

# Environmental Laws

## Environmental Laws in India

1. The Water (Prevention and Control of Pollution) Act, 1974
2. The Water (Prevention and Control of Pollution) Rules, 1975
3. The Water (Prevention and Control of Pollution) Cess Act, 1977
4. The Water (Prevention and Control of Pollution) Cess Rules, 1978
5. The Air (Prevention and Control of Pollution) Act, 1981
6. The Air (Prevention and Control of Pollution) Rules, 1982
7. The Environment (Protection) Act, 1986
8. The Environment (Protection) Rules, 1986
9. Hazardous Wastes (Management and Handling) Rules, 1989
10. Manufacture, Storage and Import of Hazardous Chemical Rules, 1989
11. The Forest (Conservation) Act, 1980
12. The Forest (Conservation) Rules, 1981
13. The Wildlife Protection Act, 1972
14. The Wildlife (Transactions and Taxidermy) Rules, 1973
15. The Wildlife (Stock Declaration) Central Rules, 1973
16. The Wildlife (Protection) Licensing (Additional Matters for Consideration) Rules, 1983
17. The Wildlife (Protection) Rules, 1995
18. The Wildlife (Specified Plants - Conditions for Possession by Licensee) Rules, 1995
19. The Public Liability Insurance Act, 1991
20. The Public Liability Insurance Rules, 1991
21. The National Environment Tribunal Act, 1995
22. The National Environment Appellate Authority Act, 1997

# Environmental Laws in India

## General Protection

- ▶ The Environmental Protection Act, 1986 is enforced by the Central Pollution Control Board and numerous State Pollution Control Boards.
- ▶ National Green Tribunal has jurisdiction over all environmental cases dealing with substantial environmental question and water pollution.

## Air Pollution

- ▶ The Air (Prevention and Control of Pollution) Act, 1981
- ▶ The Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983

## Water Pollution

- ▶ The Water (Prevention and Control of Pollution) Act, 1974
  - ▶ The Water (Prevention and Control of Pollution) Cess Act, 1974
  - ▶ Ganga Action Plan 1986 and National Water Policy
-

## Industry Classification for Pollution

Beginning March 5th 2016, the Ministry of Environment, Forests, and Climate Change has adopted a new method of classifying each type of industry. A concept of “white industries” has been introduced for classifying “non-polluting” companies. They do not need a permit or consent and just require to notify the relevant State Pollution Control Board.

For all the others (red, orange and green industries), there are certain environmental permits that are required to be obtained. You might require multiple numbers of permits depending on what kind of activity your business is delving into and the size of the business. Your company will be given a Pollution Index (PI) score, depending on the utilization of the resources, the air emissions, water effluents, and hazardous waste generated. You will be required to obtain consents and permits from the apt board. As per [this](#) article, the PI score is allocated in the following manner:

- *Red category: PI score of 60 and above. Including but not restricted to asbestos, nuclear power plants, shipbreaking, oil and gas extraction, etc.*
  - *Orange category: PI score of 41 to 59. For example, food processing, printing ink manufacturing, paint blending, and pharmaceutical formulations.*
  - *Green category: PI score of 21 to 40. 63 sectors have been identified under it. For example sawmills, tyres/rube retreating, polythene and plastic products.*
  - *White category: PI score up to 20. For example solar power generation through solar photovoltaic cells, wind power, and mini hydro-electric power less than 25 megawatts.*
-

## Environmental Integrated Permits:

There is an integrated permit system where a single permission suffices for a lot of consents and permits.

For example, a combined consent application to the relevant State Pollution Control Board can be submitted to obtain the '**consent to establish**' and subsequently the '**consent to operate**' under the Water Act, Air Act and Hazardous and Other Waste Rules, 2016.

Technology has made the process easy.

For instance, the recently adopted E-Waste (Management) Rules, 2016 has introduced only one centralized and pan India application form by the Central Pollution Control Board instead of the State Board in order to get an authorization for the producers.

---

## Validity of Environmental Permits:

Generally, it is the State Pollution Control Board which has the discretion to determine the duration of consents and permits. In the past decade, efforts have been made to streamline the validity of each industry. Typically, an initial 'consent to establish' has a validity for a year which needs to be renewed, but it is dependable on the scale of the project. Other consents and validities such as 'consent to operate' under various air and water laws can vary from 3 to 5 years.

In case of renewal is required, an application is generally granted 60 to 120 days before the date of expiry of the 'consent to operate'. In case there has been any non-compliance, the State Board can also cancel the renewal or only grant consent in case the non-compliance has been rectified.

The latest laws have a provision for longer permits. For example, the E-Waste Rules or Hazardous and Other Waste Rules, 2016 provide a validity up to 5 years. Again, it is extremely dependant on which industry you are operating in.

---

## Transfer of Permits:

The new acquirer/transferee/buyer needs to submit an application to the relevant regulatory authority with an undertaking that he would comply with all the pre-existing conditions in the consent order/license grant/permit.

The owner needs to provide a no objection certificate to the relevant regulatory authority.

A list of supporting documents (explaining the underlying reason for the transfer, change of name, change of management, and so on), as applicable, must be presented.

---

## Disclaimer

This Presentation is intended to serve as a guide to the Member Participants of the Seminar/Conference and for information purposes only; and the contents are not to be construed in any manner whatsoever as a substitute for professional advice or legal opinion. No one should act on such information without appropriate professional advice after a thorough examination of particular situation. Information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. While due care has been taken to ensure that the information is current and accurate to the best of our knowledge and belief, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. These PPTs contain information that is privileged and confidential. Unauthorized reading, dissemination, distribution or copying of this document is prohibited. We shall not be responsible for any loss or damage resulting from any action or decision taken on the basis of contents of this material.

---