

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO: 1211
TO BE ANSWERED ON 11.12.2023

Violation of Environmental Clearance Laws

1211. SHRI GOPAL CHINNAYA SHETTY:

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

- (a) whether a provision for financial penalty as well as imprisonment has been made for violation of Environmental Clearance Laws in the construction related projects;
- (b) if so, the details thereof;
- (c) whether it is a fact that the RTI activists are being given more importance than the public representatives in the case of Environmental Clearance in construction projects particularly in Mumbai Metropolitan; 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) and (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, and in case the failure or contravention continues, with additional fine 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 the above, provision 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”.

Recently, with the passing of Jan Vishwas (Amendment of Provisions) Act, 2023 (Jan Vishwas Act) the provisions of financial penalty and punitive penal action under Section 15 of the Environment (Protection) Act, 1986, as mentioned above, have been decriminalized along with

higher penalty amount. The date for coming into force of the Jan Vishwas Act has been designated as 1st April, 2024.

(c) and (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 clearances is done in transparent manner without compromising on rigor of the environmental concerns.
