

THE ENVIRONMENT (PROTECTION) ACT, 1986

[Act 29 of 1986, dt. 23-5-1986]

[As amended by the Jan Vishwas (Amendment of Provisions)
Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024]

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

Whereas the 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 insofar 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 ¹date 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;

²[(ca) “Fund” means the Environmental Protection Fund established under section 16;]

(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;

¹ W.e.f. 19-11-1986, vide GSR 1198(E), dt. 12-11-1986.

² Inserted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024 vide GSR 749(E), dt. 17-10-2023.

- (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;
- (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.

COMMENTS

State Board has been recognised by the Environment Act, 1986 also which Act takes care of the environment which includes water, air and land and inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property—*Mohan Vanijya Viniyog (P) Ltd. v. State of West Bengal AIR 2007 (NOC) 190 (Cal. DB)*.

'Environment' may be defined as "the combination of elements whose complex inter-relationship make up the settings, the surroundings and the conditions of life of the individual and of society as they are and as they are felt"—*Karnataka Industrial Areas Development Board v. C. Kenchappa (2006) 6 SCC 371*.

The entire world is facing a serious problem of environmental degradation due to indiscriminate development. Industrialisation, burning of fossil fuels and massive deforestation are leading to degradation of environment—*K.I.A.D.B. v. C. Kenchappa (2006) 6 SCC 371*.

"Environment" literally means the totality of the physical conditions on the earth or a part of it, especially as affected by human activity. It includes water, air and land and the inter-relationship which exists among and between them, and human beings, other living creatures, plants, micro-organism and property. By definition it implies that the inter-relationship between all the said factors is endeavoured to be kept at the optimum sustainable level in order to preserve the ambience of the environment.

The term "pollute" is a derivative from the Latin *polluere* *pollut* which means contaminate or defile (the environment), or to make the environment filthy or foul; in other words, it connotes "to destroy the purity or sanctity thereof".—*Young v. State 194 Ind 221, 141 NE 309, 311*

The presence in the environment of any environmental pollutant is termed environmental pollution.

"Environmental pollutant" has been defined exhaustively to mean any solid, liquid or gaseous substance present in such concentration as may be or as may tend to be injurious to environment. By the nature of activity that takes place on earth, there is bound to be concentration of various liquid, gaseous or solid substances in the atmosphere. But the mere presence of these elements does not automatically mean that the environment is polluted; but where the level of concentration is such that it tends to be injurious to the environment, with reference to various standards laid down then it will mean that there is an environment pollutant.

This term has been defined in a very exhaustive manner so as to mean in relation to any substance various processes such as manufacture, treatment, package, storage, processing, transportation, use, collection, distribution, conversion, offering for sale, transfer or the like of such substances. In other words, every one of these activities is likely to cause damage to environment. Therefore, the Legislature has thought it fit to give an expansive definition of this term.

"Hazard" is a danger or risk lurking in a situation which by change or fortuity develops into an active agency of harm. It connotes an exposure to the chance of loss or injury.—*State v. Hagan 44 N.D. 306, 175 N.W. 372, 377, Caminetti v. Guaranty Union Life Insurance Co. 52 Cal. App. 2d 330*. The terms "hazardous", "extra hazardous", "specially hazardous" and "not hazardous" are well-understood technical terms in the business of insurance, having distinct and separate

meanings. Under s. 2(e), the term “hazardous substance” has been defined with reference to the chemical or physico-chemical properties of any substance or preparation which is likely to cause harm to human beings, other living creatures, plants, micro-organisms, etc., of the environment. The harm is not only to human beings but also to other living things. In this respect, the sweep of the provisions dealing with hazardous substances in the Act becomes very wide.

Chemical industry can be considered as hazardous as various chemicals involved cause fire hazard, explosive hazards, health hazards, etc. By carefully observing all precautions prescribed, these hazards can be kept under absolute control. There is enormous advance that has taken place during the last half a century in the acrylic resins technology. Substantial quantities of acrylic resins are produced all over the world as these resins have distinct advantages over the other film forming resins used in the paint industry because of excellent exterior durability, gloss retention and other characteristics.—*Addison Paints and Chemicals v. Chief Inspector of Factories, Madras 1995 Lab. IC 188*

Sec. 2(n) of the Factories Act, 1948 defines an occupier as follows : “Occupier” of a factory means the person who has ultimate control over the affairs of the factory that (i) in the case of a firm or other association of individuals, at least one of the individual partners or members thereof shall be deemed to be the occupier; (ii) in the case of a company, any one of the directors shall be deemed to be the occupier; (iii) in the case of a factory owned or controlled by the Central Government or any State Government, or any local authority the person or persons appointed to manage the affairs of the factory by the Central Government, the State Government or the local authority, as the case may be, shall be deemed to be the occupier.

Further that in the case of a ship which is being repaired, or on which maintenance work is being carried out, in a dry dock which is available for hire—

(1) the owner of the dock shall be deemed to be the occupier for the purposes of any matter provided for by or under : (a) section 6, section 7, section 7A, section 7B, section 11 or section 12; (b) section 17, insofar as it relates to the providing and maintenance of sufficient and suitable lighting in or around the dock; (c) section 18, section 19, section 42, section 46, section 47 or section 49, in relation to the workers employed on such repair or maintenance;

(2) the owner of the ship or his agent or master or other officer-in-charge of the ship or any person who contracts with such owner, agent or master or other officer in charge to carry out the repair or maintenance work shall be deemed to be the occupier for the purposes of any matter provided for by or under section 13, section 14, section 16 or section 17 (save as otherwise provided in this proviso) or Chapter IV (except section 27) or section 43, section 44, or section 45, Chapter VI, Chapter VII, Chapter VIII or Chapter IX or section 108, section 109 or section 110, in relation to (a) the workers employed directly by him, or by or through any agency; and (b) the machinery, plant or premises in use for the purpose of carrying out such repair or maintenance work by such owner, agent, master or other officer in charge or person.

In *J.K. Industries Ltd. v. Chief Inspector of Factories and Boilers (1996) 2 CLR 832 (SC)*, the Supreme Court held that an occupier of the factory in the case of a company must necessarily be anyone of its directors who shall be so notified for the purpose of the Act and such occupier can never be any other employee of the factory.

Where the ultimate control over the affairs of a factory is not with the directors and there is non-submission of the contribution card, a complaint moved as regards this against the directors of company is liable to be quashed.—*Gauri Adhikari v. ESI Corporation 1992 (1) LLN 777*. In the case of any sum due in the form of ESI arrears, no personal liability can be cast upon the directors of the company.—*Man Singh L. Bhakta v. State of Maharashtra 1991 Lab. IC 1361*. Whereas regards the payment of contributions under the ESI Act, company itself is defaulter, company being the occupier its assets are liable for the contribution and no liability can be imposed upon the managing director, director or agent or servant.—*ESI Corporation v. Kailash Chandra 1989 Lab. IC 760*. Though the designation is that of the principal employer but affairs of the factory are not entrusted to him, such person cannot be termed as principal employer.—*ESI Corporation v. G.N. Mathur 1993 Lab. IC 1867*

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

The doctrine of substantial development although is not an empty slogan, it is required to be implemented taking a pragmatic view and not on *ipse dixit* of the Court—*Mrs. Susetha v. State of Tamil Nadu AIR 2006 SC 2893*.

Both development and environment should go hand in hand. In other words, there should not be development at the cost of environment and *vice versa*, but there should be development while taking due care and ensuring the protection of the environment—*Intellectuals Forum, Tirupathi v. State of A.P. AIR 2006 SC 1350*.

Permission for the construction of factory building was granted in a panchayat area. All statutory authorities had given permission to the panchayat. No Objection Certificate was given by District Magistrate for issuing licence under Explosives Act. Panchayat has taken all measures to prevent pollution. Order granting permission for construction of factory building was proper—*Jomi C. Nidheeri v. Elanji Grama Panchayat AIR 2007 (NOC) 1309 (Ker.) : (2007) 2 Ker. LJ 345*.

The expression “industries, operations or process, etc. within the meaning of s. 3(2)(v) does not take in its ambit the activities of laying a railway line. Where project of laying of new broad gauge railway line passing through three States had been undertaken for public benefit only after approval of renowned experts from the area and extent of damage to ecology and environment of khazan lands and churches and temples was extremely negligible court declined to interfere with public project of such magnitude.—*AIR 1992 Bom 471 (474) (DB)*. Where some tanneries discharging effluents in river not having set up primary effluent treatment plant despite being repeatedly asked therefor for several years nor having appeared to express their willingness to set up pre-treatment plant, the working of the tanneries was ordered to be stopped.—*M.C. Mehta v. Union of India AIR 1988 SC 1037*

Where the High Court permitted the distillery to restart its manufacturing process with adequate safeguards in terms of scheme framed by High Court and it comes to light that any person has contracted any ailment the cause of which can be directly related to effluents discharged, the company shall have to bear all expenses of his treatment and to award suitable compensation.—*AIR 1992 Pat 86*

Where an industrial unit does not obtain environment clearance certificate which a unit is bound to do so is violative in the light of notifications dated 27-1-1994 and 14-9-2006—*K.P. Sharma & Ors. v. State of Rajasthan 2012(2) CDR 1120 (Raj.) (D.B.)*

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 designation 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.

¹[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;
- (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.

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.

¹ Inserted by National Green Tribunal Act, 2010 (Act 19 of 2010), dt. 2-6-2010, w.e.f. 18-10-2010 vide SO 2569(E), dt. 18-10-2010.

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.

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.

¹[(2) Every person carrying on any industry, operation or process of handling any hazardous substance shall render assistance, as may be required, 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, he shall be liable to penalty provided under section 14B.

(3) If any person willfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions under sub-sections (1) or (2), he shall be liable to penalty provided under section 14B.

(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any search or seizures under this section as they apply to any search or seizures made under the authority of a warrant issued under section 94 of that Code.]

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—

¹ Substituted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024 vide GSR 749(E), dt. 17-10-2023. Prior to substitution, sub-sections (2) to (4) read as under:
“(2) Every person carrying on any industry, operation or process of 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 willfully 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 provisions of the said law.”

- (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.

COMMENTS

This section contemplates the establishment of environmental laboratories by the Central Government. The Central Government is also empowered to prescribe rules for functioning of these laboratories. The procedures may also include the procedure for making a report and submission of the samples, etc. for such analytical purposes.

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.

¹[14A. Penalty for contravention of section 7 or section 8

(1) If any person, contravenes provisions of section 7 or section 8 or the rules made thereunder, he shall be liable to penalty in respect of each such contravention, which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.

¹ Inserted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024 vide GSR 749(E), dt. 17-10-2023.

(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of fifty thousand rupees for every day during which such contravention continues.

14B. Penalty for contravention of sections 9, 10 and 11

(1) If any person contravenes or does not comply with the provisions of section 9, section 10 or section 11 or orders or directions issued under those sections, he shall be liable to penalty in respect of each such contravention which shall not be less than ten thousand rupees but which may extend to five lakh rupees.

(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of ten thousand rupees for every day during which such contravention continues.]

¹**15. Penalty for contravention of provisions of Act, rules, orders and directions**

(1) Where any person contravenes or does not comply with any of the provisions of this Act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to penalty in respect of each such contravention

1 Sections 15 to 17 substituted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024 vide GSR 749(E), dt. 17-10-2023. Prior to substitution, said sections read as under:

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.

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.”

which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of ten thousand rupees for every day during which such contravention continues.

15A. Penalty for contravention by companies

(1) Where any company contravenes any of the provisions of this Act, the company shall be liable to penalty for each such contravention which shall not be less than one lakh rupees but which may extend to fifteen lakh rupees.

(2) Where any company continues contravention under sub-section (1), the company shall be liable to additional penalty of one lakh rupees for every day during which such contravention continues.

15B. Penalty for contravention by Government Department

(1) Where contravention of any of the provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary:

PROVIDED that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to penalty equal to one month of his basic salary:

PROVIDED that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.

15C. Adjudicating officer

(1) The Central Government, for the purposes of determining the penalties under this Act, may appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose penalty in the manner, as may be prescribed:

PROVIDED that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may—

- (a) call upon any person alleged to have contravened or not complied with the provisions of this Act and the rules made thereunder or having the knowledge of the facts and circumstances of the case;
- (b) require such person to produce any record, register or other document in his possession or any other document, which in the opinion of the adjudicating officer may be relevant to the subject-matter.

(3) The adjudicating officer shall, after giving the person a reasonable opportunity of being heard in the matter, and if, on such inquiry, he is satisfied that the person concerned has contravened or has not complied with the provisions of this Act or the rules made thereunder, he may impose such penalty as he thinks fit in accordance with the provisions of sections 14A, 14B, 15, 15A or section 15B, as the case may be.

(4) The adjudicating officer, while adjudicating the quantum of penalty under sub-section (3), shall have due regard to the following, namely:—

- (a) the population and the area impacted or affected due to such contravention or non-compliance;
- (b) the frequency and duration of such contravention or non-compliance;
- (c) the vulnerability of the class of persons likely to be adversely affected by such contravention or non-compliance;
- (d) the damage caused or likely to be caused to any person, as a result of such contravention or non-compliance, if any;
- (e) the undue gain derived out of such contravention or non-compliance; and
- (f) such other factor, as may be prescribed.

(5) The amount of penalty imposed under the provisions of sections 14A, 14B, 15, 15A or 15B, as the case may be, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010 (19 of 2010).

15D. Appeal

(1) Whoever aggrieved by the order, passed by the adjudicating officer under this Act may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).

(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(3) The Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.

15E. Penalty amount to be credited to Environmental Protection Fund

Where any penalty or additional penalty, as the case may be, is imposed under sections 14A, 14B, 15, 15A or section 15B, the amount of the penalty shall be credited to the Environmental Protection Fund established under section 16.

15F. Offence for failure to pay penalty or additional penalty

(1) Where any person fails to pay the penalty or additional penalty, as the case may be, under sections 14A, 14B, 15, 15A or section 15B within ninety days of such imposition, he shall be liable for imprisonment which may extend to three years or with fine which may extend to twice the amount of the penalty or with both.

(2) Where any offence under sub-section (1) 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 offence and he shall be liable to be proceeded against and punished accordingly:

PROVIDED that nothing contained in this sub-section shall render any person liable to any punishment provided in sub-section (1), 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.

(3) Notwithstanding anything contained in sub-section (2), where an offence 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" includes body corporate, firm, trust, society and any other association of individuals;
- (b) "director" includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.]

¹[CHAPTER IIIA

FUND, ACCOUNTS AND AUDIT

16. Environmental Protection Fund

(1) The Central Government may, by notification in the Official Gazette, establish a fund to be known as the Environmental Protection Fund.

(2) There shall be credited to the Fund—

- (a) the amount of penalty imposed under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), and under this Act;
- (b) the interest or other income received out of investments made from the Fund; and
- (c) any other amount from such sources, as may be prescribed.

(3) The Fund shall be applied for—

- (a) the promotion of awareness, education and research for the protection of environment;
- (b) the expenses for achieving the objects and for purposes of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and under this Act;
- (c) such other purposes, as may be prescribed.

(4) The Central Government shall notify the administrator for the administration of the Fund and other matters connected therewith and incidental thereto in such manner, as may be prescribed.

(5) The Central Government shall allocate seventy-five per cent. of the amount of penalties to the State Governments or Union territory administrations, which has been credited to the Fund.

16A. Accounts and audit of Fund

(1) The Central Government shall maintain separate accounts and other relevant records in relation to the Environmental Protection Fund and prepare an annual statement of accounts in such form, as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and such audited accounts

¹ Inserted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024 vide GSR 749(E), dt. 17-10-2023.

together with the audit report thereon shall be forwarded annually to the Central Government.

16B. Annual report

The Central Government shall prepare its annual report in relation to Environmental Protection Fund giving a full account of its activities defined under this Act in such form, as may be prescribed, for each financial year during the previous financial year, and shall be laid before each House of Parliament along with audit report given by the Comptroller and Auditor-General of India.]

CHAPTER IV MISCELLANEOUS

¹18. 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.

COMMENTS

A thing shall be deemed to be done in good faith where it is in fact done honestly, whether negligently or not. The question of good faith is one of fact. The concerned person should show that the belief impugned in the statement had a rational basis and not a just simple belief, and, therefore, simple or actual belief is not enough.—*vide State of Orissa v. Bahagaban Barik AIR 1987 SC 1265, Harbhajan Singh v. State of Punjab AIR 1966 SC 97*. It is necessary to establish that what is complained of is something which the Act requires should be done or should be omitted to be done. There must be a compliance or intended compliance with a provision of the Act before the protection can be claimed. The section cannot cover a case of breach of the Act however honest the conduct be otherwise.—*vide State of Gujarat v. Kansara Manilal Dhiklal AIR 1964 SC 1893*. The burden of establishing mala fides lies heavily on the person who makes such allegation and the court cannot permit such person to sidetrack the issue and escape the burden of establishing hostility or *malus animus*.—*vide S. N. Patil v. Mahesh Madhav AIR 1987 SC 294*

Vague allegations of *mala fides* are not enough to dislodge the burden resting on the person who makes the allegations though what is required in this connection is not a proof to the hilt. But where definite allegations of *mala fides* are made with sufficient particulars, it is necessary that the person against whom such allegations are made should come forward with an answer refuting or denying such allegations.—*Express Newspapers (P) Ltd. v. Union of India (1986) 1 SCC 133*

This section gives protection to any officer of the government or employee of the government or other authority constituted under the Act from any liability for having done in good faith in pursuance of the Act, Rules or Orders or directions issued under the Act.

19. Cognisance of offences

No court shall take cognisance 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

²[(aa) adjudicating officer or any officer authorised by him in this behalf.]

1 *Editorial Note* : Sections 18 onwards should be re-numbered as sections 17 onwards because existing sections 15 to 17 have been subsumed in sections 15 to 15F by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024.

2 Inserted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024 vide GSR 749(E), dt. 17-10-2023.

- (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.

COMMENTS

In terms of this section, a court can take cognisance of an offence only upon a complaint by the Central Government or any other duly authorised officer. Also, the court can take cognisance of the offence upon a complaint made by any person, who had given notice of not less than 60 days, of the alleged offence, and of his intention to make a complaint to the Central Government or any other officer authorised under the Act. The manner of giving notice is contained in Rule 11 of the Environment Protection Rules, 1986. The section also authorises certain officers to file complaints (reference may be made to notification section for details).

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.

COMMENTS

Under this section, the Central Government has been empowered to prescribe furnishing of any reports, statistics, accounts and other information by any officer, State Government or authority, as the case may be.

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).

COMMENTS

This section enumerates that the members, officers and employees of any authority constituted under the Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 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 notifications, such of its powers and functions under this Act, except the powers 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.

¹**[24. Effect of other laws**

The provisions of this Act and the rules or orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.]

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 caused 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 sample 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 purposes of analysis of samples of air, water, soil or other substances under section 13;
- ²(ga) the manner of holding inquiry and imposing penalty by the adjudicating officer under sub-section (1) and other factors for determining quantum of penalty under clause (f) of sub-section (4) of section 15C;
- (gb) the other amount under clause (c) of sub-section (2) of section 16;
- (gc) the other purposes under clause (c) of sub-section (3) of section 16;
- (gd) the manner of administration of Fund under sub-section (4) of section 16;

1 Substituted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024 vide GSR 749(E), dt. 17-10-2023. Prior to substitution, section 24 read as under:

"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."

2 Inserted by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), dt. 11-8-2023, w.e.f. 1-4-2024 vide GSR 749(E), dt. 17-10-2023.

- (ge) form for maintenance of accounts of the Fund and for preparation of annual statement of accounts under sub-section (1) of section 16A;
- (gf) form for preparing annual report of the Fund under section 16B;]
- (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.

THE ENVIRONMENT (PROTECTION) RULES, 1986

[Notification No. SO 844(E), dated 19-11-1986]
(As amended vide GSR 487(E), dt. 22-7-2025, w.e.f. 22-7-2025)

In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement

- (i) These rules may be called the Environment (Protection) Rules, 1986.
- (ii) They shall come into force on the date¹ of their publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires,—

- (a) “Act” means the Environment (Protection) Act, 1986 (29 of 1986);
- ²[(aa) “areas” means all areas where the hazardous substances are handled;]
- (b) “Central Board” means the Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (c) “form” means a form set forth in Appendix A to these rules;
- (d) “government analyst” means a person appointed or recognised as such under section 13;
- (e) “person” in relation to any factory or premises means a person or occupier or his agent who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance;
- ²[(ee) “prohibited substance” means the substance prohibited for handling;]
- (f) “recipient system” means the part of the environment such as soil, water, air or other medium which receives the pollutants;
- ²[(ff) “restricted substance” means the substance restricted for handling;]
- (g) “section” means a section of the Act;
- (h) “Schedule” means a Schedule appended to these rules;
- (i) “standards” means standards prescribed under these rules;
- (j) “State Board” means a State Board for the Prevention and Control of Water Pollution constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), or a State Board for the Prevention and Control of Air Pollution constituted under section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

¹ Enforced w.e.f. 19-11-1986.

² Inserted by GSR 931(E), w.e.f. 27-10-1989.

3. Standards for emission or discharge of environmental pollutants

(1) For the purposes of protecting and improving the quality of the environment and preventing and abating environmental pollution, the standards for emission or discharge of environmental pollutants from the industries, operations or processes shall be as specified in ¹[Schedules I to IV].

²[x x x]

(2) Notwithstanding anything contained in sub-rule (1), the Central Board or a State Board may specify more stringent standards from those provided in ¹[Schedules I to IV] in respect of any specific industry, operation or process depending upon the quality of the recipient system and after recording reasons therefor in writing.

³[(3) The standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) shall be complied with by an industry, operation or process within a period of one year of being so specified.

⁴[(3A)(i) Notwithstanding anything contained in sub-rules (1) and (2), on and from the 1st day of January, 1994, emission or discharge of environmental pollutants from the ⁵[industries, operations or processes other than those industries, operations or processes for which standards have been specified in Schedule I shall] not exceed the relevant parameters and standards specified in Schedule VI :

PROVIDED that the State Boards may specify more stringent standards for the relevant parameters with respect to specific industry or locations after recording reasons therefor in writing;

(ii) The State Board shall while enforcing the standards specified in Schedule VI follow the guidelines specified in Annexures I and II in that Schedule.]

⁶[(3B) The combined effect of emission or discharge of environmental pollutants in an area, from the industries, operations, automobiles and domestic sources, or processes shall not be permitted to exceed the relevant concentration in ambient air specified against each pollutants ⁷[in columns (4) and (5) of Schedule VII.]]

³[(4) Notwithstanding anything contained in sub-rule (3)—

- (a) the Central Board or a State Board, depending on the local conditions or nature of discharge of environmental pollutants, may, by order, specify a lesser period than a period specified under sub-rule (3) within which the compliance of standards shall be made by an industry, operation or process;
- (b) the Central Government in respect of any specific industry, operation or process, by order, may specify any period other than a period specified under sub-rule (3) within which the compliance of standards shall be made by such industry, operation or process.

(5) Notwithstanding anything contained in sub-rule (3), the standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) in respect of an industry, operation or process before the commencement of the Environment (Protection) (Amendment) Rules, 1991, shall be complied with by such industry, operation or process by the 31st day of December, 1991].

1 Substituted by GSR 422(E), dt. 19-5-1993 w.e.f. 19-5-1993.

2 Proviso to sub-rule (1) of rule 3 omitted by S.O. 23 (E), w.e.f. 16-1-1991.

3 Inserted by SO 23(E), w.e.f. 16-1-1991.

4 Inserted by GSR 422(E), w.e.f. 19-5-1993.

5 Substituted by GSR 801(E), w.e.f. 31-12-1993.

6 Substituted by GSR 7, dt. 22-12-1998, w.e.f. 2-1-1999.

7 Substituted for "in columns (3) to (5) of Schedule VII" vide GSR 826(E), dt. 16-11-2009, w.e.f. 16-11-2009.

¹[(6) Notwithstanding anything contained in sub-rule (3), an industry, operation or process which has commenced production on or before 16th May, 1981 and has shown adequate proof of at least commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31st day of December, 1993.

(7) Notwithstanding anything contained in sub-rule (3) or sub-rule (6) an industry, operation or process which has commenced production after the 16th day of May, 1981 but before the 31st day of December, 1991 and has shown adequate proof of at least commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31st day of December, 1992.]

²[(8) Use of coal by Thermal Power Plants, without stipulations as regards ash content or distance, shall be permitted subject to following conditions:

(1) **Setting Up Technology Solution for emission norms:**

- (i) Compliance of specified emission norms for Particulate Matter, as per extant notifications and instructions of Central Pollution Control Board, issued from time to time.

1 Inserted vide GSR 95(E), w.e.f. 12-2-1992.

2 Substituted vide SO 1561(E), dt. 21-5-2020, w.e.f. 21-5-2020. Prior to substitution, sub-rule (8) read as under: “(8) With effect from the date specified hereunder, the following coal based thermal power plants shall be supplied with, and shall use, raw or blended or beneficiated coal with ash content not exceeding thirty-four percent, on quarterly average basis, namely:—

(a) a stand-alone thermal power plant (of any capacity), or a captive thermal power plant of installed capacity of 100 MW or above, located beyond 1000 kilometres from the pit-head or, in an urban area or an ecologically sensitive area or a critically polluted industrial area, irrespective of its distance from the pit-head, except a pit-head power plant, with immediate effect;

(b) a stand-alone thermal power plant (of any capacity), or a captive thermal power plant of installed capacity of 100 MW or above, located between 750-1000 kilometres from the pit-head, with effect from the 1st day of January, 2015;

(c) a stand-alone thermal power plant (of any capacity), or a captive thermal power plant of installed capacity of 100 MW or above, located between 500-749 kilometres from the pit-head, with effect from the 5th day of June, 2016:

PROVIDED that in respect of a thermal power plant using Circulating Fluidised Bed Combustion or Atmosphere Fluidised Bed Combustion or Pressurized Fluidised Bed Combustion or Integrated Gasification Combined Cycle technologies or any other clean technologies as may be notified by the Central Government in the Official Gazette, the provisions of clauses (a), (b) and (c) shall not be applicable.

Explanation : For the purpose of this rule,—

(i) ‘beneficiated coal’ means coal containing higher calorific value but lower ash than the original ash content in the raw coal obtained through physical separation or washing process;

(ii) ‘captive thermal power plant’ means a power plant which is set up by an industry to generate electricity for its exclusive use;

(iii) ‘critically polluted industrial area’ means an industrial cluster or area where pollution levels have reached or likely to reach critical level, and has been identified as such by the Central Government or the State Government or the Central Pollution Control Board or a State Pollution Control Board;

(iv) ‘ecologically sensitive area’ means an area whose ecological balance is prone to be easily disturbed and has been identified and notified by the Central Government;

(v) ‘installed capacity’ shall be calculated by adding, individual capacity of all units within a boundary;

(vi) ‘pit-head power plant’ means any captive or stand-alone power station having captive transportation system for its exclusive use for transportation of coal from the loading point at the mining end, up to the uploading point at the power station without using the normal public transportation system;

(vii) ‘stand-alone thermal power plant’ means a power plant which is set up to generate electricity for feeding to electricity grid or for locations that are not fitted with an electricity distribution system; and

(viii) ‘urban area’ means an area limit of a city having a population of more than one million according to the last census.”

- ¹[(ii) In case of coal washeries, middling and rejects to be utilised in any Thermal Power Plants, subject to the said Thermal Power Plant complying with the stipulated emission and fly ash norms as specified in Ministry of Environment, Forest and Climate Change notification number SO 3305(E), dated the 7th December, 2015, read with the notification number SO 763(E), dated the 14th September, 1999 and its amendments [vide numbers SO 979(E), dated the 27th August, 2003, SO 2804(E), dated the 3rd November, 2009 and SO 254(E), dated 25th January, 2016] and related subsequent notifications and amendments issued from time to time.]
- (2) **Management of Ash Ponds:**
- (i) The thermal power plants shall comply with conditions, as notified in the Fly Ash notification issued from time to time, without being entitled to additional capacity of fly ash pond (for existing power generation capacity) on ground of switching from washed coal to unwashed coal.
 - (ii) Appropriate Technology solutions shall be applied to optimise water consumption for Ash management;
 - (iii) The segregation of ash may be done at the Electro-Static Precipitator stage, if required, based on site specific conditions, to ensure maximum utilization of fly ash;
 - (iv) Subject to 2(i) above, the thermal power plants to dispose flyash in abandoned or working mines (to be facilitated by mine owner) with environmental safeguards.
- (3) **Transportation:**
- (i) Coal transportation may be undertaken by covered Railway wagon (railway wagons covered by tarpaulin or other means) and/or covered conveyer beyond the mine area. However, till such time enabling Rail transport/conveyer infrastructure is not available, road transportation may be undertaken in trucks, covered by tarpaulin or other means.
 - (ii) It shall be ensured by the thermal power plant that—
 - (a) Rail siding facility or conveyor facility is set up at or near the power plant, for transportation by rail or conveyor; and
 - (b) If transportation by rail or conveyor facility is not available, ensure that the coal is transported out from the Delivery Point of the respective mine in covered trucks (by tarpaulin or other means), or any mechanized closed trucks by road.
- (4) This shall also be deemed to be additional conditions of the relevant Environmental Clearances for respective projects for financial year 2020-21 and onwards. The existing Environmental Clearances shall stand modified so as to make the above conditions operative for relevant sectors. The Consent to Operate shall be issued by respective State Pollution Control Boards accordingly.]

1 Substituted vide GSR 443(E), dt. 25-6-2021, w.e.f. 29-6-2021. Prior to substitution, item (ii) read as under: “(ii) In case of washeries, Middling and rejects to be utilized in FBC (Fluidised Bed Combustion) technology based thermal power plants. Washery to have linkage for middling and rejects in Fluidised Bed Combustion plants.”