

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

**LOK SABHA**  
**UNSTARRED QUESTION NO. 3109**  
TO BE ANSWERED ON 06.08.2021

**Penalty for Green Violations**

3109. SHRI ASADUDDIN OWAISI:

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

- (a) whether as per the order to the National Green Tribunal and observations from different courts, his Ministry has come out with Standard Operating Procedure (SOP) for dealing with green violations;
- (b) if so, the details thereof;
- (c) whether these SOP has been issued under Environment Protection Act, 1986 and CPCB, SPCBs have been empowered to take action, if so, the details thereof;
- (d) the details of penalty clause put under SOP for green violation; and
- (e) the manner in which penalty is likely to be imposed and penalty amount so received is to be used to increase environmental green cover and protection of wildlife habitat?

**ANSWER**

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

(a) and (b) The Ministry has issued a Standard Operating Procedure (SoP) for identification and handling of violation cases under EIA Notification 2006 in compliance to order of Hon'ble National Green Tribunal in O.A. No.34/2020 WZ vide Office Memorandum dated 7<sup>th</sup> July 2021. The SoP is based on the 'Polluter Pays Principles' and 'Principle of Proportionality' for taking action under statutory provisions against defaulters/violators and for taking decision on the closure of the project/activity or otherwise, expeditiously. The SoP duly takes into account the principles enunciated by the Hon'ble Supreme Court and High Courts from time to time on the issue.

(c) The SoP has been issued to deal with such cases of violation where prior Environmental Clearance (EC) has not been taken as per the provisions of the EIA Notification issued vide S.O. 1533 (E), dated the 14th September, 2006, issued under the Environment (Protection) Act, 1986. The State Pollution Control Boards & Union Territory Pollution Control Committees, have been directed to identify cases of violation under their respective jurisdiction and report such cases to the Ministry or State/Union Territory Level Environmental Impact Assessment Authority, as the case may be and also to revoke Consent to Operate (CTO), if granted to the unit, after giving an opportunity of being heard.

(d) and (e) As per the SoP, the projects which are not found permissible would be closed down and if the activity/project is found permissible (with such modifications, as may be considered necessary) the same would be granted EC. The EC granted shall be effective only

from the date of issuance of such clearance. All such cases of violation shall be subject to appropriate (a) action under section 15 of Environment (Protection) Act, 1986 (b) Damage Assessment & Remedial Plan and (c) Community Augmentation Plan by the Central level Sectoral Expert Appraisal Committees or State/Union Territory Level Expert Appraisal Committees, as the case may be. The damage assessment is for quantifying the environmental damage caused due to unauthorized project activity.

The project proponent will be required to submit a bank guarantee equivalent to the amount of Remediation Plan and Natural & Community Resource Augmentation Plan. The bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the Remediation plan and Natural & Community Resource Augmentation Plan.

In addition to above, it is proposed to impose a penalty of 1% of the total project cost incurred up to the date of filing of application, where initial operation or expansion has not commenced and an additional 0.25% of the total turnover involved during the period of violation if initial operation or expansion have commenced without Environmental Clearance (EC). The percentage rates, as above, shall be halved if the project proponent suo moto reports such violations without such violations coming to the knowledge of the Government either on enquiry or complaint. The penalty, as above, shall be in addition to liability for carrying out various remedial measures.

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