

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
STARRED QUESTION NO.*216
TO BE ANSWERED ON 01.08.2022

Violation of Environmental Rules

*216. DR. SHRIKANT EKNATH SHINDE:
PROF. RITA BAHUGUNA JOSHI:

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

- (a) the number of criminal cases that have been registered for violations of Rules under the Environment, Air and Water Acts during the last three years;
- (b) the number of people who were actually convicted under the Acts during the said period;
- (c) the steps taken, if any, to ensure that the financial penalties collected from such offenders are actually used to mitigate the losses and harms caused and also to remove the source of pollution;
- (d) the details of the plans, if any, to shift from criminal liability on to financial penalties to deter such violations and offences;
- (e) whether the Government has identified repeat offenders under the aforementioned Acts and if so, the details thereof; and
- (f) whether the Government has conducted any study to understand the nature of non-compliance thereof as a consistent trend to the same, if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI BHUPENDER YADAV)

(a) to (f): A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (f) of Lok Sabha Starred Question No. 216 to be answered on Monday, the 1st August, 2022 on “Violation of Environmental Rules’ by DR. SHRIKANT EKNATH SHINDE & PROF. RITA BAHUGUNA JOSHI.

(a) to (f) As per the available information, during last three years, 1737 criminal cases have been registered or recorded under Environment (Protection) Act, 1986 (EPA, 1986); Air (Prevention and Control of pollution) Act, 1981; and Water (Prevention and Control of pollution) Act, 1974. As per available information, 39 people were actually convicted under these Acts during the said period. No repeat offenders have been reported so far.

In compliance to the directions of Hon’ble NGT, CPCB has initiated penal action in the form of imposing environmental compensation (EC) against defaulting units. CPCB has evolved a methodology for levying such environmental compensation against the industries /facilities not-complying with the environmental standards or CPCB’s directions. CPCB has also issued guideline for utilization of EC funds. As per the guideline, EC shall be allocated to CPCB/ SPCB/PCCs for execution of environment protection projects as specified in the scope of activities within the guideline.

The Central Government has proposed to decriminalize the existing provisions of the Environment Protection Act, 1986 (EPA, 1986) by introducing provisions for imposing heavier penalties and additional penalties, which shall, on one hand act as a deterrent for violators and on the other hand encourage self-regulation for law abiding entrepreneurs. In the event of serious violation of the EPA, 1986 which may result in grave injury or loss of life, the provisions of Indian Penal Code, 1860 shall be applicable, in addition to penalties which may be imposed.

On the basis of analysis of project site inspection report submitted by Integrated Regional Office (IROs), the nature of non-compliance mainly relates to:

- (a) Not meeting National Ambient Air Quality Emission Standards;
- (b) Not conducting sampling and monitoring of ground water on regular basis;
- (c) Unsatisfactory Green belt development;
- (d) Unsatisfactory compliance to the mitigation measure proposed in Environment Management Plan (EMP);
- (e) Non compliance of Action Plan against the issues raised during public hearing;
- (f) Non implementation of CSR activities;
- (g) Non submission of half yearly self compliance report with respect to prescribed EC conditions.
