

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION NO. 710
TO BE ANSWERED ON 05.02.2026

Challenges in implementation of laws and regulations

710. SHRI SANT BALBIR SINGH:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) the main barriers that prevent the full implementation of environmental protection laws and cleanliness regulations in the country;
- (b) whether there is any system in place to audit or review the effectiveness of these laws and ensure timely implementation at both the Central and State levels; and
- (c) the role of local Governments (urban bodies, panchayats) in enforcing environmental laws and the manner in which their performance is monitored?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI KIRTI VARDHAN SINGH)

(a) to (c) : The key laws enacted for environmental protection other than that dealing with Forest, Wildlife and Biodiversity in the country are as follows:

- (i) The Water (Prevention and Control of Pollution) Act, 1974 & Water (Prevention and Control of Pollution) Amendment Act, 2024
- (ii) The Air (Prevention and Control of Pollution) Act, 1981
- (iii) The Environment (Protection) Act, 1986 &
- (iv) The Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021.

To strengthen the implementation of environmental protection laws and cleanliness regulations in the country different rules and regulations are notified under the above said laws and various schemes are being implemented in coordination with State Governments, Urban Local Bodies and Panchayats.

To implement various programmes and schemes, and enforce the legal framework, the Central Pollution Control Board, State Environment Departments, State level Environment Impact Assessment Authorities, State Pollution Control Boards/Pollution Control Committees and local bodies have been enabled with administrative and executive powers under the legal framework.

There is an inbuilt mechanism in the law that Central Pollution Control Boards and all State Pollution Control Boards are mandated to submit annual report before concerned Government

and the concerned Government shall cause every report before the Parliament or State Legislature as the case may be.

Environmental Clearance (EC) from MoEF&CC (Ministry of Environment, Forest & Climate Change)/ SEIAA (State Level Environment Impact Assessment Authority) and consent from the respective State Pollution Control Boards (SPCBs) are mandated for those projects which have impact on pollution load. In addition, periodic compliance reports are regularly submitted to the competent authorities and inspections are undertaken by officials of MoEF&CC and the concerned SPCBs. Third party environmental clearance compliance audits of opencast coal mines are being undertaken at specified intervals by engaging reputed agencies like National Environmental Engineering Research Institute (NEERI), Indian Council of Forestry Research and Education (ICFRE), IIT-ISM etc., in compliance to the conditions of Environmental Clearances. To further strengthen the environmental compliance framework for projects operating under various environmental laws, including for coal mines, the Government has notified the Environment Audit Rules, 2025. The Rules establish a structured mechanism for systematic environment audit through Registered Environment Auditors to verify compliance with environmental safeguards, examine emissions and waste management systems, and report violations. This audit mechanism supplements the existing monitoring carried out by the Central and State Pollution Control Boards.

State Pollution Control Boards/Pollution Control Committees, through Consent mechanism, monitor the establishment and operation of industries and polluting activities through prescription of pollution control measures and monitoring the compliance of environmental standards.

In case of Projects/Activities covered under the Schedule to the EIA Notification, 2006, as amended, environmental impacts are appraised and environmental management plans are prepared incorporating pollution control, prevention and abatement measures while granting prior environmental clearance so as to put in place appropriate environmental safeguards.

Central Government has been conferred powers under Section 5 of The Environment (Protection) Act, 1986, to issue directions in writing to any person, officer or any authority for performing its functions, which includes closure, prohibition or regulation of any industry, operation or process; or stoppage or regulation of the supply of electricity or water or any other service.

Section 18 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 18 of The Water (Prevention and Control of Pollution) Act, 1974, empowers Central Government to issue directions to the Central Pollution Control Board for performing its functions and further, Central Pollution Control Board or the State Government to issue directions to State Pollution Control Board.

Further, Section 31 A of the Air Act, 1981 and Section 33 A of the Water Act, 1974 provide powers to State Pollution Control Boards to issue directions to any person or authority for performing its functions, which include directions for closure, prohibition or regulation of any industry, operation or process, stoppage or regulation of supply of electricity, water and any other service.

The E(P) Act, 1986, the Air Act, 1981 and the Water Act 1974 provide for imposing a penalty of not less than ten lakh rupees and which may extend up to fifteen lakh rupees for

contravention of provisions of the respective Acts, rules, orders and directions issued under respective Act.

Solid Waste Management (SWM) Rules, 2026 have provided various responsibilities to local bodies inter-alia include prepare solid waste action plans, arrange for door to door collection of solid waste, collection, segregation, transportation and processing of the solid waste in an environmentally sound manner, set up infrastructure for solid waste management, generation of extended bulk waste generator responsibility certificate, frame bye-laws for incorporating the provisions of Solid Waste Management Rules, register with State Pollution Control Board and filing Annual Returns, etc.

Plastic Waste Management (PWM) Rules, 2016 mandate local bodies to setup infrastructure for segregation, collection, storage, transportation, processing and disposal of plastic waste either by its own or by engaging agencies.

Under Battery Waste Management Rules, 2022, local bodies have been mandated to hand over collected Waste Battery to the producers or agencies acting on their behalf or the entity engaged in refurbishment or recycling with a view to refurbishment or recycling of those Waste Battery.

Under Bio-Medical Waste Management Rules, 2016, local bodies have been mandated to have tie up with the common bio-medical waste treatment and disposal facility to pick up bio-medical waste collected from the Material Recovery Facility (MRF) or from the house hold directly, for disposal of bio-medical waste in environmentally sound manner.

Under Environment (Construction and Demolition) Waste Management Rules, 2025, local bodies have been mandated to implement the rules in regards to collection, handling and processing of the C & D and monitoring the compliance of Extended Producer Responsibility targets by construction agencies/producers and imposing Environmental Compensation for non-compliance.

Under E-Waste (Management) Rules, 2022, local bodies have been mandate to segregate e-waste if mixed with Solid Waste, collect and channelize the e-waste to register recycler or refurbishers, facilitate setting up e-waste collection, segregation and disposal systems and conduct trainings to develop capacities of urban and rural local bodies.

Under Environment Protection (Management of Contaminated Sites) Rules, 2025, local bodies have been mandated to furnish the list of suspected contaminated sites to the State Pollution Control Board (SPCB), periodically.

These rules provide for effective enforcement, monitoring and review mechanism through furnishing of periodic reports/returns by various agencies, functioning of unified online portals, periodic meetings of committees constituted under the rules at State or Central Level, and publishing annual reports by CPCB or SPCB.
