, treatment, package, storage transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;
- (e) “hazardous substance” means any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-organism, property or the environment;

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1. Came into force on 19-11-1986, *vide* G.S.R. 1198(E), dated 12th November, 1986.

- (f) "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;
- (g) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II

### GENERAL POWERS OF THE CENTRAL GOVERNMENT

**3. Power of Central Government to take measures to protect and improve environment.**—(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 and abating environmental pollution.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:—

- (i) co-ordination of actions by the State Governments, officers and other authorities—
  - (a) under this Act, or the rules made thereunder; or
  - (b) under any other law for the time being in force which is relatable to the objects of this Act;
- (ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;
- (iii) laying down standards for the quality of environment in its various aspects;
- (iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

- (v) 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;
- (vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
- (vii) laying down procedures and safeguards for the handling of hazardous substances;
- (viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;
- (ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;
- (x) 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;

- (xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;
- (xii) collection and dissemination of information in respect of matters relating to environmental pollution;
- (xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;
- (xiv) 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 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 (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

#### COMMENTS

##### Approach of court

The court should approach that no activities which would ultimately lead to unscientific and unsustainable development and ecological destruction at all be allowed and the courts must scrupulously try to protect the ecology and environment; *Goa Foundation, Goa v. Diksha Holdings Pvt. Ltd.*, AIR 2001 SC 184.

##### CNG-buses

To protect the health of the present and future generation and protect and improve the environment, the non-CNG-buses were phased out and ordered for the use of CNG-buses; *M.C. Mehta v. Union of India*, AIR 2002 SC 1696.

##### Environmental awareness

A public interest petition was filed seeking directions from the apex court to the Government for exhibition of slides in cinema halls containing information and messages on environment free of cost, spread of relative valuable information relating to environment in national and regional languages through television and Radio in regular and short-term programmes and for making environment as compulsory subject in schools and colleges. The Supreme Court accepted the prayers in principle and issued directions to that effect holding that keeping the citizens informed is an obligation of the Government; *M.C. Mehta v. Union of India*, AIR 1992 SC 382.

##### Power of Central Government

The Central Government is empowered 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; *M.C. Mehta v. Union of India*, AIR 1988 SC 1037.

**Responsibility to repair damage**

The responsibility for repairing the damage is of the offending industry. The task of determining the amount required for carrying out the remedial measures, its recovery/realisation and the task of undertaking the remedial measures is placed upon the Central Government; *Indian Council for Enviro-Legal Action, etc. v. Union of India*, AIR 1996 SC 1446.

**Right to life**

Environment is one of the facts of the right to life guaranteed under article 21 of the Constitution. Environment is not merely a statutory issue, it is a matter directly under the Constitution. If the court perceives any project or activity as harmful or injurious to the environment it would feel obliged to step in; *Anand Arya v. Union of India*, (2011) 1 SCC 744: JT 2010 (13) SC 403: 2010 (13) SCALE 50.

**Scope**

The main purpose of the Act is to create an authority or authorities with adequate powers to control pollution and protect the environment; *Vellore Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715.

**Sustainable development**

(i) To ensure sustainable development is one of the goals of Environmental Protection Act, 1986, and this is quiet necessary to guarantee 'right to life' under Article 21. If the Act is not armed with the powers to ensure sustainable development, it will become a barren shell. In other words, sustainable development is one of the means to achieve the object and purpose of the Act as well as the protection of 'life' under Article 21; *N.D. Jayal v. Union of India*, AIR 2004 SC 867.

(ii) It is necessary that green areas and the parks in all the towns and cities of Rajasthan are maintained to protect environment and ecology, but it is seen they are allowed to be encroached upon due to commercial and other pressures. They are converted from green areas to commercial areas and residential areas. Concrete jungles are swallowing green areas. That trend needs to be halted to protect and preserve ecology; *Justice R.S. Verma v. State of Rajasthan*, AIR 2004 Raj 175.

(iii) The harmonisation of the two namely, the issue of ecology and developmental project cannot but be termed to be the order of the day and the need of the hour; *Goa Foundation, Goa v. Diksha Holdings Pvt. Ltd.*, AIR 2001 SC 184.

(iv) There is need for creating general awareness towards the hazardous effects of noise pollution. Similar awareness need to be created in Police and Civil administration as well. Not only the use of loudspeakers and playing of hi-fi amplifier systems has to be regulated, even the playing of high sound instruments which create noise beyond tolerable limit need to be regulated; *Noise Pollution (in re:)*, AIR 2005 SC 3136.

**4. Appointment of officers and their powers and functions.**—(1) Without prejudice to the provisions of sub-section (3) of section 3, 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 of the powers and functions under this Act as it may deem fit.

(2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that Government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3 or of any other authority or officer.

**5. 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 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.

*Explanation.*—For the avoidance of doubts, it is hereby 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.

#### NOTIFICATION

The Central Government has delegated the powers vested in it under section 5 to the Chairman, State Pollution Control Boards/Committees to issue directions to any industry or any local or other authority for the violations of the standards and rules relating to bio-medical waste, hazardous chemicals, industrial solid waste and municipal solid waste including plastic waste notified under the Environment (Protection) Act, 1986, subject to the conditions that the Central Government may revoke such delegation of powers or may itself invoke the provisions of section 5 of the said Act, if in the opinion of the Central Government such a course of action is necessary in the public interest [*Vide* S.O. 327(E), dated 10th April, 2001, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 12th April, 2001].

#### COMMENTS

##### Prohibition to establish industry

Where total prohibition against establishment of industries in an area is in force, the State Government cannot grant exemption to a specified industry located within or attempting to locate itself within such area. Neither can the State direct the State Pollution Control Board to prescribe conditions for grant of No Objection Certificate; *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, (2001) 2 SCC 62.

##### Void lease of land

(i) The grant of lease of land belonging to forest area to be used for setting up beneficiation plant which involve dust and water pollution and consequent destruction of adjoining forest and subsequently affecting the environment and ecology of the area and right to life, was declared void; *Goa Foundation v. State of Goa*, AIR 2001 Bom 318.

(ii) If the Central Government has issued certain directions and notified certain industries as hazardous and stone crushers have not been included then the Board would not be forbidden from exercising its power under provisions of Air Act or Water Act; *Bihar State Pollution Control Board v. Hiranand Stone Works*, AIR 2005 Pat 62.

<sup>1</sup>[5A. **Appeal to National Green Tribunal.**—Any person aggrieved by any directions issued under section 5, on or after the commencement of the National Green Tribunal Act, 2010\*, may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.]

**6. Rules to regulate environmental pollution.**—(1) 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.

(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 standards of quality of air, water or soil for various areas and purposes;
- (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;
- (c) the procedures and safeguards for the handling of hazardous substances;
- (d) the prohibition and restrictions on the handling of hazardous substances in different areas;

1. Ins. by Act 19 of 2010, sec. 36 and Sch. (w.e.f. 18-10-2010).

\* Date of commencement 18-10-2010, *vide* S.O. 2569(E), dated 18th October, 2010.

- (e) the prohibition and restrictions on the location of industries and the carrying on of processes 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.

### COMMENTS

#### Right to life

(i) The Karnataka High Court has directed the operation of industrial units in land earmarked as residential area in the Development plan to be stopped which were being established in gross violation of various statutory provisions thereby causing persistent pollution detrimental to health and held that where due to human negligence the quality of air or environment are threatened the court would not hesitate to use its innovative powers within its epistolary jurisdiction to enforce and safeguard the right to life to promote public interest. Since the right to life inherent in Article 21 of the Constitution of India contemplates qualitative life which is possible only in an environment of quality; *V. Laksmipathy v. State of Karnataka*, AIR 1992 Karn 57.

(ii) A limited power of exemption from the operation of Noise Rules by the Central Government is not unreasonable. The power to grant exemption is a reasonable restriction in public interest; *Forum, Prevention of Environment & Sound Pollution v. Union of India*, AIR 2006 SC 348.

### CHAPTER III

## PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL POLLUTION

**7. Persons carrying on industry, operation, etc., not to allow emission or discharge of environmental pollutants in excess of the standards.**—No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

### COMMENTS

#### Pollution of Ganga water

Discharge or emittance or permission to discharge or emit of any environmental pollutant in excess of standards is strictly prohibited. The Supreme Court has issued directions to the concerned authorities to control and prevent the pollution of Ganga water at Kanpur, *inter alia*, being—(a) prevention from waste gathered at the dairies. (b) enlargement of sewers and construction of sewers where absent. (c) provision for public latrines to avoid use of open land. (d) High Courts should not ordinarily stay criminal proceedings in such matters. (e) Corpses or Half cremated bodies are not thrown in the river. (f) new industries to get licences only after making provision for treatment of effluents and immediate action against existing polluting industries. (g) Central Government to include environment as a subject in educational institutions. (h) people should be made aware of the environmental problems; *M.C. Mehta v. Union of India*, AIR 1988 SC 1115.

**8. Persons handling hazardous substances to comply with procedural safeguards.**—No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed.

### COMMENTS

#### Absolute liability

It has been held that there is an absolute liability on the part of those who are engaged in construction work, particularly of multi-storeyed structures, not to commit



nuisance by letting out effluent from their drainage system; *Ajay Constructions v. Kakateeya Nagar Cooperative Housing Society Ltd.*, AIR 1991 AP 294.

#### **Oleum gas leakage**

Upon leakage of Oleum gas from Caustic Chlorine plant affecting several persons the Supreme Court allowed it to be restarted by the management subject to certain stringent conditions that were specified; *M.C. Mehta v. Union of India*, AIR 1987 SC 965.

#### **Primary treatment plant**

It has been held by the Supreme Court that a tannery which cannot set up a primary treatment plant cannot be permitted to continue to be in existence for the adverse effect on the public at large which is likely to ensue by the discharging of the trade effluents from the tannery to the river Ganga would be immense and it will outweigh any inconvenience that may be caused to the management and the labour employed by it on account of its closure; *M.C. Mehta v. Union of India*, AIR 1988 SC 1037.

#### **When need of judicial remedy may not arise**

It has been held that to ensure the attainment of the constitutional goal of the protection and improvement of the natural wealth and environment and of the safeguarding of the forests, lakes, rivers and wildlife and to protect the people inhabiting the vulnerable areas from the hazardous consequences of the arbitrary exercise of granting mining leases and of indiscriminate operation of the mines on the strength of such leases without property, the court will be left with effectively by issuing appropriate writs, orders and directions including the direction as to the closure of the mines the operation whereof is proving to be hazardous and the total prohibition of the grant or renewal of mining leases till the Government evolves a long-term plan based on a scientific study with a view to regulating the exploitation of the minerals in the State without detriments to the environment, ecology, the natural wealth and resources and the local population. However, the need for judicial intervention may not arise even in those cases where the court's jurisdiction is invoked if the administration takes preventive remedial and curative measures meanwhile; *Kinkri Devi v. State of Himachal Pradesh*, AIR 1988 HP 4.

### **9. Furnishing of information to authorities and agencies in certain cases.—**

(1) 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 in charge of the place at which such discharge occurs 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; and

(b) be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

(3) The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such

authority or agency from the person concerned as arrears of land revenue or of public demand.

**10. Powers of entry and inspection.**—(1) Subject to the provisions of this section, any person empowered by the Central Government in this behalf shall have a right to enter, at all reasonable times with such assistance as he considers necessary, 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 in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted 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 an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or 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 thereunder or that such seizure is necessary to prevent or mitigate environmental pollution.

(2) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person wilfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), or, in relation to the State of Jammu and Kashmir, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provision of the said law.

### COMMENTS

#### Dispute for adjudication

In a writ petition filed in 1983, i.e., more than 3 years before the commencement of the Environment Protection Act, 1986 the Supreme Court has held that the Act does not purport to/or perhaps could not take away the jurisdiction of the Supreme Court to deal with such case. Ordinarily the court would not entertain a dispute for the adjudication of which a special provision has been made by law but the rule is not attracted in the instant case. Besides it is a rule of practice and prudence and not one of jurisdiction; *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, AIR 1988 SC 2187.



**Inspection of factory premises**

It is open to the authority empowered by the Central Government, to inspect the premises of the factory, call for documents from the parties or any other body or authority or from the State Government or Union Government and to examine witnesses, if needed. It also have power to obtain data or technical advice from any source; *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, AIR 1999 SC 812.

**11. Power to take sample and procedure to be followed in connection therewith.—**(1) The Central Government or any officer empowered by it in this behalf, shall have power to take, for the 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.

(2) The result of any analysis of a sample taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.

(3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) 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 the 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 under section 12.

(4) When a sample is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub-section (3), then,—

- (a) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample 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, and
- (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 clause (c) of sub-section (3), 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 recognised under section 12 and such person shall inform the Government Analyst appointed or recognised under section 13 in writing, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

**12. Environmental laboratories.**—(1) The Central Government may, by notification in the Official Gazette,—

- (a) establish one or more environmental laboratories;
- (b) recognise one or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act.

(2) The Central Government may, by notification in the Official Gazette, make rules specifying—

- (a) the functions of the environmental laboratory;
- (b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;
- (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

**13. 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 Analysts for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognised under sub-section (1) of section 12.

**14. Reports of Government Analysts.**—Any document purporting to be a report signed by a Government Analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

**15. Penalty for contravention of the provisions of the Act and the rules, orders and directions.**—(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or 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 five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

**16. Offences by companies.**—(1) 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.

(2) 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.

*Explanation.*—For the purposes of this section,—

- (a) “company” means any body corporate, and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

#### COMMENTS

##### **Vicarious criminal liability**

It is well settled principle of law that vicarious criminal liability cannot be attached unless all the conditions for fastening such liability are proved; *Municipal Corporation of India v. Dev Raj*, 1985 FAJ 156 Del DB.

**17. Offences by Government Departments.**—(1) 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.

(2) 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.

#### CHAPTER IV

#### MISCELLANEOUS

**18. Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

**19. Cognizance of offences.**—No court shall take cognizance of any offence under this Act except on a complaint made by—

- (a) the Central Government or any authority or officer authorised in this behalf by that Government; or
- (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

**20. Information, reports or returns.**—The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it or any prescribed authority or officer any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.

**21. Members, officers and employees of the authority constituted under section 3 to be public servants.**—All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**22. Bar of jurisdiction.**—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under this Act.

**23. Power to delegate.**—Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act [except the power to constitute an authority under sub-section (3) of section 3 and to make rules under section 25] as it may deem necessary or expedient, to any officer, State Government or other authority.

**24. Effect of other laws.**—(1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

**25. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(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 standards in excess of which environmental pollutants shall not be discharged or emitted under section 7;
- (b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be handled or cause to be handled under section 8;
- (c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom all assistance shall be bound to be rendered under sub-section (1) of section 9;

- (d) the manner in which samples of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11;
- (e) the form in which notice of intention to have a sample analysed shall be served under clause (a) of sub-section (3) of section 11;
- (f) the functions of the environmental laboratories, the procedure for the submission to such laboratories of samples of air, water, soil and other substances for analysis or test; the form of laboratory report; the fees payable for such report and other matters to enable such laboratories to carry out their functions under sub-section (2) of section 12;
- (g) the qualifications of Government Analyst appointed or recognised for the purpose of analysis of samples of air, water, soil or other substances under section 13;
- (h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19;
- (i) the authority or officer to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20;
- (j) any other matter which is required to be, or may be, prescribed.

**26. Rules made under this Act to be laid before Parliament.**—Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 12th May, 2021

**S.O. 1848(E).**—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O.1533(E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the said notification), and in supersession of the notification of the Government of India in the Ministry of Environment, Forest and Climate Change, number S.O. 4001(E), dated the 20<sup>th</sup> December, 2017, except as respects things done or omitted to be done before such supersession, the Central Government hereby constitutes the State Level Environment Impact Assessment Authority, Andhra Pradesh (hereinafter referred to as the Authority, Andhra Pradesh) comprising of the following Members, namely: -

1.	Sri P. Venkata Rami Reddy, IAS (Retd.)	Chairman;
2.	Dr. Thatiparthi Byragi Reddy Professor. Department of Environmental Sciences, Andhra University, Visakhapatnam	Member;
3.	Special Secretary to Government, EFS&T Department, A.P. Secretariat, Velagapudi.	Member Secretary.

2. The Chairman and Members of the Authority, Andhra Pradesh shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

3. The Authority, Andhra Pradesh shall exercise such powers and follow such procedures as specified in the said notification.

4. The Authority, Andhra Pradesh shall take its decision on the recommendations of the State Level Expert Appraisal Committee (SEAC) constituted under paragraph 5 for the State of Andhra Pradesh.

5. For the purpose of assisting the Authority, Andhra Pradesh, the Central Government in consultation with the State Government of Andhra Pradesh, hereby constitutes the State Level Expert Appraisal Committee (SEAC) (hereinafter referred to as SEAC, Andhra Pradesh) comprising of the following Members, namely: -

1.	Dr. G. V. R. Srinivasa Rao, Professor, Civil Engineering Department, Andhra University, Visakhapatnam	Chairman;
2.	Dr. Dinesh Sankar Reddy Registrar (I/C), Professor of Chemical Engineering, NIT, Tadepalligudem, West Godavari	Member;
3.	Prof. G. Gnana Mani, Retd., Professor of Zoology, Andhra University, Visakhapatnam	Member;
4.	Prof. U. Shameem. Chairman, BoS Dept. of Zoology, Andhra University, Visakhapatnam	Member;
5.	Dr. Kiranmai, Assistant Professor, Dept. of Bio Technology, Vikrama Simhapuri University, Nellore District	Member;
6.	Prof. C. Sasidhar	Member;



	Professor of Civil Engineering, JNTU, Anantapur	
7	Prof. N. Siva Prasad Reddy, Director (Academics), Brindavan Institute of Technology & Science, Kurnool	Member;
.8.	Prof. D. Bharathi, Professor Dept. of Bio Sciences & Sericulture, Sri Padmavathi Mahila Viswa Vidhyalayam, Tirupathi	Member;
9.	Sri Katamneni Venkata Ramana, Head of Mining Dept. Government Polytechnic, Narsipatnam	Member;
10.	Dr. M. Sunandana Reddy, Associate Professor, RGM College of Engineering & Technology (Autonomous), Nandyal.	Member;
11.	Sri Matli Chandra Sekhar Professor, Head of Department of Civil Engineering, NIT, Warangal	Member;
12.	Dr. G. Madhavi, Associate Professor Department of Chemistry, Sri Venkateswara University, Tirupathi	Member;
13.	Prof. K. Thyaga Raju, Professor of Bio-Chemistry, S. V. University, Tirupathi	Member;
14.	Dr. Gummalla Prasanthi Professor, Vijaya Institute of Pharmaceutical Sciences, Vijayawada.	Member;
15.	Chief Environmental Engineer, Andhra Pradesh Pollution Control Board.	Member Secretary.

6. The Chairman and Members of SEAC, Andhra Pradesh shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

7. The SEAC, Andhra Pradesh shall exercise such powers and follow such procedures as specified in the said notification.

8. The SEAC, Andhra Pradesh shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

9. In order to avoid any conflict of interest -

- (a) the Chairman and Members of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh shall declare as to which consulting organisation they have been associated with and also the project proponents;
- (b) the Chairman and Members of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh shall not undertake any consultation or associate with preparation of Environmental Impact Assessment (EIA) Environment Management Plan for a project, which is to be appraised by the Authority, Andhra Pradesh and SEAC, Andhra Pradesh during their tenure; and
- (c) if in the past five years, the Chairman or any of the Members of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh have provided consultancy services or conducted EIA studies for any project proponent, in that event they shall recuse themselves from the meeting of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh in the process of appraisal of any project being proposed by such proponents.

10. The Government of Andhra Pradesh shall notify an agency to act as Secretariat for the Authority, Andhra Pradesh and SEAC, Andhra Pradesh and the Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all their statutory functions.

11. The sitting fee, travelling allowances and dearness allowances to the Chairman and Members of the Authority, Andhra Pradesh and SEAC, Andhra Pradesh shall be paid as per the rules of the State Government of Andhra Pradesh.

[F. No. J-11013/36/2007-IA.II(I)]

JIGMET TAKPA, Jt. Secy.

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 11th June, 2021.

**S.O. 2276(E).**—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the said notification), and in supersession of the notification of the Government of India in the Ministry of Environment, Forest and Climate Change number S.O. 3338(E), dated the 16<sup>th</sup> October, 2017, except as respects things done or omitted to be done before such supersession, the Central Government in consultation with the State Government of Uttar Pradesh, hereby constitutes the State Level Environment Impact Assessment Authority (SEIAA) (hereinafter referred to as the Authority, Uttar Pradesh) comprising of the following Members, namely: -

(1)	(2)	(3)
1.	Dr. Rajiv Kumar Garg 17, Rana Pratap Marg, Lucknow	Chairman;
2.	Shri Parasnath House No. 2/386 Vinamrakhand Gomti Nagar, Lucknow	Member;
3.	Member Secretary Uttar Pradesh Pollution Control Board	Member Secretary.

2. The Chairman and Members of the Authority, Uttar Pradesh shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

3. The Authority, Uttar Pradesh shall exercise such powers and follow such procedures as specified in the said notification.

4. The Authority, Uttar Pradesh shall take its decision on the recommendations of the State Level Expert Appraisal Committee -1(SEAC-1) constituted under paragraph 5 for the State of Uttar Pradesh.

5. For the purpose of assisting the Authority, Uttar Pradesh, the Central Government in consultation with the State Government of Uttar Pradesh, hereby constitutes two State Level Expert Appraisal Committees, that is, the State Level Expert Appraisal Committee-1 and State Level Expert Appraisal Committee-2 (hereinafter referred to as the SEAC-1 and SEAC-2, Uttar Pradesh) comprising of the following Members, namely: -

SEAC-1, Uttar Pradesh:

(1)	(2)	(3)
1.	Shri Rajiv Kumar Raghusatyam B-2/4 Vijyantkhand Gomti Magar Lucknow-226010	Chairman;
2.	Dr. Ajai Mishra Department of Geology, Lucknow University Lucknow-226007	Member;
3.	Mr Om Prakash Srivastava H-150, Southcity PGI Road, Lucknow- 226025	Member;

4.	Dr. Brij Bihari Awasthi Flat No. 503, Tower-M, Rohtash Plumeriya Apartment, Vibhuti Khand, Gomti Nagar, Lucknow- 226010	Member;
5.	Shri Umesh Chand Sharma 88A, Manas Nagar, Shahganj, Agra-282010	Member;
6.	Dr. Ratankar Birbal Sahni Institute of Palaeosciences, 53, University Road, Lucknow-226007	Member;
7.	Director, Environment Department. Govt. of UP	Member Secretary.

## SEAC-2, Uttar Pradesh:

(1)	(2)	(3)
1.	Dr Harikesh Bahadur Singh 13/21, Vikas Nagar, PO Vikas Nagar, Lucknow-226022	Chairman;
2.	Dr. Amrit Lal Haldar 7/554A, Vikas Nagar (Opp CIMAP Colony), Northern Gate, Lucknow-226022	Member;
3.	Dr. Dineshwar Prasad Singh Flat No. B0701, Godrej Summit, Sector-104, Dwaraka Expressway, Haryana-122006	Member;
4.	Shri Tanzar Ullah Khan B-904 Antrarish Apartment, Sec-52, Noida, U.P.	Member;
5.	Prof. Jaswant Singh Head of Environment Science Department, Dr. Ram Manohar Lohia Awadh University, Ayodhya- 224001	Member;
6.	Dr. Shiv Om Singh, 8, Urmilla Vihar, Kampoo, Lashkar, Gwalior-474001 Madhya Pradesh	Member;
7.	Director, Environment Department. Govt. of UP	Member Secretary.

6. The Chairman and Members of the SEAC-1 and SEAC-2, Uttar Pradesh shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

7. The SEAC-1 and SEAC-2, Uttar Pradesh shall exercise such powers and follow such procedures as specified in the said notification.

8. The SEAC-1 and SEAC-2, Uttar Pradesh shall function on the principle of collective responsibility and the Chairman shall endeavor to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

9. In order to avoid any conflict of interest -
- (a) the Chairman and Members of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh shall declare as to which consulting organisation they have been associated with and also the project proponents;
  - (b) the Chairman and Members of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh shall not undertake any consultation or associate with preparation of Environmental Impact Assessment (EIA) Environment Management Plan for a project, which is to be appraised by the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh during their tenure; and
  - (c) if in the past five years, the Chairman or any of the Members of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh have provided consultancy services or conducted EIA studies for any project proponent, in that event they shall recuse themselves from the meeting of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh in the process of appraisal of any project being proposed by such proponents.
10. Government of Uttar Pradesh shall notify an agency to act as Secretariat for the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh and the Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all their statutory functions.
11. The sitting fee, travelling allowances and dearness allowances to the Chairman and Members of the Authority, Uttar Pradesh and SEAC-1 and SEAC-2, Uttar Pradesh shall be paid as per the rules of the State Government of Uttar Pradesh.

[F. No. J.11013-43/2007-IA.II(I) Pt.I]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

**MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 16th June, 2021

**S.O. 2340(E).**—In exercise of the powers conferred by section 23 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the Act.) and in supersession of the notification of the Government of India, in the erstwhile Ministry of Environment, Forests and Wildlife number S.O 145 (E), dated 21<sup>st</sup> February, 1991, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following orders, namely: -

1. Recognition of private laboratories under clause (b) of sub-section (1) of section 12 of the said Act, as well as recognition of their Analysts as Government Analysts under section 13 of the Environment (Protection) Act, 1986, shall be done by the Central Pollution Control Board.
2. All environmental laboratories shall obtain accreditation from the National Accreditation Board for Testing and Calibration Laboratories Accreditation (ISO17025:2017) for all criteria testing parameters as defined by Central Pollution Control Board along with certification for Occupational Health and Safety Management System (ISO 45001:2018) before submission of application to the Central Pollution Control Board for consideration of the said application under the provisions of the said Act, for-
  - (i) fresh or renewal of recognition of laboratory;
  - (ii) changes in the name of Government Analysts; and
  - (iii) shifting of laboratory premises.
3. The recognition of laboratory shall be granted for the validity period of accreditation under ISO17025:2017 and for the testing parameters accredited therein.
4. The recognition of laboratory shall be granted for the validity period of ISO45001:2018 certification from a recognised agency and shall be valid for the same premises of its operation for which the application is made.
5. The Central Pollution Control Board shall ensure that a web based portal, for processing of application including disseminating the information on status of applications for recognition of environmental laboratories or Government Analysts, is made operational within three months from the date of publication of this notification, and the provision for online submission of compliance report submitted by the recognised laboratory shall be also made through this portal.
6. The recognition of laboratory or Government Analyst shall be based on self-declaration of compliance of the requirements and submission of supporting documents for all requisite information as stipulated by the Central Pollution Control Board for grant of recognition by the Central Pollution Control Board, and Compliance report as defined by Central Pollution Control Board shall be submitted by the recognised laboratory bi-annually on designated web-portal.
7. The Central Pollution Control Board shall conduct proficiency test and inter-laboratory comparison exercise either of its own or in collaboration with National Environmental Engineering Research Institute or such research institutes having proven capabilities for undertaking such exercise, for all recognised laboratory bi-annually, covering all parameters annually, and the cost associated in conducting such exercise shall be borne by the participating laboratories, and records and reports of such exercise shall made available in public domain.
8. The Central Pollution Control Board shall make provision for surprise inspection for verification of conditions imposed on the environmental laboratories recognised under the Environment (Protection) Act, 1986 by constituting a joint committee comprising members of the Ministry of Environment, Forest and Climate Change (MoEFCC), the Central Pollution Control Board and concerned State Pollution Control Boards or Pollution Control Committees, and the inspection reports shall be made available in public domain.



9. The Central Pollution Control Board shall constitute an expert committee comprising of members from the Ministry of Environment Forests and Climate change ,State Pollution Control Boards, National Accreditation Board for Testing and Calibration Laboratories and National Environmental Engineering Research Institute and experts as deemed appropriate, to review and revise the existing guidelines for laboratory recognition including defined criteria testing parameters, procedure, process and cost estimate for proficiency test and inter-laboratory comparison exercise, compliance condition for recognition and corresponding information required for online submission of compliance report by laboratories, etc., within three months of publication of this notification, and based on the recommendation of expert committee, the Central Pollution Control Board shall recognise the laboratory and the Government Analysts under the said Act.

10. The expert committee shall review and reassess the procedures, guidelines and other process annually and make necessary recommendation for consideration of the Central Pollution Control Board.

11. This notification shall come into force from the date of its publication in the Official Gazette.

[F. No. Q-15018/13/2020-CPW]

NARESH PAL GANGWAR, Jt. Secy.

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

## ORDER

New Delhi, the 17th June, 2021

**S.O. 2353(E).**—In exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), the Central Government hereby constitutes the Karnataka Coastal Zone Management Authority (hereinafter referred to as the Authority) consisting of the following persons, for a period of three years, with effect from the date of publication of this order in the Official Gazette, namely:-

Sl. No.	Members	Status
(1)	(2)	(3)
1.	The Additional Chief Secretary to Government, Forest, Ecology and Environment Department, 4 <sup>th</sup> Floor, M.S.Building, Bengaluru	Chairman, <i>exofficio</i> ;
2.	The Principal Secretary to Government, (Ecology and Environment) Forest, Ecology and Environment Department, 7 <sup>th</sup> Floor, M.S.Building, Bengaluru	Member, <i>exofficio</i> ;
3.	The Secretary to Government, Animal Husbandry and Fisheries, Vikasa Soudha, Bengaluru or his representative	Member, <i>exofficio</i> ;
4.	The Principal Secretary to Government, Industries and Commerce Department, Vikasa Soudha, Bengaluru or his representative	Member, <i>exofficio</i> ;
5.	The Principal Secretary to Government, Tourism Department, Vikasa Soudha, Bengaluru or his representative	Member, <i>exofficio</i> ;
6.	The Director, Directorate of Municipal Administration, Ambedkar Road, 9 <sup>th</sup> and 10 <sup>th</sup> Floor, Vishveshwaraiah Tower, Sampangi Rama Nagar, Bengaluru	Member, <i>exofficio</i> ;
7.	The Member Secretary, Karnataka State Pollution Control Board, No.49, Parisara Bhavan, Church Street, Bengaluru-560001	Member, <i>exofficio</i> ;
8.	The Director General, Environment Management and Policy Research Institute (EMPRI), 'Hasiru Bhavana', Doresanipalya Forest Campus, Vinayaka Nagara Circle, J.P.Nagar, 5 <sup>th</sup> Phase, Bengaluru-560078	Member, <i>exofficio</i> ;
9.	The Director, Karnataka State Remote Sensing Application Centre (KSRSAC), Major Sandeep Unnikrishnan Road, Vidyanarayapura Post, Bengaluru-560097	Member, <i>exofficio</i> ;
10.	Dr. A. Senthil Vel, Professor, Dean, College of Fisheries, Mangalore,	Member, <i>Expert</i> ;
11.	Dr. Shivakumar B.Haragi, Assistant Professor, Karnataka University Post Graduate Centre, Kodibag, Karwar	Member, <i>Expert</i> ;
12.	Dr. M.D.Subash Chandran, Consulting Scientist, (Ecology and Environment), Centre for Ecological Sciences, IISc, Bangalore,	Member, <i>Expert</i> ;
13.	Dr. Ramesh H., Associate Professor, Department of Applied Mechanics and Hydraulics, NITK, Surathkal, Mangaluru	Member, <i>Expert</i> ;
14.	Shri Ramachandra Bhatta, Snehakunja Trust, Kasarkd Post, Honnavar Taluk, Uttara Kannada District	Member, <i>Non-Governmental Organization</i> ;
15.	Special Director (Technical Cell) (Ecology and Environment), Forest, Ecology and Environment Department, 7 <sup>th</sup> Floor, M.S.Building, Bengaluru	Member Secretary, <i>exofficio</i> .

2. The Authority shall have its headquarters at Bengaluru, Karnataka.

3. The quorum for the meeting of the Authority shall be one-third of the total number of its Members.

4. A Member, other than an *exofficio* Member, shall be paid allowances as per the norms decided by the Central Government.
5. The Authority shall, for the purposes of protecting and improving the quality of the costal environment and preventing, abating and controlling environmental pollution in the Coastal Regulation Zone areas in the State of Karnataka, take the following measures, namely: -
  - (i) the Authority shall, after receiving the application for approval of project proposal, examine the same if it is in accordance with the approved Coastal Zone Management Plan and within the requirements of the Coastal Regulation Zone notification issued by the Government of India in the erstwhile Ministry of Environment and Forests and published *vide* number S.O.19(E), dated the 6<sup>th</sup> January, 2011 (hereinafter referred to as the said notification), and make recommendations for approval of such project to the concerned authority, as specified in the said notification, within a period of sixty days from the date of receipt of such application;
  - (ii) the Authority shall regulate all developmental activities in the Coastal Regulation Zone areas as specified in the said notification;
  - (iii) the Authority shall be responsible for enforcing and monitoring the provisions of the said notification;
  - (iv) the Authority shall examine the proposals received from the State Government for changes or modifications in the classification of Coastal Regulation Zone areas and in the Coastal Zone Management Plan and make specific recommendations thereon, to the National Coastal Zone Management Authority;
  - (v) the Authority shall inquire into cases of alleged violation of the provisions of the said Act or the rules made thereunder; and review the cases involving violations or contraventions of the provisions of the said Act and the rules made thereunder;
  - (vi) the Authority shall inquire or review cases of violations or contraventions of the said notification suo-moto, or on the basis of a complaint made by any individual or body or organisation;
  - (vii) the Authority is authorised to file complaints under section 19 of the said Act;
  - (viii) the Authority shall take such action as may be required under section 10 of the said Act, to verify the facts of the cases before it.
6. The Authority shall, for the purpose of maintaining transparency in its functioning, create a dedicated website and post the information relating to its functions, including the agenda in its meetings, minutes of the meetings, decisions taken in each meeting, recommendations for matters on violations and contraventions of the said notification and actions taken on such violations and contraventions, court matters including the orders of the courts and the approved Coastal Zone Management Plan of the State Government.
7. The Authority shall furnish reports of its activities at least once in six months to the National Coastal Zone Management Authority.

[F. No. 12-4/2005- IA-III (part-3)]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 25th June, 2021

**S.O. 2544(E).**—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O. 1533(E), dated the 14<sup>th</sup> September, 2006, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Environment, Forest and Climate Change, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O. 524(E), dated the 03<sup>rd</sup> February, 2021, namely:-

In the said notification, in the paragraph 5, for the serial number 9 and the entries relating thereto, the following shall be substituted, namely: -

1	2	3
“(9.)	Additional Director or Joint Director, Directorate of Environment and Climate Change, Government of Punjab.	Member Secretary.”

[F. No. J-11013/43/ 2007-IA.II (I)]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

**Note :** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O. 524(E), dated the 03<sup>rd</sup> February, 2021.

8. एसईएसी, मणिपुर सामूहिक उत्तरदायित्व के सिद्धांत पर कार्य करेगी और अध्यक्ष प्रत्येक मामले में सर्वसम्मति पर पहुंचने का प्रयास करेंगे और यदि सर्वसम्मति पर नहीं पहुंचा जा सकता तो बहुमत का मत अभिभावी होगा।
9. हितों के किसी द्वन्द से बचने के लिए :
- (क) प्राधिकरण, मणिपुर और एसईएसी, मणिपुर के अध्यक्ष और सदस्य यह घोषित करेंगे कि वे किस परामर्शी संगठन और किस परियोजना प्रस्तावक के साथ जुड़े हुए हैं।
- (ख) प्राधिकरण, मणिपुर और एसईएसी, मणिपुर के अध्यक्ष और सदस्य अपने कार्यकाल के दौरान ऐसी किसी भी परियोजना के लिए पर्यावरण समाघात मूल्यांकन (ईआईए), पर्यावरण प्रबंधन योजना तैयार करने में न तो कोई परामर्श देंगे, न ही उससे जुड़ेंगे, जिसका मूल्यांकन प्राधिकरण, मणिपुर और एसईएसी, मणिपुर द्वारा किया जाना है; और
- (ग) यदि गत पाँच वर्षों में प्राधिकरण, मणिपुर और एसईएसी, मणिपुर के अध्यक्ष या किसी सदस्य ने किसी परियोजना प्रस्तावक के लिए कोई परामर्शी सेवा प्रदान की है या ईआईए अध्ययनों का संचालन किया है, ऐसी स्थिति में, वे ऐसे प्रस्तावकों द्वारा प्रस्तावित की जाने वाली किसी परियोजना के अंकन की प्रक्रिया में प्राधिकरण, मणिपुर और एसईएसी, मणिपुर की बैठकों में स्वयं सम्मिलित होने से बचेंगे।
10. मणिपुर सरकार, प्राधिकरण, मणिपुर और एसईएसी, मणिपुर के लिए सचिवालय के रूप में कार्य करने के लिए एक अभिकरण को अधिसूचित करेगी और वह सचिवालय उनके सभी सांविधिक कार्यों के संबंध में आवास, परिवहन और ऐसी अन्य सुविधाओं सहित सभी वित्तीय और संभार तंत्र सहायता प्रदान करेगा।
11. प्राधिकरण, मणिपुर और एसईएसी, मणिपुर के अध्यक्ष और सदस्यों को बैठक फीस, यात्रा भत्ता और महंगाई भत्ता मणिपुर राज्य सरकार के नियमों के अनुसार दिया जाएगा।

[फा. सं. जे-11013/37/2009.आईए-II(I)]

डॉ. सुजीत कुमार वाजपेयी, संयुक्त सचिव

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 12th July, 2021.

**S.O. 2781(E).**—In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) and in pursuance of the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O.1533(E), dated the 14<sup>th</sup> September, 2006 (hereinafter referred to as the said notification), the Central Government hereby constitutes the State Level Environment Impact Assessment Authority, Manipur (hereinafter referred to as the Authority, Manipur) comprising of the following Members, namely: -

(1)	(2)	(3)
1.	Dr. Elangbam Jadu Singh, Principal DM College of Science, Dhanmanjuri University, Imphal-795001	Chairman;
2.	Professor Thingbijam Binoy Singh  Deptt of Life Sciences  Manipur University, Chanchipur-795003	Member;
3.	Director, Directorate of Environment and Climate Change, Government of Manipur	Member-Secretary.

2. The Chairman and Members of the Authority, Manipur shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.
3. The Authority, Manipur shall exercise such powers and follow such procedures as specified in the said notification.
4. The Authority, Manipur shall take its decision on the recommendations of the State Level Expert Appraisal Committee (SEAC) constituted under paragraph 5 for the State of Manipur.
5. For the purpose of assisting the Authority, Manipur, the Central Government in consultation with the State Government of Manipur, hereby constitutes the State Level Expert Appraisal Committee (SEAC) (hereinafter referred to as SEAC, Manipur) comprising of the following Members, namely: -

(1)	(2)	(3)
1.	Prof E Bijoykumar Singh Department of Economics, Manipur University, Chanchipur-795003	Chairman;
2.	Prof Naoroibam Deva Singh Department of Geography, Manipur University, Chanchipur-795003	Member;
3.	Prof. Kshetri Rajendra Singh Department of Sociology, Manipur University, Chanchipur-795003	Member;
4.	Prof. Soibam Ibotombi Department of Earth Sciences, Manipur University, Chanchipur-795003	Member;
5.	Prof. Leitam Nabachandra Singh College of Agriculture (CAU) Iroisemba-795004	Member;
6.	Dr. Thanglam Somchand Manipur Institute of Technology, Takyelpat-795001	Member;
7.	Dr. Ngangbam Romeji Singh Deptt of Civil Engineering, National Institute of Technology, Lamphelpat-795004	Member;
8.	Dr. Manichandra Sanoujam Deptt of Earth Sciences Manipur University, Chanchipur-795003	Member;
9.	Dr. Khoiyangbam Raju Singh Depp of Forestry & Environmental Science, Manipur University, Chanchipur-795003	Member;
10.	Joint Director Directorate of Environment & Climate Change, Government of Manipur	Member-Secretary.

6. The Chairman and Members of SEAC, Manipur shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.
7. The SEAC, Manipur shall exercise such powers and follow such procedures as specified in the said notification.
8. The SEAC, Manipur shall function on the principle of collective responsibility and the Chairman shall endeavor to reach consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.



9. In order to avoid any conflict of interest, -

- (a) the Chairman and Members of the Authority, Manipur and SEAC, Manipur shall declare as to which consulting organisation they have been associated with and also the project proponents;
- (b) the Chairman and Members of the Authority, Manipur and SEAC, Manipur shall not undertake any consultation or associate with preparation of Environmental Impact Assessment (EIA) Environment Management Plan for a project, which is to be appraised by the Authority, Manipur and SEAC, Manipur during their tenure; and
- (c) if in the past five years, the Chairman or any of the Members of the Authority, Manipur and SEAC, Manipur have provided consultancy services or conducted EIA studies for any project proponent, in that event they shall recuse themselves from the meeting of the Authority, Manipur and SEAC, Manipur in the process of appraisal of any project being proposed by such proponents.

10. The Government of Manipur shall notify an agency to act as Secretariat for the Authority, Manipur and SEAC, Manipur and the Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all their statutory functions.

11. The sitting fee, travelling allowance and dearness allowance to the Chairman and Members of the Authority, Manipur and SEAC, Manipur shall be paid as per the rules of the State Government of Manipur.

[F. No. [J-11013/37/2009-IA.II\(I\)](#)]

Dr. Sujit Kumar Bajpayee, Jt. Secy.

और, केन्द्रीय सरकार, कोविड-19 महामारी की दूसरी लहर फैलने तथा औषधि विनिर्माण को त्वरित करने की निरंतर आवश्यकता को दृष्टिगत रखते हुए, एक और बारी प्रदान करना आवश्यक समझती है ;

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना की अनुसूची में, स्तंभ (5) में मद 5(च) के सामने, तीसरे पैरा के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :-

“16 जुलाई, 2021 से 31 दिसंबर, 2021 तक प्राप्त एक्टिव फार्मास्युटिकल इन्प्रेडिण्ड्स (एपीआई) की बाबत परियोजनाओं या क्रियाकलापों के सभी प्रस्तावों को श्रेणी 'बी2' परियोजनाओं के रूप में निर्धारित किया जाएगा, परंतु 31 दिसंबर, 2021 के पश्चात् किसी उत्पाद मिश्रण में कोई पश्चात्कर्ती संशोधन या विस्तार या परिवर्तन उस समय प्रवृत्त उपबंधों के अनुसार माना जाएगा।”

[फा. सं. 22-25/2020-आईए-III]

डा. सुजीत कुमार बाजपेयी, संयुक्त सचिव

**टिप्पण :** मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना संख्या का.आ. 1533(अ), तारीख 14 सितम्बर, 2006 द्वारा प्रकाशित की गई और उसका अंतिम संशोधन अधिसूचना संख्या का.आ. 2817(अ), तारीख 13 जुलाई, 2021 द्वारा किया गया।

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 16th July, 2021

**S.O. 2859(E).**—Whereas, the Central Government, in exercise of its powers by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 has published the Environment Impact Assessment Notification, 2006 *vide* number S.O. 1533(E), dated the 14th September, 2006, (hereinafter referred to as the said notification) making the requirement of prior environmental clearance from the concerned regulatory authority mandatory for all new projects or activities listed in the Schedule to the said notification, their expansion and modernisation and/or change in product mix, as the case may be, before any construction work or preparation of land by the project management except for securing the land;

And Whereas, in view of the CoVID-19 pandemic and the requirement to expedite drug manufacturing the 'said notification' was amended *vide* notification no. S.O. 1223(E), dated 27th March, 2020 wherein it was notified that all proposals for projects or activities in respect of Active Pharmaceutical Ingredients (API), received up to 30th September, 2020, shall be appraised as Category 'B2' projects. Subsequently, the above mentioned period was extended by six months from 30th September, 2020 to 30th March, 2021 *vide* notification no. S.O. 3636(E) dated 15th October, 2020;

And Whereas, in view of the outbreak of the second wave of COVID-19 pandemic, the Central Government has received requests for further extension of the time period beyond 30th March, 2021 as there is a continued requirement to expedite drug manufacturing;

And Whereas, the Central Government deems it necessary to provide another window in view of the second wave of COVID-19 pandemic and continued requirement of expeditious drug manufacturing;

Now, Therefore, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, hereby makes following further amendments in the said notification, namely:-

In the said notification, in the Schedule, against item 5(f), in column (5), for the third paragraph the following paragraph shall be substituted, namely:-

*“All proposals for projects or activities in respect of Active Pharmaceutical Ingredients (API), received from 16th July, 2021 to 31st December, 2021, shall be appraised, as Category ‘B2’ projects, provided that any subsequent amendment or expansion or change in product mix, after the 31st December, 2021, shall be considered as per the provisions in force at that time.”*

[F. No. 22-25/2020-IA.III]

Dr. SUJIT KUMAR BAJPAYEE, Jt. Secy.

**Note :** The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 1533(E), dated the 14th September, 2006 and was last amended *vide* the notification number S.O. 2817(E), dated the 13th July, 2021.