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# UNIT 6 INDUSTRIAL AND NOISE POLLUTION

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## 6.1 INTRODUCTION

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Industrial and noise pollution is a cause of concern. Several environmental laws are implemented to mitigate the impacts of industrial and noise pollution. The “Factories Act, 1948” contains detailed provisions on health, safety welfare, working hours, leave, penalties etc. As regards the safety of workers working in mines, the Mines Act, 1952 was enacted. The Act contains provisions for measures relating to the health, safety, and welfare of workers in the coal and oil mines. The Act also prescribes the duties of the owner to manage mines/mining operations and the health, and safety of mines. To generate, develop and sustain a voluntary movement on Safety, Health and Environment (SHE) at the national level, the National Safety Council (NSC) was set up by the Ministry of Labour, Government of India (GOI) on the 4th March 1966. The Motor Vehicles Act, 1988 was enacted to regulate all aspects of road transport vehicles. It has provisions for traffic regulations, vehicle insurance, registration of motor vehicles, controlling permits and penalties.

Noise pollution affects both health and behaviour. It can damage physiological health. It is associated with several health conditions, including cardiovascular disorders, hypertension, high-stress levels, tinnitus, hearing loss, sleep disturbances, and other harmful and disturbing effects. Therefore, recognizing the harmful effects of noise, the Indian government included measures to abate noise pollution under the Environment Protection Act, 1986. However, the government decided to come out with separate legislation solely focusing on noise pollution i.e., the Noise Pollution (Regulation and Control) Rules, 2000.

Environmental Impact Assessment (EIA) is essentially a planning tool for preventing environmental problems due to an action. Best practice EIA identifies environmental risks, lessens conflicts by promoting community participation, minimizes adverse environmental effects, informs decision-makers, and promotes environmentally sound projects. EIA Notification, 2006 endeavours to "scrutinize all relevant information about a project or activity to assess its potential adverse impacts on the ecology of a region". Further, the environmental clearance process for new projects or activities involves four stages namely Screening, Scoping, Public Consultation and Appraisal. In this unit, we will be discussing the features of the Factories Act, 1948; the Motor Vehicles Act, 1988 and the Public Liability Insurance Act, 1991. We will also be discussing the Noise pollution (Regulations and Control) Rules, 2000 and the Environmental Impact Assessment Notification, 2006.

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## **6.2 OBJECTIVES**

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After studying this unit, you should be able to:

- explain the features of the Factories Act, 1948;
- explain the features of the Motor Vehicles Act, 1988;
- explain the features of the Public Liability Insurance Act, 1991;
- discuss the noise pollution and the Noise pollution (Regulations and Control) Rules, 2000; and
- explain the features of Environmental Impact Assessment Notification, 2006.

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## **6.3 THE FACTORIES ACT, 1948**

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The safety, health and welfare of workers employed in factories are covered under the Factories Act, 1948 which is central legislation. The Act contains detailed provisions on health, safety welfare, working hours, leave, penalties etc. and applies to premises wherein 10 or more workers are employed without the aid of power. The State Governments are empowered under Section 85 of the Act to bring those factories wherein less than 10 workers with the aid of power or 20 or more workers are employed without the aid of power under the purview of this Act. The provisions of the Factories Act and

Rules framed thereunder are enforced by the State Governments through the State Factories Directorate/Inspectorates.

The important provisions in the Factories Act, 1948 relate to-

- Appointment of Inspectors
- Responsibility of the Occupier and Manufacturer of Articles used in factories (This provision was incorporated in 1987 after the Bhopal Tragedy)
- Health Provisions
- Safety provisions
- Welfare Provisions
- Working Hours
- Employment of Young Persons
- Annual Leave with Wages
- Special Provisions (power to apply the Act to certain premises, dangerous operations, a notice of accidents and occupational diseases, power of enquiry, etc.)
- Penalties and Procedures

The important provisions relating to the Safety and Health of workers are given below:

### **Health Provisions**

Every factory must take the following measures as per the provisions of the Act to ensure the health of the workers:

- To keep its premises in a clean state.
- To dispose of wastes and effluents.
- To maintain adequate ventilation and a reasonable temperature.
- To prevent the accumulation of dust and fume.
- To avoid overcrowding.
- To provide sufficient lighting, drinking water, latrines and urinals.

### **Safety Provisions**

Every factory must take the following measures as per the provisions of the Act to ensure the safety of the workers:

- To fence certain machinery.
- To protect workers repairing machinery in motion.
- To protect young persons working on dangerous machines.
- To ensure hoists and lifts and pressure vessels are of sound construction and maintained in good working conditions.
- Floors, stairs and means of access in every factory shall be of sound

construction and properly maintained to ensure the safety of the workers.

- To protect workers from injury to their eyes.
- To protect workers from dangerous dust, gas, fumes and vapours.
- To protect workers from fire, explosives or flammable dust or gas, etc.

An inspector appointed under the Act has the power:

- To enter any place which is used as a factory.
- To examine the premises, plant and machinery.
- To require the production of any register and any other document relating to the factory.
- To take a statement of any person, for carrying out the purposes of the Act.
- To initiate legal action for violation or non-compliance of the provisions of the Act and Rules made thereunder.

Where any workers in the factory contract any notifiable disease as specified in the Third Schedule, the manager of the factory shall send a notice to the inspector of factories in such a form and the manner prescribed (Section 89). The inspectors visit the factories and violations of the provisions of the Act and the Rules framed thereunder are brought to the notice of the occupier/manager for taking necessary actions, particularly when building, machinery and equipment are likely to lead to conditions detrimental to the health and safety of the workers.

The inspectors also have the power to prohibit employment on account of serious hazards, initially for three days. The occupier is directed to remove the hazard before re-employing the workers.

In case the occupier/manager does not abide by the written order issued by the inspector, the prosecution is initiated for the violation of any of the provisions of the Act and Rules.

### **6.3.1 Safety in Ports and Docks**

Port work involves several different employers and contractors who affect each other's activities. These may include harbour authorities, port operators, stevedoring firms, ships' masters and crew. Companies need to have strong and effective health and safety systems in place. These should ensure co-operation, co-ordination and communication between all employers and their workers. The Management of Health and Safety at Work Regulations 1999 set out many requirements for employers to ensure they are adequately managing health and safety. These include:

- A risk assessment of their activities. This should identify the measures they need to have in place to comply with their duties under health and safety law and reduce risks so far as is reasonably practicable.
- Make sure there is effective planning, organization, control, monitoring

and review of the measures they put in place.

- Appointing a competent person to provide health and safety assistance. A competent person is someone with the necessary skills, knowledge and experience to manage health and safety.
- Providing employees with the information they can understand – including people whose first language is not English; and
- Co-operation and coordination with other employers sharing a workplace.

### 6.3.2 Safety in Mines

The Mines Act, 1952 contains provisions for measures relating to the health, safety, and welfare of workers in the coal, metalliferous and oil mines. The Act prescribes the duties of the owner to manage mines/mining operations and the health, and safety of mines. The Mines Act, 1952 aims to regulate the working condition of workers, annual leave with wages of the workers working in the mines, hours and limitations of employment. Under the Constitution of India, the safety, welfare and health of workers employed in mines are the concern of the Central Government (Entry 55- Union List-Article 246).

The regulations and rules made there constitute the statutory base for regulating the safety, health, welfare and working conditions of persons employed in mines throughout India. The Directorate General of Mines Safety has been entrusted with the function of enforcing the provisions of the Mines Act, 1952 and the Rules and Regulations framed there under, including the Mines Rules, the Mines Rescue Rules and the Mines Vocational Training Rules in respect of all Mines and the Crèche Rules in respect of Non-Coal Mines.

The Directorate General of Mines Safety (DGMS), under the Union Ministry of Labour and Employment, is the enforcement agency which ensures compliance with the stated provisions through inspections by inspecting officers. The Officers of the Directorate are empowered as Inspectors of Mines under the Mines Act, 1952. They have also been given certain responsibilities under allied legislations like the Coal Mines (Conservation and Development) Act, 1974, the Land Acquisition (Mines) Act, 1985, the Factories Act, 1948 and the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 besides the Indian Electricity Act, 1910 and the Indian Electricity Rules, 1955 framed there under. The Inspectors undertake regular inspections. The health, safety and welfare provisions of the Mines Act and Rules are invariably checked during general inspection of the mines. These inquiries serve the dual purpose of identifying the causes and responsibilities for the accidents and formulating remedial measures to prevent the recurrence of similar mishaps.

The violations were observed during a general inspection of the mines. The violations observed during such inspections are being followed up by subsequent follow-up inspections. In case of non-compliance, the improvement notices, prohibitory orders etc. are also being issued till it is complied with.

A list of the subordinate legislation under the Mines Act administered by DGMS is –

- Coal Mines Regulations, 1957.
- Metalliferous Mines Regulations, 1961.
- Oil Mines Regulations, 1984.
- Mines Rules, 1955.
- Mines Vocational Training Rules, 1966.
- Mines Rescue Rules, 1985.
- Mines Creche Rules, 1966.

The owner, agent or manager of the mine is required to comply with the provisions of health and safety provisions of the Mines Act and the rules framed thereunder, as required under Section 18 of the Mines Act, 1952.

### **6.3.3 National Safety Council, 1966**

National Safety Council (NSC) was set up by the Ministry of Labour, Government of India (GOI) on 4th March 1966 to generate, develop and sustain a voluntary movement on Safety, Health and Environment (SHE) at the national level. It is an apex non-profit making, tripartite body, registered under the Societies Registration Act 1860 and the Bombay Public Trust Act 1950. The council has its memorandum of association and rules & regulations. Rules and regulations of the council provide for the setting up of state chapters for furnishing its objectives and carrying out activities at the state level.

To fulfil its objective, NSC carries out various activities:

- These include organizing and conducting specialized training courses, conferences, seminars & workshops, conducting consultancy studies such as safety audits, hazard evaluation & risk assessment;
- Designing and developing SHE promotional materials & publications;
- Facilitating organizations in celebrating various campaigns e.g., Safety Day, Fire Service Week, and World Environment Day.

A computerized Management Information Service has been set up for collection, retrieval and dissemination of information on SHE, health safety and environment aspects. Its headquarters are in Navi Mumbai. Under Rules and Regulations of NSC, Rule 15 mandates NSC to promote the establishment of State Chapters to help supplement its efforts of promoting safety awareness in every part of the country.

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## 6.4 THE MOTOR VEHICLES ACT, 1988

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The Motor Vehicles Act, came in the year 1988 by the Indian Parliament. It regulates all aspects of road transport vehicles. It has provisions for traffic regulations, vehicle insurance, registration of motor vehicles, controlling permits and penalties. The major objective of this act was to concentrate on the innocent people who are travelling on the road and can get affected by the drivers.

The Motor Vehicles Act, 1988, like the earlier Act of 1939, makes the insurance of motor vehicles compulsory. The owner of every motor vehicle is bound to insure his vehicle against third-party risk. The insurance company, i.e., the insurer covers the risk of loss to the third party by the use of the motor vehicle.

In India, under the provisions of the Motor Vehicles Act, 1988, every vehicle must have valid insurance to drive on the road. Any vehicle used for social, domestic and pleasure purposes and the insurer's business motor purpose should be insured. Insurance is a contract whereby one party, the insurer, undertakes in return for a consideration, the premium, to pay the other, the insured or assured, a sum of money in the event of the happening of a, or one of various, specified uncertain events. The main types of insurance are life and other personal insurance, marine insurance, accident or property insurance and liability insurance when the sum becomes payable when legal liability is incurred for personal injuries or professional negligence to another.

Section 140 of the Motor Vehicles Act deals with no-fault liability. The term 'no fault liability' means when an accident has occurred due to the use of a motor vehicle or motor vehicles and has caused either death or some sort of injury, the owner of the vehicle is still liable to pay compensation even if it isn't his or her fault. Where death or permanent disablement occurs to any person as a result of an accident due to the use of a motor vehicle, the owners of the vehicle shall be liable to pay compensation for such death or disablement in accordance with the provisions of this section.

The provisions of this Section make way for a fixed amount of compensation which must be paid depending upon whether the accident has caused death or disablement. In case of death then the owners have to pay compensation worth fifty thousand rupees and in case of disablement then the compensation is fixed at rupees twenty-five thousand, these fixed rates of compensation are as per sub-section (1) of Section 140. This Act is in correspondence with section 92-A of the Motor Vehicles Act, 1939.

The "no-fault liability" is a codified law under Sec-140, therefore providing it statutory powers, strict liability on the other hand is not a codified law and comes under tort law, therefore not giving it statutory powers. Another important aspect would be that if an individual were to claim compensation under normal tort law in case of a motor vehicle accident, then he/she would

be able to do so, though the compensation received through this process would and will be deducted from the compensation that was to be awarded by the motor vehicles tribunal.

### **Third-Party Insurance**

A third-party insurance policy is a policy under which the insurance company agrees to indemnify the insured person if he is sued or held legally liable for injuries or damage is done to a third party. The insured is one party, the insurance company is the second party, and the person you (the insured) injured who claims damages against you is the third party.

The third-party liability cover, sometimes also referred to as the 'act only' cover, is a statutory requirement under the Motor Vehicles Act. It is referred to as a third-party cover since the beneficiary of the policy is someone other than the two parties involved in the contract i.e., the insured and the insurance company. The policy does not provide any benefit to the insured; however, it covers the insured's legal liability for death/disability of third-party loss or damage to third-party property.

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## **6.5 THE PUBLIC LIABILITY INSURANCE ACT, 1991**

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The Public Liability Insurance Act of 1991 deals with hazardous substances, each owner must conclude one or more contracts which include the obligation to provide direct compensation. It should be provided to all those who have suffered damages that should be given to the property of the deceased legal heir in the event of their death.

The 1991 Public Liability Act was ordained to provide direct assistance to people affected by accidents related to handling hazardous materials and other coerced and related matters. Coverage insurance is claimed when someone is injured at the place of business. Places like shopping centres, nightclubs, and theatres need this type of insurance to protect themselves.

It applies to all owners associated with the production or handling of any hazardous chemicals, to provide immediate relief to victims and persons (other than workmen) affected by accidents occurring while handling hazardous substances through the insurance amount paid by the owner of the hazardous substance. Coverage insurance covers claims by community members who have suffered injury or property damage in connection with the business.

A major reason for the enactment of this law was Bhopal Gas Tragedy. It is also known as the Bhopal disaster, in which thousands of people lost their lives. This is considered the worst industrial disaster in the world that happened on a cold winter night in the early hours of December 3, 1984. Around midnight, a chemical reaction began at the Union Carbide (India) Limited plant, which resulted in the release of a deadly gas methyl isocyanate



(MIC) from one of the tanks. Nearly 3,000 people died in the tragedy, and thousands more were physically injured and affected in various forms. Wildlife was killed, injured, and contaminated. People's lives were affected. The environment was polluted with disturbed ecology and wildlife.

The Public Liability Insurance Act 1991 came into force after the tragedy and aims to provide immediate assistance to victims of accidents involving hazardous industries. According to Section 4 of the law, owners of companies that use hazardous substances take out insurance policies to cover liabilities from accidents that cause death, injury, or injury. In addition, Section 7 A, i) and (ii) regulate the establishment of a central government environmental promotion fund to be used in accordance with the law to pay assistance to accident victims in dangerous companies. The law also regulates business owners to take insurance policies that cover obligations not less than the paid-up capital of the business and not more than Rs 50 crore.

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## 6.6 NOISE POLLUTION

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Noise is a type of atmospheric pollution in the form of waves. It has increased drastically due to industrialization, high-density traffic, urbanization and technological advancement. Many Industrial psychologists and environmentalists have defined the term noise. According to Blum, noise acts as a distracter and, therefore, interferes with the efficiency of people. Noise levels above 90 decibels (unit for measuring noise intensity) for continuous periods can cause loss of hearing. A single exposure of 150 decibels is known to cause permanent injury to the ear's internal mechanism. In cities like Bombay, Calcutta & Delhi, the average noise level is between 65 and 90 decibels. The effect of environmental noise on foetal development during pregnancy has been subject to research. It is found that constant exposure to noise between 110 and 120 decibels can produce narrowing of vision, vertigo and disruption of equilibrium in the unborn baby keeping the present development pace into account.

### 6.6.1 Factors influencing Noise Pollution

- Urbanization is the main factor responsible for noise pollution. Due to urbanization, the problem of noise pollution has emerged as one of a serious problems and it has become a serious challenge to the quality of life.
- Industrialization is also a major factor in noise pollution in India. Due to rapid growth in industrialization and advancement of science and technology the problem of noise pollution has become a serious problem and serious challenge to the quality of life of the people in India.
- Due to the population growth, the problem of noise pollution is growing day by day in the residential area. In India, the problem of noise pollution is widespread due to population growth.

- Due to poverty and illiteracy, people are not much aware of the effects and control of noise pollution.

## 6.6.2 Sources of Noise Pollution

The sources of noise pollution may be broadly classified into industrial sources and non-industrial sources.

**Industrial Sources:** These sources may include noise from various industrial operations in cities, like boilers, machinery, foundries, flour mills, cutting machines, etc. Noise is a byproduct of energy conservation and every industry produces noise. Pollution due to big machines working at a high speed have high-noise intensity.

**Non-Industrial Sources:** These sources of noise pollution can further be divided into the following categories.

- Loudspeakers:** One of the common factors creating noise pollution is the indiscriminate use of loudspeakers. In India, no function or ceremonies complete without a loudspeaker which has all the characteristics of creating a public nuisance. Generally, it has been observed that loudspeakers create a big annoyance to the public during sleeping hours.
- Construction Works:** In India, urbanization is developing very fast and huge buildings are being constructed at the fastest speed. During the demolition of old sites and construction of new buildings, huge machines which produce a lot of noise are being commissioned and it has become a common scene in every big city where construction work is in progress. A lot of noise is created during the construction or repair work.
- Automobiles:** They constitute the largest single group of noise menace. In a city, 60 to 70 per cent of noise may come from road traffic. A slow speed of five to twenty km/h during peak hours increase the emission rate of atmospheric and noise pollution.
- Trains:** In India, steam and diesel engines are commonly used by railways which produces a lot of noise. The impact of noise pollution by trains is maximum in residential areas with the introduction of fast trains, the noise has been substantially increased.
- Aircraft:** The use of aircraft of many types generating many types of noise. The higher speed of an aircraft the greater the noise polluter. The noise from these planes can break window panes, crack plaster and shake buildings.
- Radio, Microphones:** Radio and microphones can cause noise pollution if they are switched on at a high volume.
- Projection of Satellites:** The satellites when projected into space with the aid of high explosive rockets. The application and use of these

rockets produce deafening noise at the time of 'lift off' a satellite.

### 6.6.3 Functions of CPCB and SPCB

The main functions of the Central Pollution Control Board for controlling noise pollution are as follows:

- To advise the Central Government on any matter concerning the prevention, control and abatement of noise pollution.
- To plan and cause to be executed a nationwide programme for the prevention, control, and abatement of noise pollution.
- To provide technical assistance and guidance to the State Pollution Control Board.
- To carry out and sponsor investigations and research related to the prevention, control and abatement of noise pollution.
- To collect, compile, and publish technical and statistical data related to noise pollution and
- To lay down and annul standards for the quality of noise.

The main functions of the State Pollution Control Boards are as follows:

- To plan a comprehensive programme for the prevention, control, and abatement of noise pollution and to secure the execution thereof.
- To advise the State Government on any matter concerning prevention, control, and abatement of noise pollution.
- To collect and disseminate information related to noise pollution.
- To collaborate with Central Pollution Control Board in the programme related to the prevention, control, and abatement of noise pollution; and
- To inspect noise pollution control areas, assess the quality of noise and take steps for prevention, control and abatement of noise pollution in such areas.

### 6.6.4 Ambient Air Quality Standards in respect of Noise

There are harmful effects on human health and psychological well-being of the people because of the increasing noise levels in public places from various sources industrial activity, construction activity, firecrackers, sound-producing instruments, generator sets, loudspeakers, public address systems, music systems, vehicular horns, and other mechanical devices, it is necessary to regulate and control noise producing and generating sources to maintain the ambient air quality standards in respect of noise.

**Table 6.1 Ambient Air Quality Standards in respect of Noise**

Area Code	Category of Area/ Zone	Limits in dB(A) Leq*	
		Day Time	Night Time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence zone	50	40

**Note:**

1. Day time shall mean from 6:00 AM to 10:00 PM
2. Night time shall mean from 10:00 PM to 6:00 AM
3. Silence zone is an area comprising not less than 100 metres around hospitals, educational institutes, courts, religious places, or any other area which is declared as such by the competent authority.
4. Mixed categories of areas may be declared as one of the four above-mentioned categories by the competent authority.

Further, \*dB(A) Leq denotes the time-weighted average of the level of sound in decibels on scale A which is relatable to human hearing.

**6.6.5 Noise Pollution (Regulations and Control) Rules, 2000**

The reason behind the enactment of these rules was that the noise emitted by loudspeakers, vehicular horns, construction activities, music systems, industries, and other mechanical equipment harms the physical and physiological growth of human beings. These rules were formulated to curb the menace of excessive noise pollution from these sources to create an ambient atmosphere for healthy living. The noise pollution rules prohibit the use of loudspeakers at night and provide provisions for penalties in case permission for the use of such devices is not sought from a competent authority.

Therefore, recognizing the harmful effects of noise, the Indian government included measures to abate noise pollution under the Environment Protection Act, 1986. Noise pollution was one of the categories being addressed under this Act. However, in the late 1990s, the government decided to come out with separate legislation solely focusing on noise pollution i.e., the Noise Pollution (Regulation and Control) Rules, 2000.

Under this Act, the legislation has divided all areas into 4 categories namely industrial areas (A), commercial areas (B), residential areas (C) and silence zones (D). The legislation further states that the State Government has the authority to designate different areas under different categories or “area codes”. The authority to take decisions pertaining to the implementation of

these rules is to be designated by the Central government and can be the District Magistrate, Police Commissioner, etc. An area of 100 meters around hospitals, educational institutions and courts must be designated as silence zones. These rules shall always be taken into consideration before the construction of any project.

Under this Act, the use of loudspeakers, megaphones, and any other form of public address system has been regulated. They shall not be allowed to function in public after 10 PM and till 6 AM. Violation of this can result in a penalty, under provisions of this Act. The authority given the responsibility of upholding this Act can take action and order the prohibition of the use of any of these articles if he/she receives a complaint. Non-compliance after the issue of this order can result in imprisonment.

### **Article 21**

Noise control is important because everybody has the right to a peaceful environment and a valuable existence and not a mere animal existence as provided under Article 21 of the Indian Constitution.

### **Aircraft Act, 1934**

Under the Aircraft Act of 1934, the Union Government has been vested with the power to make rules for the manufacture, possession, use, operation, sale, import, or export of any aircraft. It provides for the control of noise pollution caused due to the frequent take-off and landing that the aerodromes be constructed far away from residential areas.

### **The Environment (Protection) Act, 1986**

This Act provides the Central Government with the power to enact rules regulating environmental pollution which takes into its ambit the regulations relating to noise pollution. Section 6 of the Act empowers the government to enact laws for “the maximum allowable limits of concentration of various environmental pollutants (including noise) pollution in different areas.”

Thus, the government under this Act can lay down rules relating to the maximum allowable limits of noise pollution in the environment and any violations of this permissible limit would invite penalties. Entry 89 of this Act also provides for a maximum limit on the noise level generated by firecrackers and prohibits the manufacture of firecrackers in factories beyond the permissible limit. The limit has been set at 125 dB(A) or 145 dB(C) at 4 meters distance from the point of bursting.

### **Police Act, 1861**

The Police Act of 1861 provides immense powers to the Superintendent of Police and his subordinates regarding the regulation of noise on the occasion of ceremonies, processions, festivals, marches, etc. Section 30A of the Act vests the police with the power to disperse the crowd in case of excessive noise pollution during these occasions.

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## 6.7 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

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Environmental Impact Assessment (EIA) is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse. UNEP defines Environmental Impact Assessment (EIA) as a tool used to identify the environmental, social and economic impacts of a project before decision-making. It aims to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision-makers. Environment Impact Assessment in India is statutorily supported by the Environment Protection Act, 1986 which contains various provisions on EIA methodology and process.

The Indian experience with Environmental Impact Assessment began over 20 years back. It started in 1976-77 when the Planning Commission asked the Department of Science and Technology to examine the river-valley projects from an environmental angle. Till 1994, environmental clearance from the Central Government was an administrative decision and lacked legislative support. On 27 January 1994, the then Union Ministry of Environment and Forests, under the Environmental (Protection) Act 1986, promulgated an EIA notification making Environmental Clearance (EC) mandatory for expansion or modernization of any activity or for setting up new projects listed in Schedule 1 of the notification. The Ministry of Environment, Forests and Climate Change (MoEFCC) notified new EIA legislation in September 2006.

The notification makes it mandatory for various projects such as mining, thermal power plants, river valley, infrastructure (roads, highways, ports, harbours and airports) and industries including very small electroplating or foundry units to get environment clearance. However, unlike the EIA Notification of 1994, the new legislation has put the onus of clearing projects on the state government depending on the size/capacity of the project. The Ministry of Environment, Forest and Climate Change is mandated to formulate policies, laws and rules related to the environment, and to issue environmental clearance (EC) for any developmental project, as in the Schedule of the Environmental Impact Assessment (EIA) Notification, dated 14 September 2006, under the Environmental (Protection) Act, 1986. The EIA notification of 1994 was further improved upon with the more detailed notification of 2006. The EIA system, being multidimensional and interdisciplinary, is concerned with identifying and evaluating the direct and indirect impacts of a project on the environment. The EIA system supports project proponents in incorporating environmental considerations in project planning.

## Importance of EIA

- It links the environment with development for environmentally safe and sustainable development.
- It provides a cost-effective method to eliminate or minimize the adverse impact of developmental projects.
- It enables the decision makers to analyze the effect of developmental activities on the environment well before the developmental project is implemented.
- It encourages the adaptation of mitigation strategies in the developmental plan.
- It makes sure that the developmental plan is environmentally sound and within the limits of the capacity of assimilation and regeneration of the ecosystem.
- Environmental considerations are integrated into overall project planning, and the environmental impact assessment is sound, and the proposed environmental mitigation measures are effective.

### 6.7.1 Environmental Impact Assessment Notification, 2006

In exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified in this notification.

#### Categorization of Projects and Activities

Environment Impact Assessment Notification of 2006 has decentralized the environmental clearance projects by categorizing the developmental projects in two categories, i.e., Category A (national level appraisal) and Category B (state level appraisal).

All projects and activities are categorized based on the spatial extent of potential impacts and potential impacts on human health and natural and manmade resources.

All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for this notification.

All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects, or change in product mix but excluding those which fulfil the General Conditions (GC) stipulated in the Schedule, will require prior environmental clearance from the State/Union Territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted in this notification.

The environmental clearance process for new projects or activities, since the EIA notification of 2006, involves four stages. The four stages in sequential order are Screening (Only for Category 'B' projects and activities), Scoping, Public Consultation and Appraisal.

**Check Your Progress 1**

**Note:** i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the unit.

1. Explain the key features of the Factories Act, 1948.

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2. Explain the Motor Vehicles Act, 1988.

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3. Explain the importance of the Public Liability Insurance Act, 1991.

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4. Explain the sources and factors influencing noise pollution.

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5. Explain the significance of the Noise Pollution (Regulations and Control) Rules, 2000.

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6. Write a short note on Environmental Impact Assessment.

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## 6.8 LET US SUM UP

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In this unit, we have discussed the key features of the Factories Act, 1948; the Motor Vehicles Act, 1988 and the Public Liability Insurance Act, 1991. Further, we have discussed the Noise pollution (Regulations and Control) Rules, 2000 and the Environmental Impact Assessment Notification, 2006.

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## 6.9 KEY WORDS

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**Environmental Impact:** Any significant change, positive or negative in any part of the environment caused by human actions or natural phenomena in a defined area.

**Preventive Measures:** The actions directed at avoiding negative environmental impacts identified by the EIA. These typically mean changes within the design of the project to help maintain environmental balance.

**Project Area:** All terrain directly affected by project activities at all stages of development.

**Public Consultation:** Public Consultation refers to the process by which the concerns of local affected persons and others who have a plausible stake in the environmental impacts of the project or activity are ascertained to take into account all the material concerns in the project or activity design as appropriate.

**Scoping:** Scoping refers to the process to determine detailed and comprehensive Terms of Reference (ToR) addressing all relevant environmental concerns for the preparation of an Environmental Impact Assessment and Environment Management Report in respect of the project or activity for which Prior Environmental Clearance is sought.

**Terms of Reference:** Terms of reference are clear and outline specific activities that are required to satisfactorily undertake the Environmental Impact Study.

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## 6.10 SUGGESTED FURTHER READING/REFERENCES

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Divan, S., & Rosenkranz, A. (2001). Environmental Law and Policy in India. New Delhi: Oxford University Press.

Ghosh, S. (2019). Indian Environmental Law. The Orient Black Swan.

Maheshwara Swamy, N. (2022). Text Book on Environmental Law. 2<sup>nd</sup> Edition. Asia Law House publication.

Naseem, M. (2011). Environment law in India. Kluwer Law International, The Netherlands.

Sahasranaman, P.B. (2012). Handbook of Environmental Law (Second Edition). Oxford University Press.

Trivedy, R.K. (2010). Handbook of Environmental Laws, Acts, Guidelines, Compliances & Standards. 3rd Edition. BS Publications.

### Web Links

[https://labour.gov.in/sites/default/files/ISH\\_FAQ.pdf](https://labour.gov.in/sites/default/files/ISH_FAQ.pdf)

<http://www.environmentwb.gov.in/pdf/EIA%20Notification,%202006.pdf>

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## 6.11 ANSWERS TO CHECK YOUR PROGRESS

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### Check Your Progress 1

1. Please refer to section 6.3
2. Please refer to section 6.4
3. Please refer to section 6.5
4. Please refer to sections 6.6.1 and 6.6.2
5. Please refer to section 6.6.5
6. Please refer to section 6.7