

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOKSABHA
UNSTARRED QUESTION NO. 4020.
TO BE ANSWERED ON 19.03.2021

Penalty for Environmental Violations

4020. SHRI VELUSAMY P.:

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

- (a) whether the Government proposes to modify the existing environmental law to impose a penalty of twenty crores on major environmental violations with an additional penalty of Rs. 1 crore per day, in view of continued damage;
- (b) if so, the details thereof;
- (c) the manner in which the penalty amount is likely to be utilized;
- (d) whether the companies or institutions would be in a position to pay the said quantum of penalty and if so, the details thereof; and
- (e) the action taken against the erring institutions or companies which are unable to pay the penalty amount?

ANSWER

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

(a) & (b): No Sir, as per Section 26 of National Green Tribunal (NGT) Act, 2010 in case of non-compliance a penalty of ten crore can be imposed with additional fine of twenty-five thousand rupees per day in case contravention continues after conviction for the first failure. In case a company fails to comply with any order or award or a decision of the Tribunal such company shall be punishable with fine which may extend to twenty-five crore rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day.

(c) to (e): Hon'ble NGT in O.A. No.593/2017 WP (Civil) No.375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors, has observed that "Environmental compensation is a policy instrument for the protection of environment which works on the polluter Pays Principle". Subsequently, Central Pollution Control Board (CPCB) was directed to prepare guidelines for methodology for assessing Environmental Compensation (EC) and Action Plan to utilize the funds. The following methodology and Guidelines for utilization of fund were approved by Hon'ble NGT:

1. Environment Compensation to be levied on Industrial Units
2. Environment Compensation to be levied on Plastic Waste Management rules
3. Environment Compensation to be levied on E-Waste Management rules
4. Environment Compensation to be levied on Hazardous-Waste Management rules
5. Environment Compensation to be levied on Bio-medical Waste Management rules
6. Environment Compensation to be levied on non-compliance CETPs, etc.

Appropriate weightage is given to the categorization and scale of operation of the non-complying entity while calculating environmental compensation. As per Hon'ble NGT O.A. No. 101/2019 on dated 22.01.2019, CPCB has prepared the Guidelines for Utilization of Environmental Compensation Fund. The fund collected under EC shall be allocated to CPCB/ SPCBs/ PCCs for execution of projects as per the Scope of assistance for the following activities:

1. Development of infrastructure for Air and Water quality surveillance and monitoring for different areas/locations in Delhi NCR and other needed places.
2. Remediation of contaminated sites and for that to develop infrastructure, procurement of equipment, etc. including hiring of Experts/ Consultants for specific requirement for remediation of sites, etc.
3. Specific investigations and studies with regard to environment and ecology.
4. Carrying capacity assessment for ecologically and environmentally sensitive & critical areas, including hiring of Experts/Consultants for specific purpose and period.
5. R & D activities with regard to new technologies, clean technologies, etc.
6. Capacity building of scientific and engineering personnel of CPCB and PCBs/ PCCs to rejuvenate and protect the environment.
7. Augmenting and strengthening of laboratory network in-terms of manpower and logistics.
8. Payment of honorarium in compliance of Judicial Orders of the Courts and Tribunal.
9. Specialized studies on accidental spill areas, health impact assessment, recalcitrant pollutants, etc.
10. Information, Education and Communication (IEC) activities.
11. Any other scientific and technical matter which may arise as a contingent matter.
12. Studies directed by Hon'ble NGT.
13. R&D activities for pollution control.
14. Development of infrastructure for Water and Air Quality Surveillance.
15. Strengthening and Upgradation of Laboratory.
16. Inventorization of sources of pollution.
17. Preparation of DPR for remediation of contaminated sites.
18. Capacity building of CPCB, SPCB&PCC staff.
