

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

**LOK SABHA**  
**UN-STARRED QUESTION NO. 2106**  
TO BE ANSWERED ON 23.09.2020

**Penalty on Polluters**

2106. SHRIMATI VANGA GEETHA VISWANATH:  
SHRI KOTHA PRABHAKAR REDDY:

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

- (a) whether the new/amended Environment Impact Assessment (EIA), 2020, is likely to impose heavy penalty on polluters, in case of violations;
- (b) if so, the details thereof, State-wise; and
- (c) the amount of penalty collected/utilized for environmental violations, State-wise during the last three years?

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**  
**(SHRI BABUL SUPRIYO)**

(a) The draft EIA notification 2020, follows the Principles of 'Polluter Pays' and 'Principle of proportionality' as enunciated by the Hon'ble Supreme Court in Indian Council for Enviro-Legal Action Versus Union of India (the Bichhri village industrial pollution case) (1996 [3] SCC 212); and Alembic Pharmaceuticals Ltd. Versus Rohit Prajapati &Ors., (2020 SCC Online SC 347), respectively, for dealing with violation cases, and bringing defaulters into the environmental regime with requisite action, penalty, remediation and monitoring. Besides penalty prescribed in the section 15 of the Environment (Protection) Act, 1986, the draft EIA Notification 2020 proposes imposition of late filing fee, damage cost, remediation cost etc., based on 'Polluter pays' principle.

(b) and (c): The draft EIA Notification 2020 is currently in the draft stage and accordingly the provisions envisaged in the draft Notification are not yet implemented.

\*\*\*\*