CHAPTER - 2

BRIEF STUDY OF VARIOUS LEGISLATIVE MEASURES FOR CONSUMERS PROTECTION

2.1 INTRODUCTION

The second chapter of the present study is very important because it deals with various legislations dealing with the protection of consumers' interest. The Government has enacted various economic laws covering different aspects of consumers. The consumers' awareness, effectiveness of consumer organisations, business ethics and the Government's controls largely depend on consumer
legislations, which create legal environment. There is a vast procedure under these Acts. These Acts have been passed from time to time since independence. Before independence, no such efforts were made to protect the interest of the consumer and the British Government did not pass any legislation for this purpose.

In this chapter we have discussed, in nutshell, various minor Acts which directly and indirectly protect the interest of the consumers on different accounts. Following are the main points of discussion:

2.2 DRUGS & COSMETICS ACT, 1950

The Drugs & Cosmetics Act, 1950 was passed the Parliament of India in 1950. The main objective of Act is to check as to whether the Drugs and the Cosmetics being supplied to the consumers are safe on use and there is no harmful element in the same. In preamble of the Act, it was stated, an act to provide for the better protection of the interest of the consumers, are for that purpose to make provision for the establishment of proper authorities for settlement of disputes and for matters connected there with.
The Act extends to the whole of India and is applied to all items falling under the categories of Drugs and Cosmetics, provided by the Central Government by notification. The Act seeks to provide prompt, simple and effective remedy of the grievance of the general public.

The Act provides penalties, where the trader or person against whom complaints are made fails or omits, to comply with any orders of the district from State Commission or National Commission, he will be punishable with imprisonment for a term which shall be upto 3 years without fine.

2.3 THE PREVENTION OF FOOD ADULTERATION ACT, 1954

The Prevention of Food Adulteration Act, 1954 was framed in 1954. This Act was felt necessary to prevent adulteration in the food items by greedy traders.

The PFA Act provides that no foreign material is in a food item and it should be as it is purported to be. This Act applied to stop adulteration in the food items and to stop mixing of poisonous articles.
"Prevention is better than cure" is the best method for controlling the consumer interest. The Central and State Governments have to play positive role for the development of a strong consumer movement in the country.

The adoption of socialist pattern of the society-welfare state makes government's more responsible in the matter. A number of legal and institutional arrangements have been framed by the governments which directly or indirectly aim to safeguarding the interest of the consumers and the public at large.¹

However, there are several loopholes in the Act. The procedure is quite complicated and a general consumer is not even aware of the Act and its procedures. Even the consumers do not know as to whom he should make his complaint. In absence of solid evidence with the consumer, the culprits escape easily. And thus, the very purpose of the Act is being defeated.

¹ The Economic And Other Legislations, published by The Institute of Company Secretaries of India. New Delhi.
Therefore, there is a burning need to make the consumer aware of the legislations safeguarding his interests. The procedure of the Act should also be simplified and the justice should be within the reach of poor to poorer people, as these are the poor people who are hit by the adulterators.

Although these Acts are in force, but in fact, they are not so effective. The adulteration could not be stopped. The punishment and the procedure of the Act are so complicated that the culprits escape. It should be taken into care.

2.4 ESSENTIAL COMMODITIES ACT, 1955

In 1939 the Government of India made certain rules to control the production, supply and distribution of certain commodities under the Defence of India Rules, which ceased to have force in September 1946. It was however considered necessary that control in respect of certain commodities essential for human beings should continue in the interest of certain commodities essential for human supplies. (Temporary Powers) Ordinance, XVIII of 1946 was promulgated by which certain provisions of the Defence of India Rules continued to have force. This
Ordinance was subsequently replaced by the Essential Supplies (Temporary Power) Act, 1946 (Act No. XXIV) of 1946.)

The operation of the Act was prolonged up to 1st April 1948, by virtue of a Notification published in the Gazette of India, dated March 8, 1947. Under certain resolution of the Constituent Assembly Passed in 1948 and 1949 and by the Adaptation of Law Act, 1950 the operation of the Act was further, extended to different periods from time to time.

2.5 THE ESSENTIAL SERVICES MAINTENANCE ACT, 1985

In 1985 the Central Government felt the need of an Act, which may ensure some services very essential to the human life and to ensure smooth functioning of the life of public at large. Thus, the parliament passed the Essential Services maintenance Act 1985 (ESMA), to safeguard the interests of general public.

Since in public interest it was considered necessary that the Centre should continue to control production, supply and distribution of certain essential commodities,
the need for a permanent measure on the subject was felt. For this purpose, certain amendments were required to be made in the Constitution.

The Constitution (Third Amendment) Act made the required amendments in Entry 33 of List 3 of the Seventh Schedule to the Constitution to enable the Parliament to enact the required legislation. The Essential Commodities Ordinance No.1 of 1955, was therefore, promulgated which came into force on 26th January, 1955.

This Ordinance was subsequently replaced by the present Act namely, the 'Essential Commodities Act, 1955 (Act No.1 of 1955) w.e.f 1st April, 1955.

**Object and Scope of the Act**

The Preamble to the Act says that it is an Act to provide in the interest of the general public for the control of the production, supply and distribution of and trade and Commerce in, certain commodities. The dominant object and intendment of the Act is to secure equitable and availability at fair prices of essential commodities in the interest of the general public. The interest of the general public necessarily connotes the interest of the consuming
public and not the interest of the consuming public and not the interest of the dealer.  

2.6 PACKAGED COMMODITIES REGULATIONS ORDER, 1975

This is a part of the Essential Commodities Act. Chapter IV of part IV, of the Act is titled 'Commodities in packaged form intended to be sold or distributed in the course of the inter-State trade or commerce'.

Before dealing with the provisions of the Act and rules, it is necessary to note the precise reasons for statutory regulation on packaged commodities. The marketing of goods especially consumable items has undergone tremendous innovations over the years. This is in step with the rapid modernization, taking place in trade and industry all over the world. Already in the West, commodities including foodstuffs are made available in a ready-to-use condition, in packages.

The trend towards marketing the commodities in a packaged form is continuing, and a large number of items dealt in trade channels are being made available presently

2 1958 Andh. LT 587
in a pre-packed condition. The protection of the consumers' interest vis-a-vis the sale and distribution of goods in pre-packed form calls for special regulation to be introduced at various levels of trade and industry. When a commodity is sold in pre-packed form, it is not easy for the consumer to know at the time of purchase anything about the contents of the package. It is also not possible for him to ascertain the quantity of the goods contained inside he package. The economies of the world have been conscious to the need to regulate suitably, the trade in commodities in packaged form. Even the European Economic Community has issued a series of directives in respect of pre-packages.³

The provision relating to packaged commodities initially required only the mention of the net contents on the packages. But is course of time, need for detailed legislation was felt necessary to regulate their trade. So an expert Committee was set up by the Central Government in the year 1966 to review the law relating to weights and measures.

The draft legislation contained elaborate provisions in respect of packaged commodities. The provisions

relating to packaged commodities contained in the draft legislation were considered so important that these were issued in 1975 under the Defence and Internal Security of India Rules, in the form of *Packaged Commodities (Regulation) Order*, 1975.

Although prior to this Order, drugs sold in packaged form were being marketed with indication as to price since 1962, (under the Drugs Display and Prices Order, 1962 issued under the Defence of India Rules, immediately after the Chinese invasion), other articles of mass consumption sold in prepacked form were not subject to any regulation as regards their price till the issue of the packaged commodities (Regulation) Order 1975.

As a sequel to revocation of emergency, the Packaged Commodities (Regulation) Order, 1975 ceased to have legal force on 26th September, 1977.

The government, however, felt that the beneficial results which have been flowing from the 1975 Order should not be allowed to terminate and hence elaborate provisions were made in the form of the *Standards of weights and Measures (Packaged Commodities) Rules*,
1977. These rules were brought into force with effect from 26th September, 1977.

2.7 STANDARDS OF WEIGHTS & MEASURES ACT, 1976 AND STANDARDS OF WEIGHTS & MEASURES (ENFORCEMENT) 1985

Legal Metrology is the name by which the law relating to weights and measures is known in international parlance. Legal Metrology is very vital for scientific, technological and industrial progress of any country.

The establishment of national standard of weights and measures and their proper enforcement aim at ensuring accuracy of measurements and measuring instruments and thus legal metrology strengthens the national economy in a broader sense besides being a potential instrument of consumer protection.

The scope of legal metrology according to international practice extends to three broad fields of human activities, namely, commercial transactions. Industrial measurements and measurements needed to ensure public health and human safety.
The coverage of legal metrology varies from country to country. In some, almost practical measurements are brought under the purview of legal metrology, whereas in other countries legal metrology finds restricted application in a few quantities like mass, length and volume used in trade and commerce in most of the countries.

However, legal metrology encompasses measurements, which have a bearing on the protection of individuals from the financial and environmental points of view.4

Legal metrology can be defined as that part of metrology which deals with units of measurement, methods of measurement and measuring instruments in so far as they concern statutory, technical and legal requirements which have the ultimate object of assuring public guarantee from the point of view of security and of appropriate accuracy of measurements.

2.8 STANDARD OF WEIGHTS & MEASURES (ENFORCEMENT) 1985

Under the constitution of India, establishment of standards of weights and measures is the responsibility of the Centre. The enforcement of these standards is the responsibility of both the Centre and the States especially after the 42\textsuperscript{nd} amendment to the Constitution whereby the subject matter of enforcement has been placed under the concurrent list to the Constitution.

The Parliament also passed the Standards of Weights and Measures (Enforcement) Act. 1985 which aims at the enforcement of the standards of weights and measures established under the Standards of Weights and Measures Act, more effectively by the State Governments.

This was amended by the Standards of Weights and Measures (Enforcement) Amendment Act 1986.

India is a signatory to the Metric Convention of 1895 and as such metric units, by and large have been adopted almost in every sector of the economy. The International system of units to which the Indian economy is progressively endeavouring to conform to is sought to
be enforced through the Standards of Weights and Measures Act, 1956.

The genesis of the law may be briefly traced at this stage. The first of these laws on international system of units was enacted in the year 1956 by the Centre—namely, the Standards of Weights and measures Act, 1956. At the State level each State had its own laws to enforce the standards established by the Central law and also to exercise legal control on weights, measures and weighing and measuring instruments used in commercial transactions.

For the sake of uniformity, however, most of the State laws were based on the model draft prepared by the Central authority. The 1956 Act was based on the metric units as they were internationally recognised at that time. The 1956 Act, therefore, exercised legal control only on weights, measures and weighing/ measuring instruments used in commercial transactions.

Subsequently the metric units were revised and updated; with the result, it was felt that the scope of legal control as stipulated in the enforcement laws was not adequate to meet the growing needs of the economy and
thus to provide ultimate protection to suggest suitable changes in the law with a view to bringing them in line with the international developments and also to remove certain deficiencies which were noticed.

The Committee after going into the matter in great depth suggested replacement of the 1956 Act, as well as the then enforcement laws of the State. Thus came into existence the Standards of weights and Measures Act, 1976 based again on international system of units. This Act contains detailed provisions to regulate hierarchy of standards in the country.

Further, the coverage of legal control under the enforcement laws in more wide. The law covers measurement/measuring instruments used in commercial transactions for industrial production or for the protection of human health/safety.

In the field of commercial transactions, the law ensures that articles or goods, which are sold by weight, measure or number, should be weighed, measured or counted accurately in the presence of the purchaser. In case the commodities are sold at retail outlet in prepacked form, the packages should conform to the rules prescribed
in this behalf in relation to, particularly, the name of the commodity, its price, net contents, etc.

In so far as measurements for industrial production are concerned, the law envisages proper control on the accuracy of the measurement carried out in industrial fields so as to ensure inter-changeability of particulars and components with a view to permit mass production of machines and their parts and accessories. The authority at the national level responsible for legal metrology is director (Weights and Measures) under the Ministry of Food and Civil supplies, Directorate of Weights and Measures is the nodal authority for planning and coordinating the activities relating to metrification and legal metrology including consumer protection in the country.

2.9 PREVENTION OF BLACK MARKETING AND MAINTENANCE OF SUPPLY OF ESSENTIAL COMMODITIES ACT, 1980

This enactment was passed in 1981 making certain special provision by way of amendments in the Essential Commodities Act, 1955 for a temporary period for dealing more effectively with persons indulging in hoarding and
black marketing of and profiteering in, essential commodities and with the evil of vicious inflationary prices and for matters connected therewith of incidental thereto.

Initially, this enactment was to have effect upto 5 years from the date of commencement of the Act i.e. w.e.f. 1982, But this period was extended for another period of 5 years w.e.f. 1.9.1987 by the Essential Commodities (Special Provisions) Continuance Act, 1987.5

The amendments brought about by the 1981 amendment are summarised herein below:

i. Appeal by any aggrieved person by an order of confiscation to the State Government instead of to any judicial authority [Section 6C (1)].

5 The Government has promulgated an Ordinance for extending further the validity of the Essential Commodities (Special Provisions) Act, 1981 for a further period of five years w.e.f. 1.9.97. The Ordinance also carried an amending provision in that henceforth, no officer below the rank of an officer-in-officer of a police station or any officer authorised by him in writing will arrest any person accused of committing an offence punishable under this Act.
ii. The jurisdiction to make orders with regard to possession, delivery, disposal distribution of any essential commodity seized vests with the Collector or the State Government concerned [Section 6E].

iii. The punishment for contravention of any order made under Section 3 with regard to certain of the matters i.e. other than those covered in clause (h) or clause (i) of Sub-section (2) has been made compulsory for a period of not less than months and upto seven years besides liability to pay fine.

Court's discretion to impose a sentence of imprisonment for a term of less than three months has been done a way with by the amendment. Similarly failure to comply with any direction given under clause (b) of Sub-section (4) of Section 3 of the Act now attracts imprisonment for a minimum term of not less than three months and the Court's discretion to impose punishment for a lesser term has been done away with. Under Section 8 of the Act, a proviso has been added whereby any person who has abetted the contravention of any order for the purpose of procuring any essential commodity
for the use of his own family or for the use of any person depending upon him and not for the purpose of carrying any business or trade in such commodity, shall be punished with a sentence of fine only [Sections 7 and 8].

iv. Any offence punishable under the enactment was previously cognizable; under this amendment, the offence has further been made bailable [Section 10A].

v. The State Government may set up special courts by a notification for providing for speedy trial of the offences under the Act. The special court shall consist of a single judge who shall be appointed by the High Court on a request made by the State Government. Stringent provisions have been made for releasing a person on bail. The offence under the Act shall be tried in a summary way [Section 12A and 12AA].
2.10 OTHER MINOR LEGISLATIONS

2.10.1 AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

Introduction

Advances in science and technology have, no doubt conferred many benefits on society in the form of better and improved quality of goods at comparatively reasonable prices and at comparatively large quantities.

This advent of technology has also brought in its trail the problem of pollution. 'Pollution' in ordinary parlance can be defined to mean the presence of wrong matter in wrong quantity and at wrong place.

For instance, storing of huge quantity of industrial gas in tanks may prove useful for production of certain articles but allowing it to escape into the atmosphere may prove hazardous to the life and health of people and animals living around.

Even otherwise the emissions of smoke, dust and other polluting matte from factories as a result of production process may itself pollute atmosphere which
may, though not in the immediate future, in the long run be a potential source of health hazard. Therefore, it is necessary to ensure that there is sufficient check against pollution of the air.

Keeping the environment clean has assumed great significance in recent times. This is more so especially as more and more factories are being allowed to be set up under a licence or otherwise with a view to making available various goods. Environmental protection has received pointed attention of the planners. Especially after the Bhopal gas tragedy in late 1984.

The Government has identified certain categories of industries as highly polluting in nature and has stipulated a condition to the effect that the Letters of Intent issued to these industries would not be converted into Industrial Licence unless adequate pollution control measures have been undertaken as per the stipulations at the State level.

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6 Lall 's Commentaries on Water and Air Pollution Control Laws, published by Law Publishers, Allahabad.
Legislation to Control Air Pollution

Until the enactment of the Air (Prevention and Control of Pollution) Act. 1981 there was no concerted effort to legally control air pollution.

No doubt, some of the States\(^7\) have had some enactments or the other to control the nuisance arising out of smoke and other emissions from factories but unfortunately the provisions of these enactments were not effectively enforced. Even the State Municipal Acts have not been effective in having sufficient control over air pollution. With a view to meeting the problem in more concrete terms, the Central Government initiated legislation to prevent pollution.

The passing of the water (Prevention and Control of Pollution) Act, 1974 was the first step in this direction and subsequently in the year 1981 the Union Government decided to bring in another legislation to prevent air pollution.

\(^7\) First ever pollution control law in India was probably brought under the British Rule 1912 The Bombay Nuisance Act. 1912 to control smoke emissions.
pollution exclusively. Thus came into being the Air (Prevention and Control of Pollution) Act, 1981.

It is also necessary at this stage to note that India was one of the participants at the United Nations Conference on Human Environment held in Stockholm, in June, 1972. That conference decided to take appropriate steps for, the preservation of the natural resources of the earth which, among other things, included the preservation of the quality of air and control of air pollution. In order to implement the decision taken thereat, the Parliament enacted Air (Prevention and control of Pollution) Act, 1981.

The preamble to the Act reads as follows:

"An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith. The Act came into force with effect from 16th day of May, 1981. It extends to the whole of India. The Act, after it come into force, was being implemented by
the Central and State Governments and the Central and State Boards. Over the past few years the implementing agencies had experienced some administrative and practical difficulty in effectively implementing the provisions of the Act. The ways and means to remove these difficulties had been examined by the Government in consultation with the various Central Government Departments and taking into account the views expressed the Government brought about various amendments to the Act through the Air (Prevention and Control of Pollution) Amendment Act, 1987.

2.10.2 WATER (PREVENTION AND CONTROL OF POLLUTION ACT, 1974

Objects of the Law

This is an Act which came on the Statute book in pursuance of clause (1) of Article 252 of the Constitution, consequent on resolutions passed by all the Houses of Legislature of the States of Assam, Bihar, Gujarat,
Haryana, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal.

The Act was enacted to provide for the prevention and control of water pollution and maintaining or restoring wholesomeness of water, for the establishment of Boards, with a view to carrying out these purposes, for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith. The other States may adopt this particular Act as already observed, is to prevent and control water pollution and maintain or restore wholesomeness of water.

In order to remove administrative and practical difficulties that emerged over the years after the enforcement of the Act, many of the provisions were amended by the Water (Prevention and Control of Pollution) Amendment Act, 1988.

Section 51 of the Act empowers the Central Government to establish a Central Water Laboratory. It can also prescribe the functions of the laboratory, for submission of samples to the laboratory for analysis and for such other matters.
Section 52 of the Act empowers the State Government to establish a State Water Laboratory.

Section 53 of the Act empowers the Central Government and the State Government to appoint such person having the prescribed qualifications as Government analysts.

Under section 54 the report signed by a Government analyst may be used in evidence of facts stated therein in any proceedings under this Act.

Under Section 55 of the Act the Local Authorities shall render help and assistance to the Board as the latter may from time to time require in the execution of its functions. It shall make available to the Board for inspection and examination, such records, maps, plans and other documents as may be necessary for the discharge of its functions.

Under Section 56 of the Act, land may be acquired for enabling the State Board to efficiently perform its functions under the Act. In such cases, such land shall be deemed to be needed for a public purpose.
Under Section 57, the Central Board shall furnish to the Central Government and a State Board shall furnish to the State Government and to the Central Board, such reports, returns, statistics, accounts and other information with respect to the fund or activities as that Government or, as the case may be, the Central Board may from time to time require.

Under Section 58 of the Act, Civil Courts’ jurisdiction to entertain any suit or proceeding in respect of any matter on which an appellate authority can adjudicate has been barred and no injunction shall be granted by any court or authority in respect of any action taken or to be taken in pursuance of any power conferred by or under the Act.

Section 61 of the Act empowers the Central Government to substitute the Central Board and the joint boards under certain circumstances. Similarly under Section 62, State Government has the power to substitute the State Boards under certain circumstances.

The circumstances are:
a) that the Board concerned has persistently made default in the performances of the functions imposed on it by or under the Act; or

b) that circumstances exist which render it necessary in the public interest to so supersede the Board.

Sections 63 and 64 respectively provide for power to make rules for various purposes under the Act.

With a view to augmenting the resources of the Central Board and the State Boards for the prevention and control of water pollution, an Act called Water (Prevention and Control of Pollution) Cess Act, 1977 has been brought on the statute book.

This Act empowers the levy and collection of a cess on water consumed by person carrying on certain industries and by local authorities.

The object of the Cess Act is to see that the State or Central Boards are able to raise sufficient finance other than the funds that are being contributed by the Central Government and States and also by way of gifts and
donations, in the effective discharge of functions contemplated under the Pollution Control Act.

2.10.3 THE ENVIRONMENT (PROTECTION) ACT, 1986

By "environment" is meant the totality of all extrinsic and intrinsic physical and biotic factors affecting the life and behaviour of all living things. So it is important that the 'environment' of which land, water, air, human beings, plants and animals are the components, be preserved and protected from degradation to enable maintenance of the ecological balance. Considering that these natural resources sustain life on the planet being the basis of all our activities, whether agriculture, industry, science or technology, their conservation, both quantitatively and qualitatively, is of vital importance.

Protection of the environment has assumed even more importance in recent times with increased industrialisation resulting not only in overdrawl of natural resources but also pollution of air, water, flora and fauna.

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While development is essential to every economy, it is also essential that no irreparable damage is caused to the eco-systems. Hence, the approach would necessarily be that of 'sustainable development' to balance the exigencies of industrial growth against the trade offs in environmental concerns.

The concept of 'sustainable development' was first highlighted at the United Nations Conference on the Human Environment held at Stockholm in June, 1972. Since then, various countries such as Japan, US, France, Germany, etc. besides India, have enacted legislative measures for protection of the environment introducing strict penal measures for damages caused due to hazardous substances, etc. Various international conferences have been held on the subject of environmental planning etc. the most recent one being the United Nations Conference on Environment and Development more popularly known as the Earth Summit held at Rio De Janeiro in Brazil in June. 1992 which aimed at focussing the attention of the world on problems of our environment and look for ways in which these can be avoided in future. India too has been an active participant at these conferences.
Environment Protection Measures in India

In ancient India, the importance and reverence attached to mountains, rivers, trees, etc. and the faith enshrined in Indian mythology, folklore, art and culture, etc. had as its underlying base, the concept of conservation and preservation of natural resources.

The slow and steady degradation of the environment began with the onset of industrial revolution. The growing population and poverty of the people forced more and more dependence on natural resources to satisfy their basic needs of food, shelter and fuel.

In India, as in other developing countries, the environmental problems are not confined to side affects of industrialization but reflect the inadequacy of resources to provide infrastructural facilities to contain industrial pollution. Other peculiar problems like population, illiteracy and unemployment obviously also pose questions regarding provision of food, water, shelter and sanitation.

Though the Indian Penal Code, 1860 contains penal provisions for corrupting or fouling the water or spring or
reservoir so as to make it less fit for the purpose for which it is ordinarily used as well as for vitiating the atmosphere so as to make it noxious to the health of any person etc. and a number of other Central State laws covering boilers, dangerous drugs, radiation, forests, etc. were enacted during the middle of the 20th century, legislative and administrative measures directed specifically at protection of the environment were introduced only in the 1979s and 1980s.

The five-year plans and the Industrial Policies devoted attention to the orderly development of industries, conservation of forests resources, urban and rural water supply and sanitation, health, and environment with considerable stress on development of industries in backward areas to ensure balanced regional development though no specific attention was paid to the control of pollution problems.

However, the Industrial Policy Statement of 1980 had laid emphasis on pollution control, and preservation of ecological balance. The locational policy adopted by the Government also had a beneficial impact on balancing regional development and reducing environment pollution in highly industrialised area.
In 1972, the Department of Science and Technology set up a National Committee on Environmental Planning and Coordination to identify and investigate problems of preserving or improving the human environment and also to propose solutions for environmental problems.

In 1977, by an amendment to the Constitution, Article 48A was introduced imposing a duty on the State to protect and improve the environment and safeguard the forests and wildlife of the country.

The newly introduced Article 51A also, inter-alia, provided for the protection and improvement of the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.

The Water (Prevention and Control of Pollution) Act was enacted in 1974 and the Air (Prevention and Control of Pollution) Act was passed by the Union of India in 1981, essentially to give effect to the decisions taken at the International Conference on Human Environment at Stockholm in 1972 declaring man's fundamental right to live in a pollution-free atmosphere.
and his responsibility to protect and improve the environment.

In 1980, the Tiwari Committee was set up for reviewing and recommending legislative measures and administrative machinery for ensuring environmental protection and on its recommendations, the Department was set up which became a part of the new Ministry of Environment & Forests in January, 1985. This Ministry was set up mainly to act as the focal point for planning, promotion and co-ordination of environment and forestry programmes.

**OBJECTS OF THE ACT**

Although various existing legislations dealt with several environmental matters, their focus was either on specific type of pollution or on specific categories of hazardous substances, some major environmental hazardous were not covered by these enactments. Moreover, control mechanism against built up of hazardous substances and linkages in handling matters of industrial and environmental safety were inadequate.

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9 *A Handbook on Pollution Control by Deleep Goswami.*
Therefore, the need was felt for a general legislations for environmental protection to further implement the decisions of the Stockholm Conference which would, *inter-alia*, enable co-ordination of activities of the various regulatory agencies, creation of an authority or authorities with adequate powers for environmental protection, regulation of discharge of environmental pollutants and handling of hazardous substances, speedy response in the event of accidents threatening environment and deterrent punishment to those who endanger human environment, safety and healthy.

2.10.4 THE NATIONAL ENVIRONMENT TRIBUNAL BILL, 1992

The National Environmental Bill was introduced in the Lok Sabha on 18.8.1992 mainly to give effect to the decisions taken at the United Nations Conference on Environment and Development held at Rio-de-Janeiro in June, 1992 calling upon the States to develop national laws regarding liability and compensation for the victims of pollution and other environmental damages.

The Bill provides for strict liability for damages arising out of any accident occurring while handling any
hazardous substance and for the establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment and for matters connected therewith or incidental thereto.