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LEGISLATION TRACKER

Environment (Protection) Act, 1986

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SUBJECTS COVERED

ENVIRONMENT

POLITY

CURATED & WRITTEN BY



Bharat Choudhary

UPSC Educator & Content Creator

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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ACT NUMBER	YEAR ENACTED
Act No. 29 of 1986	1986

KEY PROVISIONS

- 1 Central Government empowered to take all necessary measures for environmental protection (Section 3)
- 2 Power to set environmental quality standards for emissions and discharges (Section 3(2)(iv))
- 3 Authority to restrict industrial operations in certain areas (Section 5)
- 4 Environmental Impact Assessment (EIA) made mandatory through rules under this Act (EIA Notification 2006)
- 5 Hazardous waste management rules framed under this Act (Section 6)
- 6 Penalties for non-compliance: imprisonment up to 5 years and/or fine up to Rs 1 lakh; Rs 5,000/day for continuing offence (Sections 15-16)
- 7 Power to close, prohibit, or regulate any industry, operation, or process (Section 5)

BACKGROUND

The Environment (Protection) Act, 1986 (EPA) is the umbrella legislation for environmental protection in India. It was enacted on 23 May 1986 in the aftermath of the Bhopal Gas Tragedy (2-3 December 1984), which killed over 3,500 people and exposed the inadequacy of India's environmental regulatory framework. The Act was passed to implement the decisions taken at the United Nations Conference on the Human Environment held in Stockholm in June 1972, to which India was a signatory.

Before the EPA, India had two primary environmental laws — the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. However, these were sector-specific and lacked coordination. The EPA was designed as an overarching framework empowering the Central Government to coordinate the activities of various regulatory agencies, create authorities, and frame rules for the protection of the environment as a whole.

The Act is administered by the Ministry of Environment, Forest and Climate Change (MoEFCC). It has become the parent legislation under which over 30 sets of rules and notifications have been issued, including the [Environmental Impact Assessment \(EIA\) Notification](#) (first issued in 1994, revised in 2006), [Hazardous Waste Management Rules](#), [Coastal Regulation Zone \(CRZ\) Notifications](#), [Plastic Waste Management Rules](#), [E-Waste Management Rules](#), and [Solid Waste Management Rules](#).

KEY CONCEPTS

- **Environment (Section 2(a)):** Defined broadly to include water, air, land, and the inter-relationship which exists among and between water, air, land, and human beings, other living creatures, plants, micro-organisms, and property.
- **Environmental Pollutant and Pollution (Sections 2(b)-(c)):** Environmental pollutant means any solid, liquid, or gaseous substance present in such concentration as may be, or tend to be, injurious to the environment. Environmental pollution means the presence of any environmental pollutant in the environment.
- **Hazardous Substance (Section 2(e)):** 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-organisms, property, or the environment.
- **EIA (Environmental Impact Assessment):** Not defined in the parent Act but operationalised through EIA Notification 2006 (and its amendments) issued under Section 3 of the EPA. It mandates prior environmental clearance for development projects above specified thresholds.
- **Precautionary Principle and Polluter Pays Principle:** Though not explicitly mentioned in the Act, these principles have been read into the EPA's framework by the Supreme Court in cases like *Vellore Citizens Welfare Forum v. Union of India* (1996) and *M.C. Mehta v. Union of India* (1987).

IMPORTANT PROVISIONS

- **Section 3 — Powers of Central Government:** The Central Government may take all such measures as it deems necessary for the purpose of protecting and improving the quality of the environment. This includes coordinating actions of state governments and authorities, planning and executing national programmes, laying down environmental quality standards, restricting areas for industries, and laying down procedures and safeguards for handling hazardous substances.
- **Section 5 — Power to Give Directions:** The Central Government may issue directions to any person, officer, or authority, including directions to close, prohibit, or regulate any industry, operation, or process, or to stop/regulate the supply of electricity, water, or any other service. Non-compliance is a punishable offence.

- **Section 6 — Rules for Environmental Protection:** Empowers the government to make rules for: standards of quality of air, water, or soil; maximum permissible limits of environmental pollutants; procedures and safeguards for handling hazardous substances; prohibition and restriction on handling of hazardous substances; and procedures for collecting samples and laboratory analysis.
- **Section 7 — No Person Shall Exceed Prescribed Standards:** No person carrying on any industry, operation, or process shall discharge or emit any environmental pollutant in excess of standards prescribed under the Act.
- **Section 15 — Penalties:** Contravention of any provision carries imprisonment up to 5 years, or fine up to Rs 1,00,000, or both. If contravention continues beyond the date of conviction, additional fine of Rs 5,000 per day may be imposed. If contravention continues beyond one year after conviction, imprisonment may extend to 7 years.
- **Section 17 — Offences by Companies:** Where an offence is committed by a company, every person in charge of and responsible for conduct of business at the time of the offence is deemed guilty, unless they prove the offence was committed without their knowledge or that they exercised due diligence.

LANDMARK JUDGMENTS

- **M.C. Mehta v. Union of India (1987) — Oleum Gas Leak Case:** The Supreme Court evolved the principle of “absolute liability” (going beyond Rylands v. Fletcher’s “strict liability”) for industries engaged in inherently dangerous activities. Any enterprise engaged in a hazardous activity which results in harm is absolutely liable, regardless of due diligence.
- **Vellore Citizens Welfare Forum v. Union of India (1996):** The Supreme Court declared the “Precautionary Principle” and “Polluter Pays Principle” as part of environmental law in India. Tanneries discharging untreated effluents into River Palar in Tamil Nadu were directed to pay compensation and set up treatment plants.
- **Indian Council for Enviro-Legal Action v. Union of India (1996) — Bichhri Case:** The Supreme Court applied the Polluter Pays Principle to chemical industries in Bichhri village, Rajasthan, ordering them to compensate for environmental degradation and remediate contaminated soil and groundwater.
- **Sterlite Industries v. Union of India (2013):** The Supreme Court set aside the Madras High Court’s order directing closure of Sterlite’s copper smelting plant in Tuticorin but imposed a compensation of Rs 100 crore (payable over 5 years) for environmental damage caused by pollution. The Court balanced industrial activity with environmental protection, refusing outright closure but mandating substantial **remediation** costs.

RECENT AMENDMENTS / DEVELOPMENTS

- **EIA Notification 2006 Amendments:** The EIA framework has been repeatedly amended. The Draft EIA Notification 2020 proposed by MoEFCC drew widespread criticism for allegedly diluting environmental safeguards — including provisions for post-facto clearance, reduced public consultation periods, and exemptions for certain categories of projects. As of 2025, the final notification remains under consideration.
- **Jan Vishwas (Amendment of Provisions) Act, 2023:** This Act decriminalised several offences under environmental laws including the EPA. The amendments came into force on 1 April 2024 (notified by MoEFCC). Key changes to Section 15: imprisonment removed for first-time violations; new Section 15 prescribes penalty of Rs 10,000 extendable to Rs 15 lakh, with Rs 10,000 per day for continuing offences; new Section 15A prescribes penalty of Rs 1 lakh to Rs 15 lakh for company violations; penalties auto-increase by 10% of minimum amount every 3 years. A new adjudicating officer system (Section 15C) was introduced — officer not below Joint Secretary rank appointed by Central Government to hold inquiries and impose penalties.
- **Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024:** Notified on 4 November 2024, these rules operationalise the Jan Vishwas Act's penalty framework under the EPA, prescribing procedures for inquiry by adjudicating officers. A Standard Operating Procedure (SOP) was issued on 14 November 2024 (partially modified on 14 January 2025).
- **Draft EIA Notification 2020 — Status:** The Draft EIA Notification 2020, which drew criticism for post-facto clearance provisions and reduced public consultation periods, remains under consideration as of 2025. The final notification has not been issued.
- **National Green Tribunal (NGT):** Established under the National Green Tribunal Act, 2010, the NGT adjudicates environmental disputes and has become the primary forum for enforcement of the EPA and its subsidiary rules. It has significantly strengthened environmental governance.
- **Climate Change and Net Zero Framework:** India's commitments under the Paris Agreement (updated NDCs: 50% non-fossil fuel energy capacity by 2030, net zero by 2070) are increasingly being operationalised through rules and notifications under the EPA framework.

UPSC RELEVANCE

Year of enactment (1986); enacted after Bhopal Gas Tragedy (1984); penalties under Section 15; EIA Notification under EPA; definition of environment and hazardous substance; Stockholm Conference link (1972). **Mains GS-3:** Role of EPA as umbrella environmental legislation; EIA process and its dilution concerns; analysis of Jan Vishwas Act decriminalisation impact; Precautionary Principle and Polluter Pays as judicially evolved doctrines; effectiveness of EPA in preventing industrial pollution. **Interview:** “Is the EPA’s centralised framework adequate for a federal country like India? Should states have more autonomy in environmental regulation, or does that risk a ‘race to the bottom’?”

RELATED TERMS

[Precautionary Principle](#)[Polluter Pays Principle](#)



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[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)[Read Full Article on Ujiyari →](#)<https://ujiyari.com/legislation/environment-protection-act-1986/>

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