

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

**LOK SABHA**  
**UNSTARRED QUESTION NO: 2323**  
TO BE ANSWERED ON 01.08.2022

**Penalty for Violation of Environmental Rules**

2323. SHRI GOPAL CHINNAYA SHETTY:

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

- (a) whether there is a provision of financial penalty and punitive penal action against the persons found guilty for violating environment rules on construction projects and if so, the details thereof; and
- (b) whether RTI activists are being given more importance than the public representative in the matters on environmental approvals for construction of projects particularly in Mumbai and if so, the details thereof?

**ANSWER**

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

(SHRI ASHWINI KUMAR CHOUBEY)

(a) 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 above, provisions 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".

(b) 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 clearance is done in transparent manner without compromising on rigor of the environmental concerns.

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