

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO: 4179
TO BE ANSWERED ON 27.03.2023

Violation of Environmental Rules and Regulations

4179. SHRI GOPAL CHINNAYA SHETTY:

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

- (a) whether the punitive actions against the violators of environmental rules and regulations in the construction projects carry both the provisions of fines and punishment;
- (b) if so, the details thereof;
- (c) whether the RTI activists are being given much importance by ignoring the public representatives in the manner of environment clearance for the construction projects especially in Mumbai metropolitan city; and
- (d) if so, the details thereof ?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ASHWINI KUMAR CHOUBEY)

(a)& (b):Section 15 of the Environment (Protection) Act, 1986 on “Penalty for Contravention of the Provisions of the Act and the Rules, Orders and Directions” prescribes that whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or both. In case the failure or contravention continues, additional fine may be imposed which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention. Further, if the failure or contravention referred above continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

In addition to above, provisions of financial penalty and punitive penal action are also prescribed in Air (Prevention and Control of Pollution) Act, 1981 at Section 37 to Section 46 and in Water (Prevention and Control of Pollution) Act, 1974 at Section 41 to Section 50 under “Penalties and Procedure”.

(c)& (d): All the proposals received for grant of Environment Clearance (EC) are dealt as per provisions of Environment Impact Assessment (EIA) Notification, 2006. Upon submission of proposals by project proponent, complete in all respects, projects are appraised by Expert

Appraisal Committee (EAC) at central level and by State Level EAC at State level as per provision of EIA Notification, 2006 and its amendments. Based on the recommendation of EAC/SEAC, decision on grant /rejection of EC is taken by Ministry at Central level and by State Environment Impact Assessment Authority (SEIAA) at State level. The extant process of environmental appraisal and approval for projects including for construction projects is carried out through single window online PARIVESH portal which ensures that the entire process of clearance is done in transparent manner without compromising on rigor of the environmental concerns.
