

Copy No. 17

New Delhi, Dated the \_\_\_\_ April, 2016

**DRAFT NOTE FOR THE CABINET**

**SUBJECT: Amendments to the Environment (Protection) Act, 1986 and National Green Tribunal Act, 2010 through a new legislation, namely, Environmental Laws (Amendment) Bill, 2016 to strengthen penal provisions for causing substantial damage to environment; to provide for imposition of penalties and mechanism for adjudication thereto, and for provision of appeal to National Green Tribunal against the adjudication; and provision for levying fee for environmental services.**

**1. Introduction:**

This Note seeks approval of the Cabinet for enactment of a new Legislation, namely, Environmental Laws (Amendment) Bill, 2016 for amending certain provisions of two Acts, namely, Environment (Protection) Act, 1986 (EP Act, 1986) and National Green Tribunal Act, 2010 (NGT Act, 2010) and to introduce the proposed Environmental Laws (Amendment) Bill, 2016 in the ensuing session of the Parliament.

**2. Background:**

2.1 The EP Act, 1986 has been enacted to provide for the protection and improvement of environment and for matters connected therewith. The EP Act defines environment as water, air and land and the interrelationship which exists among and between water, air and land, and human beings, other living creature, plants micro organism and property. The Act empowers ~~the Central Government to take measures for protecting and improving the quality of~~ environment; and for preventing, controlling and abating environment pollution. Some of these measures include prescribing standards for emissions and discharge of pollutants, and safeguards for handling hazardous substances, restriction of industrial development locations, testing of substances and processes likely to cause pollution, sponsoring research and investigation relating to problems of pollution, setting up of environmental laboratories and coordination of action by State Governments to meet the objectives of the Act.

2.2 The enforcement power of Central Government to achieve the objectives of the Act is derived from section 5 of the EP Act wherein the Government is empowered to issue

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

directions for closure, prohibition or regulation of any industry; and stoppage or regulation of supply of electricity or water or any other service. The penalty for contravention of provisions of the Act and the Rules, order and directions is criminal in nature, and is provided for under section 15 of the EP Act which is for a term of maximum 5 years or with a fine up to Rs. 1 lakh or both with an additional fine @ Rs.5000 per day with term of imprisonment extending up to 7 years in case of continued defiance after the conviction of first such failure.

2.3 The NGT Act, 2010 *inter alia* empowers the Central Government to establish the National Green Tribunal (Tribunal) for effective and expeditious disposal of cases relating to environmental protection and conservation of forests including enforcement of any legal rights relating to environment, and giving relief and compensation for damages to person and property. The Tribunal has original jurisdiction over all civil cases having substantial question relating to environment, powers to provide (a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I to the NGT Act (including accident occurring while handling any hazardous substance); (b) for restitution of property damaged; (c) for restitution of the environment for such area or areas and appellate jurisdiction over decisions by designated authorities under major statutes administered by the Ministry under Schedule I to the NGT Act, (Annexure-I).

2.4 The Draft Cabinet Note along with the Draft Bill proposing amendment in the Environment (Protection) Act, 1986 and NGT Act, 2010 was circulated on 27.04.2015 to the concerned Ministries and Ministry of Law and Justice for their comments and vetting respectively. After receiving the comments from the different ministries and vetting of the Draft Bill by the Ministry of Law and Justice the proposal was presented on 29.09.2015 before the Principal Secretary to the Hon'ble Prime Minister. The above meeting was attended by the CEO, Niti Ayog, the Secretary Ministry of Mines, the Secretary Ministry of Road & Transport, the Secretary Ministry of Power, representative of Ministry of Coal. A decision was taken in the meeting to put up the Draft Amendment Bill in public domain for fifteen days inviting comments. The draft amendment bill was hosted on the Ministry's website on 07.10.2015 inviting public comments. The Ministry received more than 130 comments during the period. The comments received have been carefully examined in the

Ministry and after incorporating the necessary changes this new Draft Cabinet Note and Draft Amendment Bill, 2016 has been prepared.

**3. Implementation of EP Act, 1986 and rationale for proposed amendments:**

3.1 To meet the stated objectives of the E P Act, 1986 the Central Government has framed rules and notifications for environment impact assessment, coastal regulation zone management and handling of hazardous waste, plastic waste, biomedical waste, e-waste, municipal solid waste, and batteries; manufacture, storage and import of hazardous chemicals; regulation and control of noise pollution, and ozone depleting substances; restrictions on location of industries; conservation and management of wetlands. A list of the rules framed under EP Act is listed at Annexure-II.

3.2 The trinity environmental laws, namely, Water Act, 1974, Air Act, 1981 and EP Act, 1986 have laid down a strong foundational structure for pollution control and abatement. However, the state of environment has deteriorated over the years. Indian cities have been rated poorly in terms of quality of air; the pollution in rivers is abundant; industrial development over the years has contaminated land and water creating public health issues. Although legal instruments under EP Act and Water Act require prior environmental clearance, CRZ clearance and consent to operate for establishment and running of industries and construction of infrastructure, the enforcement of conditions of these approvals aimed at mitigation measures have suffered due to non-compliance of stipulated specific mitigation measures.

3.3 It is felt that the EP Act, 1986 lacks effective deterrent penal provisions. In the situations of violation, either economic activities are required to be put to halt, as provided under section 5, or criminal cases are required to be instituted under section 15. The available remedies, as under section 5, are neither feasible, nor appropriate nor in the larger public interest because either industry units have to be shut down and in several cases contraventions are minor and reversible to warrant such a drastic action. The punitive provisions do not provide for minimum imprisonment, neither the amount of fine which is Rs. 1 lakh is sufficiently deterrent. There is no differentiated penal provision for degrees of violations having varied impacts. The EP Act does not elaborate the assessment of damage caused

either. The criminal proceedings instituted before a designated court take a long time. Further, as per section 24, the available penal provisions themselves became subordinate to provisions of any other relevant Act under which an offence has been established. There is also no provision to bind the performance of a person in pursuance of the provisions of the Rules which are very minor in nature but having serious cumulative impact. Municipal Solid Waste Rules prohibit littering and prescribe specific mode of segregation of waste and method for disposal. Similarly, Plastic Waste Rules prohibit manufacture and sale of plastic carry bags below specified thickness; and E-Waste Rules also prescribe a specific mode of disposal of electronic wastes according to which only registered dismantlers and recyclers can receive such material for safe handling. These violations appear minor in nature but have a very severe deleterious effect on cleanliness, sanitation and public health.

3.4 The criminal action as contemplated under Section 15 of EP Act, 1986 is a long-drawn process with negligible financial penalty. The dynamic equilibrium between environmental conservation and development along with inter-generational equity requires effective deterrent punitive action based on swift procedures. Introduction of a regime of graded civil penalty on the principles of 'polluter pays' to clean the environment will prove more effective in enforcement without hampering the development process. Hence the proposal is for amendment in EP Act, 1986 to incorporate civil penalties which are a more effective tool for enforcement of environmental laws.

3.5 The basic objective to introduce civil penalties is to ensure that those who are non-compliant and are polluting should pay for environmental restoration without always facing the threat of closure. These financial penalties have prime objectives of removing significant economic benefits accrued to the violator due to non-compliance; this removal of undue economic benefits accrued to violator brings in equity between the violator and the compliant. This also acts as incentives towards the regime of compliance. The civil financial penalty regime not only precludes economic benefits of non-compliance but also imposes an additional amount to ensure that the violator is economically worse off, to put such violators at a grave disadvantage. The assessment method for violation ensures that penalties are proportionate to the extent of violation.

3.6 The rationale for the proposed amendments is to create sufficient effective deterrence, fair and equitable treatment of the regulated community and swift resolution of environmental problems. The expected outcome of the amendments is to eliminate the possibilities of non-compliance through precautionary approach and setting an example for others leading them away from violating the law. The provisions for fair and equitable assessment method for the damage caused with consistency and flexibility removes the arbitrariness and reduces the possibilities of prolonged litigation.

3.7 Besides the above, the EP Act under Section 12 enables levying of fee in matters relating to services rendered by environmental laboratories. However, there are a few other services for which fees is required to be levied for services rendered. These include processing of applications for approvals as required under rules and notifications under EP Act, 1986. Further, monitoring of conditions therein require certification, testing, inspection, endorsement and database development. These processes require deployment of manpower and technology which sometimes is outsourced. The services provided for in these matters need to be paid for by the users.

#### **4. Proposal:**

4.1 In view of the above, it is proposed to bring in the new legislation, namely, Environmental Laws (Amendment) Bill, 2016 for amending and inserting certain provisions in EP Act, 1986 and making consequential amendments to the NGT Act, 2010.

4.2. EP Act, 1986 – The significant amendments proposed to the said Act is enumerated below:

##### **4.2.1. Provision for imposition of penalties ranging from Rs. Ten thousand to Rs. Two crore for default and contraventions which do not cause environment pollution and procedure of adjudication / imposition of such penalties by Adjudicating Officer:-**

It is proposed to make a provision for penalties for default in complying with any provision of this Act or rules made or any order or direction issued there under or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted in pursuance of this Act or under any notification issued thereunder and which do not cause

environment pollution. Such defaults or contraventions have been specified in the Schedules to the Draft EP (Amendment) Bill, 2016 (Appendix-III) for which the minimum amount of penalty proposed is Rs. 10,000/- and maximum penalty of Rs. 2 crore has been provided.

4.2.2 Such defaults or contraventions mentioned in the Schedules to the draft Bill are categorised in 30 different categories. Important among them are (i) default in complying with terms and conditions of clearance, approval or authorisation, permission, licence or registration to carry on any project or activity or operation or process (ii) carrying out project or activities or operation or process without obtaining clearance, approval, authorisation or registration (iii) default in installation of the pollution control devices for protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution (iv) default in operating the pollution control devices etc.

4.2.3 The Central Government shall, within six months of the proposed law, appoint one or more officers not below the rank of a Joint Secretary to the Government of India or equivalent, to be an adjudicating officer or adjudicating officers for holding an inquiry after giving the occupier or his agent and any person concerned or Board or authority or committee or body a reasonable opportunity of being heard for the purpose of imposing any penalty. Jurisdiction of each adjudicating officer shall be specified by the Central Government. The person aggrieved by the orders of the Adjudicating Officer shall be entitled to make an appeal to the Adjudicating Authority after deposit of 25% of the penalty imposed by the Adjudicating Officer. The penalties can be recovered as arrear of land revenue.

**4.2.4. Provision for imposition of penalties ranging from fifty thousand to ten crore for default or contraventions which cause environment pollution and procedure for adjudication / imposition of such penalties by three members Adjudicating Authorities:-**

It is proposed to make provision for penalties for making a default or contravention in complying with any provision of this Act or rules made or any order or direction issued there under or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued there under and which cause environment pollution. The amount of penalty has been specified for such defaults/ contraventions ranges from the minimum amount of penalty

proposed of Rs. 50,000/- and maximum penalty of Rs. 10 crore. Such defaults or contraventions have been specified in the proposed new sections 14G to 14U in the Draft Environment Protection (Amendment) Bill, 2016. Some of such important defaults or contraventions which cause environment pollution are (i) environment pollution in air (ii) environment pollution in water (iii) environment pollution by municipal solid wastes etc.

**4.2.5 Imposition of lesser penalty in the cases of micro, small and medium enterprise:-**

It is proposed to insert a new section 14-B in the E(P) Act to provide imposition of lesser penalty in the cases of micro enterprise, small enterprise and medium enterprise having regard to its size, operation, process, volume and quality of effluent, and turnover of such enterprise, if, such enterprise gives an undertaking for not making any default or contravention in future. No lesser penalty shall be levied in case of subsequent default or contraventions. The micro enterprise, small enterprise and medium enterprise shall have the same meaning assigned to it in section 7 of the Micro, Small and Medium Enterprises Development Act, 2006.

**4.2.6 Adjudication Authorities, its establishment, appointment of its members and its procedure:-**

The Central Government will appoint one or more Adjudicating Authorities for adjudication/imposition of penalties mentioned in the preceding paragraph. Such Adjudicating Authorities shall be three member bodies which would consist (i) one member in the field of law who would be sitting or retired District Judge. (ii) one member having experience in administration of matters relating to Environment who has held the post not below the rank of Joint Secretary or equivalent under the Central Government or State or in a reputed National or State level institution; (iii) one member being an officer not below the rank of Scientist Grade "F" or equivalent post in the Ministry or Department of the Central Government or State Government dealing with environment or any other person having Doctorate degree with five year of experience or Master of Engineering or Master of Technology and having at least ten years experience in the field of environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level Institution. The Central Government shall appoint one of the members as Chairperson of the Adjudicating Authority. The Central Government shall provide staff to the Adjudicating Authority. The Adjudicating Authority shall impose penalty after giving the occupier or his agent and any person concerned or Board or authority

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

or committee or body a reasonable opportunity of being heard. Jurisdiction of each adjudicating officer shall be specified by the Central Government. The Adjudicating Authority can also award cost in the case of false or vexatious complaints.

4.2.7 The person aggrieved by the orders of the Adjudicating Authority shall be entitled to make an appeal to the National Green Tribunal after depositing 50% amount of the penalty imposed. It has also been made mandatory for the Adjudicating Authority before imposing penalty to obtain the views of the authority or board or commission established under a Central or State Act which has been conferred powers or assigned functions for the prevention, control and abatement of environment pollution of the nature referred to such application or appeal, and such views shall be given in thirty days of making the reference by the Adjudicating Authority

4.2.8 Any penalty imposed and payable can be recovered together with simple interest due thereon from the date of failure to pay such penalty till the date of recovery of the penalty, as an arrear of land revenue. All sums realized by way of penalties, imposed by the Adjudicating Officer or Adjudicating Authority shall be credited to the Consolidated Fund of India.

4.2.9 Every defendant or defendants or respondent or respondents, upon whom a penalty has been imposed by the Adjudicating Officer or Adjudicating Authority shall cease and desist from making default or causing contravention for which such penalty has been imposed.

**5. Provision for certain acts or omissions to be an offence and punishment therefor:**

**5.1 Punishment for environmental pollution causing substantial damage to environment:-**

5.1.1 It is proposed to provide punishment for environment pollution causing substantial damage to environment with imprisonment for a term which shall not be less than one years but which may extend to seven years or with fine or with both which shall not be less than one crore rupees. In case of continuing such pollution causing substantial damage to environment, an additional fine which can extend to fifty lakh rupees for every day during



which such pollution continues after the conviction for the first causing such substantial damage to environment. It is proposed to explain that (a) the substantial damage to environment shall include such environment pollution by which the community at large (including the human beings, other living creatures, plants and micro-organism or their genetic material, property and public health) is adversely affected or likely to be adversely affected by such pollution or consequences or the gravity of such environment pollution is such, which in the opinion of court, has caused or is likely to cause substantial damage to environment; (b) the expression "causes environment pollution" shall include causing of environment pollution by (i) direct violation of a specific statutory obligation of the occupier or any other person; or (ii) any act or omission of the occupier or his agent or any other person or negligence on his part (whether by an accident or otherwise); or (iii) carrying out project or activities or operation or process by the occupier or his agent any other person (including release of environment pollutant).

#### **5.1.2 Punishment for failure to pay penalty:-**

It is proposed to provide punishment for failure to pay penalty imposed which shall be imprisonment for a term not be less than one month but may extend to three years, or with fine which shall not be less than one crore rupees and in case of such failure to pay the penalty continues, with additional fine which may extend to fifty lakh rupees for every day during which such failure continues after the first such failure or contravention. In case a company fails to pay the penalty such company shall be punished with fine which shall not be less than one crore rupees and in case such failure to pay the penalty continues, with additional fine which may extend to fifty lakh rupees for every day during which such failure continues after the first such failure or contravention. Every officer of such company (who at the time when damage to environment was committed and in respect of which such penalty has been imposed) was directly in charge of and was specifically responsible to the company for the conduct of the business of the company, such officer shall also be punished with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than five crore rupees and in case of such failure to pay the penalty continues, with additional fine which may extend to fifty lakh

rupees for every day during which such failure continues after the first failure or contravention.

**5.1.3 Punishment for furnishing false information:-**

It is proposed to provide punishment for furnishing false information to authorities and agencies in certain cases like false information related to the discharge of environmental pollutant in excess of the prescribed standards due to any accident or other unforeseen act or event, to the authorities or agencies, as required under provisions of the Act or rules made there under. Such punishment shall be imprisonment for a term which shall not be less than one month but which may extend to six months, or with fine or with both.

**5.1.4 Punishment for failure to comply with directions of the Central Government:-**

It is proposed to provide punishment for failure to comply with direction issued under section 5 of EP Act. Such failure shall be punished with imprisonment for a term which shall not be less than six months but which may extend to three years, or with fine or with both and in case of such failure continues, with an additional fine which may extend to ten lakhs rupees for every day during which such default continues after the first such default or contravention. Where such offence has been committed by any local authority, any person who, at the time the offence was committed, was directly in charge of, and was responsible to, the local authority, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

**5.1.5 Punishment for tampering of machine or equipment or apparatus or meter or any other device installed or used or operated for recording environment pollution or preventing environment pollution:-**

It is proposed to insert a new section 15-E to provide for punishment with imprisonment for a term which shall not be less than three years but which may extend to five years, or with fine or with both and in case of such failure continues, with an additional fine which may extend to five lakhs rupees for every day during which such default continues after the first such default or contravention for those who-

- (a) tamper a machine or equipment or apparatus or meter, or any other such device installed or used or operated for registration, calibration or recording environment pollution or preventing environment pollution; or,
- (b) install or use or operate any machine or equipment or apparatus or meter, or any other such device which interferes with accurate or proper registration, calibration or recording environment pollution or preventing environment pollution; or
- (c) damage or destroy machine or equipment or apparatus or meter, or any other such device installed or used or operated for registration, calibration or recording environment pollution or preventing environment pollution installed.

**6. Provision for levy of fees:-**

It is proposed to confer power to levy fee in respect of certain matters specified under clauses (viii) to (xiv) of sub-section (2) of section 3 of the EP Act and also to make a provision to levy fee for the services provided under the EP Act.

**7. Preparation of a panel of scientists or experts for giving advice on environmental matters:-**

It is proposed that the Central Government shall, within six months of the commencement of the proposed law prepare a panel of scientist and experts, being individuals and institutions in various fields of environment for the purposes of rendering their services and opinion in respect of matters relating to environment pollution to the Central Government and Adjudicating Authorities or Adjudicating Officer or other authorities, as may be required for the purposes of this Act. Such scientists and experts would be paid the prescribed fee for their services and opinion.

**8. Inter- Ministerial Consultations:**

8.1 The draft Cabinet Note will be circulated for comments to the Ministries of Mines, Petroleum & Natural Gas, Power, Coal, Steel, Road Transport & Highways, Urban Development, Home Affairs and Departments of Chemicals & Petrochemicals, Industrial

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

Policy & Promotion, Economic Affairs (Budget Division), Expenditure, Law & Justice, and NITI Ayog.

8.2 (TO BE INCORPORATED AFTER VIEWS HAVE BEEN OBTAINED)

8.3 Ministry of Law and Justice (Department of Legal Affairs and Legislative Department) have ----- to the proposal in this Note.

**9. Approval solicited:**

9.1 The approval of the Cabinet is solicited

(i) to amend EP Act, 1986 and NGT Act, 2010 through the Environmental Laws (Amendment) Bill, 2015 which is enclosed as Appendix III (Page 15-26 of the Note) with such consequential changes of drafting nature as may be considered necessary by the Legislative Department.

(ii) to introduce Environmental Laws (Amendment) Bill, 2015 in Parliament (Appendix III)

**10. ~~The Statement of Implementation Schedule is at Appendix I (Page ---).~~**

**11. The Statement of Equity, Public Accountability and Innovation is at Appendix II (Page ---).**

12. The Note has been seen and approved by the Minister of State (Independent Charge) Environment, Forest and Climate Change.

(Manoj Kumar Singh)  
Joint Secretary to the Government of India  
Tel: 011-24695281

Appendix – I

(Refer Para 7, page 14 of the Note)

**STATEMENT ON THE IMPLEMENTATION SCHEDULE**

**SUBJECT:** Amendments in Environment (Protection) Act, 1986 and National Green Tribunal Act, 2010 through a new legislation, namely, Environmental Laws (Amendment) Bill, 2015 to strengthen penal provisions for causing substantial damage to environment; to provide for imposition of penalties and mechanism for adjudication thereto, and for lying of appeal to National Green Tribunal against the adjudication; and provision for levying fee for environmental services.

Gist of decision required	Projected Benefits/results	Time Schedule for Implementation/ Reporting to the Cabinet Secretariat
(i) Approving the proposed amendment in the sections 2,3,6,14,15, 18, 21, 22, 24 and 25 of the Environment (Protection) Act 1986 and insertion of new sections 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14I, 14J, 14K, 14, 15B, 20A, 20B,20C therein and insertion of new section 16A in National Green Tribunal Act, 2010. This is to incorporate imposition of civil penalties, and provision for stringent punishment for substantial damage to environment and provision for levying of fee. This also provides mechanism for adjudication of penalties and for appeal to the National Green Tribunal.	The proposed amendments would ensure immediate arrest of the pollution increasing the effectiveness of implementation of the Environment (Protection) Act 1986. This would act as a deterrent for contravention of the provisions of the aforesaid Act.	After obtaining the Cabinet approval, the Bill shall be introduced in the ensuing session of Parliament.

(Manoj Kumar Singh)  
Joint Secretary to the Government of India  
Tel: 011-24695281

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

Appendix – II

(Refer para 8, page 12 of the Note)

STATEMENT OF EQUITY, PUBLIC ACCOUNTABILITY AND INNOVATION

**SUBJECT:** Amendments in Environment (Protection) Act, 1986 and National Green Tribunal Act, 2010 through a new legislation, namely, Environmental Laws (Amendment) Bill, 2015 to strengthen penal provisions for causing substantial damage to environment; to provide for imposition of penalties and mechanism for adjudication thereto, and for lying of appeal to National Green Tribunal against the adjudication; and provision for levying fee for environmental services.

S. N	The required goal	How does the proposal advance this goal?
1.	Equity or Inclusiveness	The proposal will improve the effectiveness of implementation of environmental laws and help in preventing pollution and improvement in environment quality. This will have a positive impact on important medium of air, water and land on which life of every section of people and organism depends.
2.	Public Accountability	The polluters would be required to pay heavy penalties in case of contravention of EP Act, 1986 and thereby, increase public accountability of entities, companies and businesses engaged in production, processes and projects.
3.	Innovation	It is for the first time that the concept of imposition of civil penalties based on legislative precedents would be incorporated in the EP Act for enforcement of environmental laws. The enforcement of environmental laws has been more successful using the concept of civil penalties rather than criminal action alone.

(Manoj Kumar Singh)  
Joint Secretary to the Government of India  
Tel: 011-24695281

Appendix – III

(Refer para 7.1, page 11-12 of the Note)

THE ENVIRONMENT LAWS (AMENDMENT) BILL, 2016

A

Bill

	<i>further to amend the Environment (Protection) Act, 1986 and the National Green Tribunal Act, 2010.</i>	
	BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—	
	CHAPTER I	
	PRELIMINARY	
Short title and commencement.	1. (1) This Act may be called the Environment Laws (Amendment) Act, 2016.	
	(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act and for different areas.	
	CHAPTER II	
	AMENDMENTS TO THE ENVIRONMENT (PROTECTION) ACT, 1986.	
Amendment of section 2.	2. In the Environment (Protection) Act, 1986 (hereafter in this Chapter referred to as the principal Act), in section 2,—	29 of 1986.
	(i) clause (a) shall be re-numbered as clause (ab) thereof and before clause (ab) as so re-numbered, the following clause shall be inserted, namely:—	
	‘(a) “Adjudicating Authority” means Adjudicating Authority appointed under sub-section (1) of section 14-X by the Central Government;	
	(aa) “Adjudicating Officer” means officer or officers appointed under sub section (2) of section 14-C;	
	(ii) after clause (e), the following clauses shall be inserted, namely:—	
	‘(ea) “ medium-enterprise” shall have the meaning assigned to it in section 7 of the Micro, Small and Medium Enterprises Development Act, 2006;	

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

	(eb) "micro-enterprise" shall have the meaning assigned to it in section 7 of the Micro, Small and Medium Enterprises Development Act, 2006;'	
	(ec) "micro-organisms" shall include all types of bacteria, viruses, fungi, mycoplasma, cell lines, algae, protozoans and nematodes;	
	(iii) after clause (g), the following clauses shall be inserted, namely:—	
	' (h) "Schedule" means the Schedule to this Act;	
	(i) "Selection Committee" means a Selection Committee referred to in sub-section (4) of section 14-X;	
	(j) "small enterprise" shall have the meaning assigned to it in section 7 of the Micro, Small and Medium Enterprises Development Act, 2006;	
	(k) "Tribunal" means the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010;'	19 of 2010.
	(l) all words and expressions used but not defined in this Act and defined in the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Biological Diversity Act, 2002 and the National Green Tribunal Act, 2010 shall be deemed to have the meanings assigned to them in those Acts.	
Amendment of section 6.	3. In section 6 of the principal Act,-	
	(a) in sub-section (2), after clause (f), the following clause shall be inserted, namely:—	
	"(g) levy of fee for matters falling under clauses (viii) to (xiv) of sub-section (2) of section 3."	
	(b) after sub-section (2), the following sub-sections shall be inserted, namely:-	
Amendment of section 11.	4. In section 11 of the principal Act, after sub-section (4), the following shall be inserted, namely:-	
	'(5) Nothing contained in sub-sections (3) and (4) shall apply to any sample taken in electronic form from any equipment installed by the occupier when such sample has been authenticated, by any of the officers authorized by the Central Government or State Government or any officer empowered in this behalf, to be electronic record, in such manner as may be prescribed,	
	(6) The Central Government may, having regard to the equipment or process or activity used or carried on, specify the method of calculation or measurement to be taken from such equipment or	



	process as the sample in electronic form and different methods of calculation or measurement may be specified for different equipment or process or activity as sample taken in electronic form.	
	<i>Explanation.-</i> For the purposes of this section, the expressions "electronic form" and "electronic record" shall have the same meanings as assigned to them in clauses (r) and (t) respectively of sub-section (1) of section 2 of the Information Technology Act, 2000.	21 of 2000.
Insertion of new sections 14A,14B,14C, 14D, 14E,14F,14G, 14H,14I,14J,14K,14L,14M,14N,14O,14P,14Q, 14R,14S,14T, 14U,14V,14W,14X,14Y,14Z,14ZA,14ZB,14ZC,14ZD, 14ZE and 14ZF.	5. After section 14 of the principal Act, the following sections shall be inserted, namely:—	
Penalty for certain defaults specified in Schedule.	"14A. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder and such default does not causes environment pollution, shall be liable to penalties specified under column (3) of the Schedule for the default mentioned under column (2) of the said Schedule against such penalty.	
Imposition of lesser penalty in the cases of micro enterprise, small	14B. The adjudicating officer shall impose, upon the micro enterprise or small enterprise or medium enterprise, the lesser penalty as it may deem fit than the penalty specified under the Schedule, having regard to its size, operation, process, volume and quality of effluent, and turnover of such enterprise, if, -	

SECRET

F.No.J-11013/45/2014-IA.I

Ministry of Environment, Forest & Climate Change

enterprise and medium enterprise.		
	(a) such enterprise gives an undertaking for not making any default or contravention in future;	
	(b) the adjudicating officer is satisfied that such enterprise shall not make such default or contravention in future:	
	Provided that the adjudicating officer shall not impose the lesser penalty in the case of subsequent default by such enterprise in complying the provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder.	
Power to adjudicate penalties under Schedule by adjudicating officer.	14C. (1) Any person aggrieved, (including any representative body or organization ) or any agent duly authorized by such person or the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under this Act or any other law for the time being in force may, by an application, make a complaint to the adjudicating officer for any default or contravention of the any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder.	
	(2) For the purpose of adjudging penalties specified in the Schedule, the Central Government shall, within six month of commencement of the Environment Laws (Amendment) Act, 2016, appoint one or more officers not below the rank of a Joint Secretary to the Government of India or equivalent, to be an adjudicating officer or adjudicating officers for holding an inquiry after giving the occupier or his agent and any person concerned or Board or authority or committee or body, a reasonable opportunity of being heard for the purpose of imposing any penalty.	
Jurisdiction of adjudicating officer and adjudicating officers.	14D.(1) The Central Government shall, by notification, specify the areas in relation to which each adjudicating officer or adjudicating officers exercise jurisdiction for exercising his powers under this Act.	
	(2) While holding an inquiry, the adjudicating officer shall have power to summon and enforce the attendance of an occupier or his agent and any person concerned or Board or authority or committee	

	or body acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person has made a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder, he may, by order impose such penalty, as specified in the Schedule, as he thinks fit.	
	(3) The application before the adjudicating officer or adjudicating officers under this Act shall be disposed of within a period of thirty days from the date of filing of the application, after providing the occupier and the other parties concerned an opportunity of being heard.	
	(4) The penalty imposed, by the adjudicating officer on the occupier or his agent and any person concerned shall be paid within a period of sixty days from the date of receipt of the order imposing such penalty.	
Factors to be taken into account by adjudicating officer.	14E. While adjudging quantum of penalty specified in the Schedule, the adjudicating officer or adjudicating officers shall have due regard to the following factors, namely :-	
	(a) the amount of undue economic gain or disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;	
	(b) the repetitive nature of default;	
	(c) extent to which such default is likely to adversely affect the environment or cause environment pollution;	
	(d) size of industry, operation, process, factory or premises, turnover of micro enterprise or small enterprise or medium enterprise.	
Transfer of case causing environment pollution by adjudicating officer to Adjudicating Authorities in certain cases.	14F. In case the adjudicating officer or adjudicating officers, while adjudging penalties under sub-section (2) of section 14D, is of the opinion that default in complying any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder, also causes environment pollution, he shall direct the competent officer or authority to make an application before the Adjudicating Authority under this Act for imposition of penalties under this Act.	
Appeal from	14G. (1) Any person aggrieved, (including any representative body or	

SECRET

F.No.J-11013/45/2014-IA.I

Ministry of Environment, Forest & Climate Change

order of adjudicating officer to Adjudicating Authority.	organization) or any agent duly authorised by such person or the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under this Act or any other law for the time being in force, by an order made by the adjudicating officer or adjudicating officers under sub-section (2) of section 14D, may prefer an appeal, within a period of thirty days from the date of receipt of the order imposing penalty by adjudicating officer or adjudicating officers, in such form, containing such particulars, and, be accompanied by such documents and such fees as may be prescribed, to the Adjudicating Authority.	
	Provided that different fees may be levied for different class or classes of appellants.	
	(2) Where an appeal is preferred by any person concerned or Board or authority or committee or body referred to in sub-section (1) on whom the penalty has been imposed by an adjudicating officer under sub-section (2) of Section 14D. such appeal shall not be entertained by the Adjudicating Authority unless such person has deposited with the Adjudicating Authority twenty-five per cent of the amount of penalty imposed upon him by the adjudicating authority.	
Penalty for environment pollution in water.	14-H.(1) Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder, and such default causes environment pollution by contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous, heat or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms, shall be liable to penalty,---	
	(a) in case of such environment pollution whereby water gets polluted and the pollutants are easily bio-degradable or non toxic or both non-toxic and easily bio-degradable, to a penalty not exceeding two crore and in case of continuing such pollution, with an additional penalty which may extend to two lakh rupees for every day during	

	which the pollution continues;	
	(b) in case of such environment pollution whereby water gets polluted and the pollutants are not easily bio-degradable or toxic or both toxic and not easily bio-degradable, to a penalty not exceeding five crore rupees and in case of continuing such pollution, with an additional penalty which may extend to five lakh rupees for every day during which the pollution continues;	
	(2) Notwithstanding anything contained in subsection (1), the Central Government may, having regard to the innovations and development in the field of technology, specify the calculation of pollution for the purposes of this section in such manner as may be prescribed.	
	Explanation.—For the purposes of this section,-	
	(a) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any industry, operation or process, or treatment and disposal system other than domestic sewage;	
	(b) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sullage from open drains;	
	(c) "sewer" means any conduit pipe or channel, open or closed, carrying sewage or trade effluent.	
Penalty for environment pollution in air.	14-I. (1) Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder or any other law for the time being in force, and such default causes environment pollution in air by emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever (not being a ship or an aircraft), shall be liable to penalty,---	
	(a) in case of such environment pollution, causing low pollution in the air, to a penalty not exceeding fifty thousand rupees and in case of continuing such pollution, with an additional penalty which may extend to five thousand rupees for every day during which the pollution continues;	

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

	(b) in case of such environment pollution, causing moderate pollution in the air, to a penalty not exceeding seventy five thousand rupees and in case of continuing such pollution, with an additional penalty which may extend to seven thousand five hundred rupees for every day during which the pollution continues.	
	(c) in case of such environment pollution, causing high pollution in the air, to a penalty not exceeding one crore rupees and in case of continuing such pollution, with an additional penalty which may extend to one lakh rupees for every day during which the pollution continues,	
	(d) in case of such environment pollution, causing critical pollution in the air, to a penalty not exceeding two crore rupees and in case of continuing such pollution, with an additional penalty which may extend to two lakh rupees for every day during which the pollution continues,	
	<i>Explanation 1.- For the purposes of this section,-</i>	
	(a) "air pollutant" means any solid, liquid, or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;	
	(b) "air pollution" means the presence in the atmosphere of any air pollutant.	
	<i>Explanation 2.- For the purposes of this section, the low pollution, moderate pollution, high pollution and critical pollution shall be categorised having regard to the Excedence Factor in the following manner, namely :-</i>	
	(a) in case Excedence Factor is more than 1.5, the air pollution shall be categorised as critical pollution;	
	(b) in case Excedence Factor is between 1.0 to 1.5, the air pollution shall be categorised as high pollution;	
	(c) in case Excedence Factor is between 0.5 to 1.0, the air pollution shall be categorised as moderate pollution;	
	(d) in case Excedence Factor is less than 0.5, the air pollution shall be categorised as Low Pollution.	
	<i>Explanation 3.- For the purposes of Explanation 2, the Excedence Factor means the ratio of annual mean concentration of a pollutant with that of a respective standard calculated in the following manner, namely:-</i>	
	(b) Excedence Factor = $\frac{\text{Observed annual mean concentration of a criterion pollutant}}{\text{Annual standard for the respective pollutant and area class}}$	

	Explanation 4.- For the purpose of calculating the Exceedence Factor, the pollution caused at the source of project or process or activity carried out shall be taken into account.	
	(2) Notwithstanding anything contain in subsection (1), the Central Government may, having regard to the innovations and development in the field of technology, specify the calculation of pollution for the purposes of this section in such manner as may be prescribed.	
Penalty for environment pollution caused by hazardous material (including hazardous wastes).	14-J. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to hazardous material and such default causes environment pollution by handling hazardous material (including sale, packaging, labeling, transfer, storage, recycling, reprocessing, re-using, disposal and import and export, trans-boundary movement of hazardous wastes), shall be liable to penalty,---	
	(a) in case of such environment pollution, being caused by recyclable hazardous waste, which do not require treatment and stabilization before disposal, to a penalty not exceeding to fifty lakh rupees and in case of continuing such pollution, with an additional penalty which may extend to fifty thousand rupees for every day during which the pollution continues;	
	(b) in case of such environment pollution, being caused by recyclable hazardous waste, which are easily recyclable with proven technologies, to a penalty not exceeding to one crore rupees and in case of continuing such pollution, with an additional penalty which may extend to one lakh rupees for every day during which the pollution continues;	
	(c) in case of such environment pollution, being caused by hazardous waste, which are high volume having low effect wastes such as fly-ash, phospho-gypsum, red-mud, slags from pyro-metallurgical operations, mine tailings and ore beneficiation rejects, to a penalty of not exceeding to two crore rupees and in case continuing such pollution, with an additional penalty which may extend to two lakh rupees for every day during which the pollution continues;	
	(d) in case of such environment pollution, being caused by hazardous waste, which are incinerable, to a penalty not exceeding three crore rupees and in case of continuing such pollution, with an additional penalty which may extend to three lakh rupees for every day during which the pollution continues;	

SECRET

F.No.J-11013/45/2014-IA.I

Ministry of Environment, Forest & Climate Change

	(e) in case of such environment pollution, being caused by hazardous waste, which require special care and treatment for stabilization before disposal, to a penalty not exceeding four crore rupees and in case of continuing such pollution, with an additional penalty which may extend to four lakh rupees for every day during which the pollution continues;	
	<i>Explanation.</i> —For the purposes of this clause, the expression “hazardous waste” shall include such waste and apply to such operations or industry as may be specified by rules.	
Penalty for environment pollution relating to ozone depleting substances.	14-K. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to ozone depleting substances (including manufacture, production, sale, purchase, reclamation, destruction, new investments, destruction and consumption of ozone depleting substances, export or import) and such default causes environment pollution, shall be liable to penalty of two lakhs rupees for each day during which such default continues or two crore rupees, whichever is less.	
	<i>Explanation.</i> -For the purposes of this section, the expression, –	
	(a) “ozone depleting substance” means the ozone depleting substances, whether existing by itself or in a mixture, excluding any such substance or mixture or blend which is in a manufactured product other than a container used for the transportation or storage of such substance or such other depleting substance as may be specified by rules made under this Act;	
	(b) “manufacture” in relation to any ozone depleting substance includes-	
	(i) any process or part of a process for making, altering, finishing, packing, labeling, blending or otherwise treating any ozone depleting substance with a view to sell, distribute or use but does not include the repacking or breaking up of any ozone depleting substance in the ordinary course of retail business; and	
	(ii) any process in which a preparation containing ozone depleting substance is formulated.	
Penalty for environment pollution by batteries.	14-L. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to	



	handling of batteries (including manufacture, processing, sale, purchase and use of batteries or components thereof) and such default causes environment pollution, shall be liable to a penalty of fifty thousand rupees for each day during which such default continues or fifty lakh rupees, whichever is less.	
	<i>Explanation.</i> -For the purposes, the expression "battery" means lead acid battery which is a source of electrical energy and contains lead metal.	
Penalty for environment pollution by plastic and plastic waste.	14-M.Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to handling of plastic and plastic waste and such default causes environment pollution by handling plastic and plastic waste (including manufacture, stocking, distribution, sale and use of plastic carry bags and sachets, recycling, recovery or disposal of plastic waste) and such default causes environment pollution, shall be liable to a penalty of ten thousand rupees for each day during which such default continues or one crore rupees, whichever is less.	
	<i>Explanation.</i> - For the purposes of this section, the expression,--	
	(a) "plastic" means material which contains as an essential ingredient a high polymer, and which at some stage in its processing into finished products can be shaped by flow;	
	(b)"plastic waste" means any plastic product such as carry bags, pouches or multilayered packaging, which have been discarded after use or after their intended life is over.	
Penalty for environment pollution by carrying out activities within coastal regulation zone area.	14-N.Whoever makes a default in carrying out such activities, as may be notified by the Central Government, within coastal regulation zone area (including on the setting-up and expansion of industries, operations or processes within coastal regulation zone area) in contravention of provisions of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration or such notification, and such default causes environment pollution, shall be liable to a penalty of five lakh rupees for each day during which such default continues or five crore rupees, whichever is less.	
Penalty for environment pollution by bio-medical	14-O.Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance	

SECRET

F.No.J-11013/45/2014-IA.I

Ministry of Environment, Forest & Climate Change

waste.	of this Act or under any notification issued thereunder relating to bio-medical waste (including generation, collection, receiving, storage, transportation, treatment, disposal, or handling bio medical waste in any form) and such default causes environment pollution, shall be liable to penalty of twenty thousand rupees for each day during which such default continues or two crore rupees, whichever is less.	
Penalty for environment pollution by electrical and electronic equipments.	14-P.Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to electrical and electronic equipment (including collection of electrical and electronic equipments waste generated during the manufacture or end life of electrical and electronic equipments, dismantling, storage of electrical and electronic equipments, setting up of collection center and channelizing of electrical and electronic equipment for recycling or disposal of electrical and electronic equipments) and such default causes environment pollution, shall be liable to penalty of twenty thousand rupees for each day during which such default continues or two crore rupees, whichever is less.	
Penalty for environment pollution by municipal solid wastes.	14-Q.(1) Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to municipal solid waste (including collection, storage, segregation, transportation, disposal, processing, recycling, land filling of municipal solid waste) and such default causes environment pollution, shall be liable to a penalty of two lakh rupees for each day during which such default continues or two crore rupees, whichever is less.	
	<i>Explanation.-</i> For the purposes of this section, the expression, "municipal solid waste" includes commercial and residential waste generated in a municipal or notified area in either semi solid form excluding industrial hazardous waste but including treated bio-medical waste.	
Pollution to environment due to non-installation or operation	14-R.Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to	

of requisite pollution control devices.	non-installation and operation of the pollution control devices and such default causes environment pollution due to non-installation and operation of such requisite pollution control devices, shall be liable to a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.	
Penalty for causing environment pollution due to emission or discharge of environmental pollutants from various sources whatsoever in excess of standards specified therefor.	14-S. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to emission or discharge of environmental pollutants in excess of standards specified therefor (save as otherwise provided in the Act) and such default causes environment pollution, shall be liable, to a penalty of five lakh rupees for each day during which default continuous or five crore rupees, whichever is less:	
	Provided that in case an Adjudicating Authority may, having regard to the extent and gravity of the environment pollution and the to the factors mentioned in section-14V and opinion of the experts under sub-section (5) of section 14Z, after recording reasons therefor, impose higher penalty not exceeding ten crore rupees.	
Penalty for environment pollution due to default in complying with prohibition or restrictions imposed on location of industries or carrying on of any process or operation in	14-T. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorizations, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to location of industries or carrying on of any process or operation in any area and such default causes environment pollution, shall be liable to a penalty of five lakh rupees for each day during which default continuous or two crore rupees, whichever is less.	

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

an area.		
Penalty for environment pollution where no separate penalty has been provided therefor.	14-U. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorisation, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder and such default causes environment pollution, for which no separate penalty has been provided, shall be liable two lakh rupees for each day during which such default continues or two crore rupees, whichever is less.	
Opinions of experts in the field of environment or factors to be considered by Adjudicating Authority.	14-V. While adjudicating the quantum of penalty under sections 14H to 14U), the Adjudicating Authority shall have due regard to the following , namely:—	
	(a) opinion of experts referred to in section 14-U on environment pollution;	
	(b) the amount and gravity of environment pollution (including the level of chemicals or heavy metals being discharged into the environment by a particular factory / entity and its impact at all trophic levels from microorganisms to the mammals including human beings);	
	(c) extent of area affected by the environmental damage	
	(d) zone of impact taking into account of direction of wind, water flow, hydrology, population density etc.	
	(e) the amount of undue disproportionate gain or unfair advantage, wherever quantifiable, made as a result of default and causing of environment pollution;	
	(f) the repetitive nature of the of environment pollution; the historical compliance record of the non-conforming industry;	

1027

	(g) the continuance of default;	
	(h) devastating nature of emissions of toxic fumes and discharge of effluents for the nearby ecology;	
	(e) the extent of injury caused or likely to be caused to the public or other living creatures or plants and micro-organisms or property or public health;	
	(f) size, operation, process, premises and turnover of the micro enterprise or small enterprise or medium enterprise.	
Preparation of panel of experts in field of environment (including institutions) on the matters relating to environment.	14-W. (1) The Central Government shall, within six months of the commencement of the Environment Laws (Amendment) Act, 2016, prepare a panel of experts, being individuals and institutions in the various field of environment for the purposes of rendering their opinion in respect of matters relating to environment pollution to the Central Government and Adjudicating Authorities or adjudicating officer or other authorities, as may be required for the purposes of this Act.	
	(2) The experts, being individuals and institutions, referred to in sub-section (1) shall be paid such fees or charges to them, as may be prescribed, by the Central Government for giving their opinion in respect of matters relating to environment pollution under this Act.	
Adjudicating Authorities, composition, powers, etc.	14-X.(1)For the purpose of adjudging penalties under sections 14-H, 14-I, 14-J, 14-K, 14-L, 14-M, 14-N, 14-O, 14-P, 14-Q, 14-R, 14-S, 14-T and 14-U, the Central Government shall, within six months from the date of commencement of the Environment Laws (Amendment) Act, 2016, by notification, appoint one or more Adjudicating Authorities to exercise jurisdiction, powers and authority conferred by or under this Act.	
	(2) An Adjudicating Authority shall consist of a Chairperson and two other Members:	
	Provided that one Member each shall be a person having experience in the field of law, administration of matters relating to Environment and in the field of science relating to environment.	
	(3) A person shall, however, not be qualified for appointment as Member of an Adjudicating Authority,---	
	(a) in the field of law, unless he is or has been a District Judge;	
	(b) in the field of administration of matters relating to environment, unless he has held the post not below the rank of Joint Secretary or equivalent under the Central Government or State or in a reputed	

SECRET

F.No.J-11013/45/2014-IA.I

Ministry of Environment, Forest & Climate Change

	National or State level institution;	
	(c) in the field of science relating to environment, an officer not below the rank of Scientist Grade "F" or equivalent post in the Ministry or Department of the Central Government or State Government dealing with environment or any other person having Master of Engineering or Master of Technology and having at least ten years practical experience or Doctorate degree and having at least five years practical experience in the field of environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level institution.	
	(4) The Central Government shall, by notification, constitute a Selection Committee, for recommending persons to be appointed as Members of the Adjudicating Authority under this Act.	
	(5) The composition of the Selection Committee referred to in sub-section (4) and procedure to be followed by it for recommending the persons to be appointed as Members of the Adjudicating Authority shall be such as may be prescribed.	
	(6) The Central Government shall appoint a Member to be the Chairperson of the Adjudicating Authority.	
	(7) The Central Government shall, by notification, specify the area or areas in relation to which each Adjudicating Authority may exercise jurisdiction.	
	(8) The Chairperson and every Member of the Adjudicating Authority shall hold office as such for a term of three years from the date on which he enters upon his office:	
	Provided that no Chairperson or other Member shall hold office as such after he has attained the age of sixty-five years.	
	(9) The salary and allowances payable to and the other terms and conditions of service of the Member of the Adjudicating Authority shall be such as may be prescribed	
	Provided that neither the salary and allowances nor the other terms and conditions of service of the Member shall be varied to his disadvantage after appointment.	
	(10) If, for reasons other than temporary absence, any vacancy occurs in the office of the Chairperson or any other Member of the Adjudicating Authority, then, the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Adjudicating Authority from the stage at which the vacancy is filled.	
	(11) The Chairperson or any other Member of the Adjudicating Authority may, by notice in writing under his hand addressed to the Central Government, resign his office:	
	Provided that the Chairperson or any other Member shall,	

	unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.	
	(12) A Member of the Adjudicating Authority shall not be removed from the office except by an order made by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of a High Court, or an officer senior by two ranks in which the member of the Adjudicating Authority has been informed of the charges and given a reasonable opportunity of being heard in respect of the charges.	
	(13) The Central Government may, by rules, regulate the procedure for investigation of misbehaviour or incapacity of the member of the Adjudicating Authority:	
	Provided that the Central Government during the pendency of the inquiry against the Member of the Adjudicating authority, after consulting the Chairperson of the Selection Committee constituted under sub-section (4), pass an order suspending the Member, if it is satisfied that the Member should cease to discharge his functions.	
	(14) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the senior-most Member shall act as the Chairperson of the Adjudicating Authority until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.	
	(15) When the Chairperson of the Adjudicating Authority is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member shall discharge the functions of the Chairperson of the Adjudicating Authority until the date on which the Chairperson of the Adjudicating Authority resumes his duties.	
	(16) The Chairperson or any other Member of the Adjudicating Authority or the adjudicating officer after ceasing to hold office as such shall not accept any commercial employment, for a period of five years from the date he ceases to hold such office.	
	<i>Explanation.</i> —For the purposes of this section, 'commercial employment' means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm and it also includes setting up practice either independently or as partner of a firm or as an adviser or a consultant.	
	(17) The Adjudicating Authority shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and, subject to the other provisions	5 of 1908

SECRET

F.No.J-11013/45/2014-IA.I

Ministry of Environment, Forest & Climate Change

	of this Act, the Adjudicating Authority shall have powers to regulate its own procedure.	
	Explanation:- For the purposes of this Act, the member of Adjudicating Authority includes the Chairperson thereof.	
Staff of Adjudicating Authorities.	14-Y. (1) The Central Government shall provide each Adjudicating Authority with such officers and employees as that Government may think fit.	
	(2) The officers and employees of the Adjudicating Authority shall discharge their functions under the general superintendence of the Chairperson of the Adjudicating Authority.	
	(3) The salaries and allowances and other conditions of service of the officers and employees of the Adjudicating Authority shall be such as may be prescribed.	
Adjudication by Adjudicating Authority.	14-Z.(1) Any person aggrieved, (including any representative body or organization ) or any agent duly authorised by such person or the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under this Act or any other law for the time being in force , may by an application, make a complaint to the Adjudicating Authority for any default or contravention of the any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration-made,-given-or-granted-to-him_in_pursuance_of_this_Act or under any notification issued thereunder if such contravention causes environment pollution.	
	(2) Every application under sub-section (1) and every appeal under sub section (1) of section 14G shall be made to the Adjudicating Authority having jurisdiction in respect of appeal or application, as the case may be.	
	(3) Every application to in sub-section (2) shall be in such form and be accompanied by such documents and other evidence for default or contravention-and environment pollution along-with such fee for making the application under sub-section (1) as may be prescribed:	
	Provided that different fees may be levied for different class or classes of applicants.	
	(4) On receipt of the application under sub-section (1) or appeal made under sub-section (1) section 14G, as the case may be, the Adjudicating Authority shall-	
	(a)issue summons requiring the respondent or respondents or defendant or defendants, as the case may be, to show cause within thirty days of the service of summons as to why the relief prayed for in such appeal or application should not be granted;	
	(b) make a reference to the authority or board or commission	



	established under a Central or State Act which has been conferred powers or assigned functions for the prevention, control and abatement of environment pollution of the nature referred to such application or appeal, and such authority or board or commission shall, within thirty days of receipt of such reference, forward its views on such reference to the Adjudicating Authority.	
	(5) The Adjudicating Authority may, if it considers it appropriate, may direct that the opinion of one or more experts in the field of environment out of the panel referred to in section 14-W, be obtained and such experts shall give his opinion on the environment pollution alleged in the appeal or application, within thirty days of receipt of such direction.	
	(6) The Adjudicating Authority may, having regard to the opinion of experts referred to in section 14-W, the views of the authority or board or commission received under clause (b) of sub-section (4) and other factors referred to in clauses (b) to (f) of section 14-V, and taking into account all relevant materials placed on record before it relating to default and environment pollution caused by respondent or respondents or defendant or defendants, as the case may be, after giving the appellant or applicant and the defendant or defendants an opportunity of being heard, and on it being satisfied that the respondent or respondents or defendant or defendants, as the case may be have made default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorisation, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder and also caused environment pollution, it may, by an order, after recording a finding, impose such penalty as it thinks fit in accordance with the provisions this Act:	
	(7) Where the Adjudicating Authority holds that an application made before it or before the adjudicating officer under this Act, is false or vexatious, the Adjudicating Authorities, if it so thinks fit, after recording its reasons for holding such appeal or application to be false or vexatious, make an order to award costs as it may consider necessary.	
	(8) Every appeal filed under sub-section (1) of section 14-G or application made under sub-section (1), shall be disposed of within a period of six months from the date of filing of the appeal or making of the application, after providing the parties concerned an opportunity of being heard,	
	(9) The Adjudicating Authority shall send a copy of every order passed by it to the concerned parties.	
	(10) The penalty imposed on any occupier or any other person or cost imposed by it shall be paid within a period of ninety days from the date of the order.	

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

	(11) Any penalty which a person is liable to pay under sub-section (2) of 14-D or sub-section (6), shall, without prejudice to sections 15A, 15B, 15C, 15D and 15E, be recovered together with simple interest due thereon from the date of failure to pay such penalty till the date of recovery of the penalty, as an arrear of land revenue.	
Imposition of lesser penalty in the cases of micro enterprise, small enterprise and medium enterprise.	14ZA. The Adjudicating Authority shall impose, upon the micro enterprise or small enterprise or medium enterprise, the lesser penalty as it may deem fit than the penalty leviable under this Act, having regard to its size, operation, process, premises and turnover of such enterprise if, -	
	(a) such enterprise gives an undertaking for not causing environment pollution and to take remedial action in respect thereof within such time as the Adjudicating Authority may specify;	
	(b) the Adjudicating Authority is satisfied that such enterprise shall be able to take such remedial action for preventing such pollution within such time referred to in clause (a) :	
	Provided that that the Adjudicating Authority shall not impose the lesser penalty, if it is satisfied that such enterprise has not earlier complied with the provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder for which the lesser penalty was imposed or had given false evidence.	
Appeal to National Green Tribunal.	14ZB. Any person aggrieved by an order made by the Adjudicating Authority under sub-section (6) of section 14-Z may prefer an appeal, within a period of ninety days from the date of receipt of the order imposing penalty, to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010.	
Power regarding summons, production of documents and evidence, etc.	14-ZC. (1) The Adjudicating Authority shall, for the purposes of this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:-	5 of 1908
	(a) discovery and inspection;	

	(b) enforcing the attendance of any person, and examining him on oath	
	(c) compelling the production of records;	
	(d) receiving evidence on affidavits;	
	(e) issuing commissions for examination of witnesses and documents; and	
	(f) any other matter which may be prescribed.	
	(2) All the persons so summoned shall be bound to attend in person or through authorised agents, as the Adjudicating Authority may direct, and shall be bound to state the truth upon any subject respecting which they are examined or make statements, and produce such documents as may be required.	
	(3) Every proceeding under this section shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code.	45 of 1860
Cease and desist.	14 ZD. Every defendant or defendants or respondent or respondents, as the case may be, upon whom a penalty has been imposed by the adjudicating officer or Adjudicating Authority under this Act, shall cease and desist from making default or causing contravention for which such penalty has been imposed under this Act.	
Imposition of penalty not to affect power of Central Government to issue directions under section 5 directing the closer prohibition or regulation of any industry, operation or process or stoppage or regulation of the supply of electricity or water or any other service for	14ZE. The imposition of penalty under this Act shall be, without prejudice to the power of the Central Government to issue directions under section 5, including directing the closer prohibition or regulation of any industry, operation or process or stoppage or regulation of the supply of electricity or water or any other service for commission of any offence under this Act.	

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

commission of any offence under this Act.		
Crediting sums realized by way of certain penalties.	14-ZF. All sums realized by way of penalties, imposed by the adjudicating authority or Adjudicating Authority shall be credited to the Consolidated Fund of India.	
Substitution of new sections 15, 15A 15B and 15C for section 15.	6. For section 15 of the principal Act, the following sections shall be substituted, namely:—	
Punishment for environment Pollution causing substantial damage to environment.	‘15. Whoever causes environment pollution and thereby causes substantial damage to environment shall, without prejudice to any penalty imposed by the adjudicating officer or Adjudicating Authority under this Act, be punished with imprisonment for a term which shall not be less than seven years but which may extend to ten years or with fine or with both which shall not be less than one crore rupees, and in case of continuing such pollution causing substantial damage to environment, with an additional fine which may extend to fifty lakh rupees for every day during which the such pollution continues after the conviction for the first causing such substantial damage to environment.	
	<i>Explanation.</i> 1.—For the purposes of this section, --	
	(a) “substantial damage to environment” shall include such <del>environment pollution by which the community at large (including</del> the human beings, other living creatures, plants and micro-organism or their genetic material, property and public health) is adversely affected or likely to be adversely affected by such pollution or consequences or the gravity of such environment pollution is such, which in the opinion of court, has caused or is likely to cause substantial damage to environment;	
	(b) the expression “causes environment pollution ” shall include causing of environment pollution by ---	
	(i) direct violation of a specific statutory obligation of the	

	occupier or any other person; or	
	(ii) any act or omission of the occupier or his agent or any other person or negligence on his part (whether by an accident or otherwise); or	
	(c) carrying out project or activities or operation or process by the occupier or his agent any other person (including release of environment pollutant).	
Punishment for failure to pay penalty imposed under the Act.	15A. (1) Whoever fails to pay the penalty imposed by the adjudicating officer within the time specified in sub-section (4) of section 14-D or penalty imposed by the Adjudicating Authority under within the time specified in sub-section (10) of section 14Z shall be punished with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than one crore rupees and in case of such failure to pay the penalty continues, with additional fine which may extend to ten lakh rupees for every day during which such failure continues after the first such failure or contravention.	
	(2) Where a company fails to pay the penalty imposed by the adjudicating authority within the time specified in sub-section (4) of section 14-D or penalty imposed by the Adjudicating Authority under within the time specified in sub-section (10) of section 14Z, the company shall be punished with fine which shall not be less than five crore rupees and in case such failure to pay the penalty continues, with additional fine which may extend to fifty lakh rupees for every day during which such failure continues after the first such failure or contravention.	
	(3) Where a company fails to pay the penalty imposed by the adjudicating authority, within the time specified in sub-section (4) of section 14-D or penalty imposed by the Adjudicating Authority within the time specified in sub-section (10) of section 14-Z, every officer of such company (who at the time when damage to environment was committed and in respect of which such penalty has been imposed) was directly in charge of and was responsible to the company for the conduct of the business of the company, such officer shall be punished with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than one crore rupees and in case of such failure to pay the penalty continues, with additional fine which may extend to one lakh rupees for every day during which such failure continues after the first failure or contravention.	

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

	<i>Explanation.</i> — For the purposes of sub-sections (2) and (3), “company” shall have the same meaning as assigned to it in clause (20) of section 2 of the Companies Act, 2013.’.	
Furnishing of false information to authorities and agencies in certain cases.	15B. Whoever furnishes any false information or the false occurrence or false apprehension of occurrence in case of the discharge of environmental pollutant in excess of the prescribed standards due to any accident or other unforeseen act or event, to the authorities or agencies, as required or may be required, under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder, shall be punished with imprisonment for a term which shall not be less than one month but which may extend to six months, or with fine or with both.	
Punishment for failure to comply with direction issued under section 5.	15C. Whoever fails to comply with direction issued by the Central Government under section 5 (including the directions given by the authority or authorities constituted under sub-section (3) of section, be punished with imprisonment for a term which shall not be less than six months but which may extend to three years, or with fine or with both and in case of such failure continues, with an additional fine which may extend to ten lakhs rupees for every day during which such default continues after the first such default or contravention.	
Offences by local authority.	15D. Where an offence under this Act has been committed by any local authority, any person who, at the time the offence was committed, was directly in charge of, and was responsible to, the local authority, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.	
Tempering of machine or equipment or apparatus or meter, or any other such device installed or used or operated for recording environment pollution or preventing	15-E. Whoever	

environment pollution.		
	(a) tampers a machine or equipment or apparatus or meter, or any other such device installed or used or operated for registration, calibration or recording environment pollution or preventing environment pollution; or,	
	(b) installs or uses or operates any machine or equipment or apparatus or meter, or any other such device which interferes with accurate or proper registration, calibration or recording environment pollution or preventing environment pollution; or	
	(c) damages or destroys machine or equipment or apparatus or meter, or any other such device installed or used or operated for registration, calibration or recording environment pollution or preventing environment pollution installed,	
	be punished with imprisonment for a term which shall not be less than three years but which may extend to five years, or with fine or with both and in case of such failure continues, with an additional fine which may extend to five lakhs rupees for every day during which such default continues after the first such default or contravention.”	
Insertion of new sections 20A, 20B and 20C.	7. After section 20 of the principal Act, the following sections shall be inserted, namely:—	
	“20A. (1) Any rule which the Central Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for the levy of such fees in respect of any application, amendment of document, issue of certificate, test, inspection, endorsement, giving of clearance of approval, grant of registration or authorization, supply of statistics or copies of documents or orders, preparation and for any other purpose or matters involving the rendering of any service by the officers of the Central Government or authorities constituted under sub-section (3) of section 3 or officer of the State Government under this Act or any rule made thereunder, as may be considered necessary.	
	(2) Without prejudice to the provisions contained in sub-section (1), the Central Government may by rules, provide for levy of fees for preparation and use of national data base on environment:	
	Provided that the Central Government may, if it considers necessary so to do, in the public interest, by general or special order, exempt any class or classes of persons from the payment of such fee either in	

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

	part or full.	
Fee, etc., to be credited into public account in certain cases.	20B. All fees in respect of matters involving the rendering of any service by the officers of the Central Government including clearance given, approval, registration or authorization made, given or granted to him in pursuance of this Act or under any notification issued thereunder and for preparation and use of national data base on environment shall be paid in the public account of India in the Reserve Bank of India.	
Fees to be credited into notified account in certain cases.	20C. All fees in respect of matters involving the rendering of any service by the officers or the authorities constituted by the Central Government under sub-section (3) of section 3 including clearance or approval given, registration or authorization granted by it, and for use of national data base on environment in pursuance of any provision of this Act or rules made thereunder shall be paid into such account, in consultation with the concerned State Government as may be, specified by notification in the Official Gazette, by the Central Government."	
Substitution of new section for section 21.	8. For section 21 of the principal Act, the following section shall be substituted, namely :-	
Members, officers and employees of the Adjudicating Authority and authority constituted under section 3 and adjudicating officer to be public servants.	"21. All the members, officers and employees of the Adjudicating Authority and authority constituted under section 3 and all other officers and other employees and adjudicating officer when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or direction issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code."	45 of 1860
Amendment of section 24.	9. In section 24 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—	
	"(2) Where any act or omission constitutes an offence punishable under this Act and the rules or orders or direction made or issued thereunder and also under any other relevant Act, then the offender found guilty of such offence shall be liable to be punished under that Act which imposes a greater punishment."	



Insertion of new sections 24A and 24B.	10. After section 24 of the principal Act, the following section shall be inserted, namely:-	
Provisions of this Act to be addition and not in derogation of any law.	"24A. The provisions of this Act shall be in addition to and not in derogation of the provisions of any law for the time being in force.	
Power to amend Schedule.	24B.(1) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other default or contravention under other provisions of this Act or rules made thereunder or order, direction or clearance, approval, authorization, permission, licence, registration made, given or granted under this Act or omitting there from any other default or contravention under other provisions of this Act or rules made thereunder or order, direction or clearance, approval, authorization, permission, licence, registration made, given or granted in pursuance of this Act or under any notification issued thereunder and on the publication of the notification such default or contravention shall be deemed to be specified in, or as the case may be, omitted from, the Schedule.	
	(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses."	
Amendment of section 25.	11. In section 25 of the principal Act, in sub-section (2),—	
	(i) the security to be given by the occupier or other person under sub-section (3) of section 6;	
	(ii) the manner in which the prescribed security shall be returned under sub-section (4) of section 6;	
	(iii) the manner in which the prescribed security shall be forfeited or invoked under sub-section (5) of section 6;	
	(iv) after clause (d) the following clause shall be inserted, namely:—	
	"(a) the manner of authentication of electronic record by the Central	

SECRET

F.No.J-11013/45/2014-IA.I

Ministry of Environment, Forest & Climate Change

	or State Governments or any officer empowered under sub-section (5) of section 11;”;	
	(v) after clause (g), the following clauses shall be inserted, namely:—	
	“(ga) the form in which appeal be made and documents to be accompanied with such form and fees payable for filling appeal to the Adjudicating Authority under sub-section (1) of section 14-G;	
	(gb) specifying the calculation of pollution of water under sub-section (2) of section 14-H;	
	(gc) specifying the calculation of pollution of air under sub-section (2) of section 14-I;	
	(gc) fees or charges payable to the experts under sub-section (2) of section 14-W;	
	(gd) the composition of the Selection Committee and procedure to be followed by it under sub-section (5) of section 14-X;	
	(ge) the salary and allowances payable to, and the other terms and conditions of service of the Members of the Adjudicating Authority under sub-section (9) of section 14-X;	
	(gh) the procedure for investigation of misbehaviour or incapacity of the member of the adjudicating authority under sub-section (13) of section 14-X;	
	(gi) the salaries and allowances and other conditions of service of the officers and employees of the Adjudicating Authority under sub-section (3) of section 14-Y;	
	(gj) form of application to be made under sub-section (3) of section 14-Z and fee and documents to be accompanied along with such application or other evidence for environment pollution under said sub-section;	
	(gk) other matters which may be prescribed under clause (f) of sub-section (1) of section 14-ZC while trying a suit in respect of the following matters;	
	(vi) after clause (j), the following clause shall be inserted, namely:-	
	(ja) levy of fees for preparation and use of national database on environment under sub-section (2) of section 20A;”.	
Insertion of Schedule to this Act.	12. After section 26 of the principal Act, the following Schedule shall be added to the said Act, namely:-	

	<p>“SCHEDULE NATURE OF DEFAULT OR CONTRAVENTION NOT CAUSING ENVIRONMENT POLLUTION. [See sections 2(h), 14A,14C,14D,14E and 24B ]</p>	
Serial Number.	Nature of default or contravention.	Amount of penalty for default or contravention mentioned under column (2) against such defaulter contravention.
(1)	(2)	(3)
1.	DEFAULT IN COMPLYING WITH TERMS AND CONDITIONS OF CLEARANCE, APPROVAL OR AUTHORISATION, PERMISSION, LICENCE OR REGISTRATION TO CARRY ON ANY PROJECT OR ACTIVITY OR OPERATION OR PROCESS.	
	Default in complying with any of the terms and conditions of any clearance, approval or authorisation, permission or licence or registration granted under section 3 or under section 6 or other provisions of the Act or rules made thereunder or under any notification issued thereunder for carrying on any project or activity or operation or process.	a penalty of fifty thousand rupees for each day during which such default continues or fifty lakhs rupees, whichever is less
2.	CARRYING OUT PROJECT OR ACTIVITIES OR OPERATION OR PROCESS WITHOUT OBTAINING CLEARANCE, APPROVAL, AUTHORISATION OR REGISTRATION.	
	Default in obtaining, clearance, approval, authorisation or registration for carrying out project or activities or operation or process, as required or may be required under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN INSTALLATION OF THE POLLUTION CONTROL DEVICES FOR PROTECTING AND IMPROVING THE QUALITY OF THE ENVIRONMENT AND	

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

	PREVENTING, CONTROLLING AND ABATING ENVIRONMENTAL POLLUTION ETC.	
3.	Default in installation of the pollution control devices for protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution, as may be required under section 3 or under section 6 or other provisions of the Act or rules made thereunder or order, direction, clearance, approval, authorisation, permission, licence or registration made, given or granted in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN OPERATING THE POLLUTION CONTROL DEVICES.	
4.	Default in operating the pollution control devices ( after having installed such pollution control devices ) for protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution as may be required under section 3 or under section 6 or other provisions of the Act or rules made thereunder or order, direction, clearance, approval, authorisation, permission, licence or registration made, given or granted in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN FURNISHING ANNUAL REPORT BY THE OCCUPIER OR OPERATOR OF THE PROJECT OR <del>ACTIVITY OR OPERATION OR PROCESS</del> OR ANY OTHER PERSON.	
5.	Default furnishing the annual report or required details or documents or material by the occupier or operator of the project or activity or operation or process or any other person, as may be required, under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration granted made, given or granted in pursuance of this Act or under any notification issued thereunder.	A penalty of fifty thousand rupees for each default or contravention.

	DEFAULT - IN - FURNISHING THE REQUIRED DETAILS OR PRODUCING REQUISITE DOCUMENTS OR MATERIAL AT THE TIME OF INSPECTION OF ANY PROJECT OR ACTIVITY OR OPERATION OR PROCESS.	
6.	Default in furnishing the required details or producing requisite documents or material at the time of inspection of any project or activity or operation or process, as may be required, under clause (vi) of sub-section (2) of section 3 or under other provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration granted, made, given or granted in pursuance of this Act or under any notification issued thereunder.	A penalty of twenty thousand rupees for each default or contravention.
	DEFAULT TO REPORT ACCIDENTS.	
7.	Default in reporting, any accidents occurring in carrying out of the project or activity or operation or process, as may be required under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted in pursuance of this Act or under any notification issued thereunder.	A penalty of five lakh rupees for each default or contravention
	MANAGEMENT OF MUNICIPAL SOLID WASTES GENERATED IN A CITY OR A TOWN BY MUNICIPAL AUTHORITY IN ACCORDANCE WITH THE SPECIFIED CRITERIA AND PROCEDURE	
8.	Default in management of municipal solid wastes generated in a city or a town by municipal authority in accordance with the criteria and contravention of the procedure as specified or may be specified under rules made under the Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN DEVELOPMENT OF INFRASTRUCTURE OR COLLECTION, STORAGE, SEGREGATION,	

SECRET

F.No.J-11013/45/2014-IA.I

Ministry of Environment, Forest & Climate Change

	TRANSPORTATION. PROCESSING AND DISPOSAL OF MUNICIPAL SOLID WASTE BY LOCAL AUTHORITY.	
9.	Default in development of infrastructure for collection, storage, segregation, transportation, processing and disposal of municipal solid waste by local authority in contravention of rules made under the Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN FULFILLING RESPONSIBILITIES OF THE PRODUCER OF ELECTRICAL AND ELECTRONIC EQUIPMENTS (INCLUDING COLLECTION OF E WASTE GENERATED DURING THE MANUFACTURE OF ELECTRICAL AND ELECTRONIC EQUIPMENT AND CHANNELIZING IT FOR RECYCLING OR DISPOSAL, SETTING UP COLLECTION CENTERS OR TAKE BACK SYSTEMS EITHER INDIVIDUALLY OR COLLECTIVELY, PROVIDING CONTACT DETAILS SUCH AS ADDRESS, TELEPHONE NUMBERS/HELPLINE NUMBER OF AUTHORIZED COLLECTION CENTERS TO CONSUMER) etc.	
10.	Default in fulfilling responsibilities of the producer of electrical and electronic equipments (including collection of waste of electrical and electronic equipments generated during the manufacture of electrical and electronic equipment and channelizing it for recycling or disposal, setting up collection centres or take back systems either individually or collectively, providing contact details such as address, telephone numbers, helpline number of authorized collection centres to consumer) as may be specified under rules made under the Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder..	a penalty of five thousand rupees for each day during which such default continues or fifty lakhs rupees, whichever is less.
	DEFAULT IN FULFILLING RESPONSIBILITIES OF THE COLLECTION CENTRES (INCLUDING STORING WASTE	

	ELECTRICAL AND ELECTRONIC EQUIPMENT IN A SECURED MANNER TILL IT IS SENT TO REGISTERED DISMANTLER OR RECYCLER, AS THE CASE MAY BE, AND ENSURING THAT NO POLLUTION IS CAUSED TO THE ENVIRONMENT DURING STORAGE AND TRANSPORTATION OF ELECTRICAL AND ELECTRONIC EQUIPMENT WASTE) ETC.	
11.	Default in fulfilling responsibilities of the Collection Centres (including default in storing waste electrical and electronic equipments in a secured manner till it is sent to registered dismantler or recycler, as the case may be, and ensuring that no pollution is caused to the environment during storage and transportation of waste electrical and electronic equipments) as may be required under rules made under the Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	a penalty of five thousand rupees for each day during which such default continues or fifty lakhs rupees, whichever is less.
	DEFAULT IN FULFILLING RESPONSIBILITIES OF THE DISMANTLER IN DISMANTLING OF USED ELECTRICAL AND ELECTRONIC EQUIPMENT INTO THEIR COMPONENTS (INCLUDING ENSURING THAT NO POLLUTION IS CAUSED TO THE ENVIRONMENT DURING STORAGE AND TRANSPORTATION OF ELECTRICAL AND ELECTRONIC EQUIPMENT WASTE, <del>DISMANTLING PROCESSES DO NOT HAVE</del> ANY ADVERSE EFFECT ON THE HEALTH AND THE ENVIRONMENT AND ENSURING THAT DISMANTLED E-WASTE ARE SEGREGATED AND SENT TO THE REGISTERED RECYCLING FACILITIES FOR RECOVERY OF MATERIALS).	
12.	Default in fulfilling responsibilities by dismantler in dismantling of used electrical and electronic equipment into their components (including default in ensuring that no pollution is caused to the environment during storage and transportation of electrical and electronic equipment waste, dismantling processes and ensuring that dismantled such wastes are	a penalty of ten thousand rupees for each day during which such default continues or fifty lakhs rupees, whichever is less.

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

	segregated and sent to the registered recycling facilities for recovery of materials) as may be required under rules made under the Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	
	<b>CARRYING OUT PROHIBITED ACTIVITIES WITHIN COASTAL REGULATION ZONE COASTAL REGULATION ZONE AREA.</b>	
13.	Carrying out prohibited activities within the coastal regulation zone area (including default in setting up of new industries and expansion of existing industries except, those directly related to waterfront or directly needing foreshore facilities and default) as may be required, under rules made under the Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	<b>DEFAULT IN COMPLYING WITH THE REQUIREMENTS FOR CARRYING OUT PERMISSIBLE ACTIVITIES WITHIN COASTAL REGULATION ZONE AREA COASTAL REGULATION ZONE.</b>	
14.	Default in complying with the requirements for carrying out permissible activities within coastal regulation zone area (including carrying out any activity within the coastal regulation zone not requiring waterfront and foreshore facilities and making default in carrying out projects or construction etc., in coastal regulation zone area) as may be required under rules made under the Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	a penalty of fifty thousand rupees for each day during which such default continues or five lakhs rupees, whichever is less.
	<b>DEFAULT IN PROVIDING TO THE CONCERNED AUTHORITY WITH REQUISITE INFORMATION FOR PREPARATION OF OFF-SITE EMERGENCY.</b>	
15.	Default in providing the concerned authority with such information relating to the project or activity or operation or process under the control of the occupier or his agent any other person as the concerned authority may require, (including	a penalty of fifty thousand rupees for each default.



124)

	the nature, extent and likely effect off-site of possible major accident) for preparation of off-site emergency plan by such authority, as may be required under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	
	DEFAULT IN CONDUCTING THE SAFETY AUDIT OR FRESH SAFETY AUDIT OR IN PREPARING SAFETY-REPORT OR UPDATING IT.	
16.	Default in conducting the safety audit or fresh safety audit or fresh safety audit or in preparing safety-report or updating it or forwarding the safety audit report to the concerned authorities, as may be required, under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of fifty thousand rupees for each default.
17.	Default by environmental laboratories or Institutes to evolve standardized methods for and analysis of various types of environmental pollutants including air, water, soil or other substance for analysis) as may be required under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each default.
	DEFAULT BY ENVIRONMENTAL LABORATORIES OR INSTITUTE TO CARRY OUT SUCH INVESTIGATIONS AS MAY BE DIRECTED BY THE CENTRAL GOVERNMENT TO LAY DOWN STANDARDS FOR THE QUALITY OF ENVIRONMENT.	
18.	Default by environmental laboratories or	a penalty of two lakhs rupees

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

	Institutes to carry out such investigations as may be directed by the Central Government to lay down standards for the quality of environment and discharge of environmental pollutants to monitor and to enforce the standards laid down under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	for each default.
19.	DEFAULT IN HANDLING OR CAUSE TO BE HANDLED ANY HAZARDOUS SUBSTANCE IN ACCORDANCE WITH PROCEDURE AND SAFEGUARDS PRESCRIBED.	
	Default in handling or cause to be handled any hazardous substance in accordance with procedure and complying with the safeguards as specified or may be specified under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT TO KEEP HAZARDOUS MATERIAL IN ISOLATED STORAGE OR IN SPECIFIED MANNER OR IN SPECIFIED QUANTITY.	
20.	Default in keeping hazardous material in isolated storage or in specified manner or in specified quantity as required or may be required under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT TO LABEL OR MARK THE CONTAINER CONTAINING THE HAZARDOUS CHEMICAL.	
21.	Default to label or mark to identify the container;	a penalty of fifty thousand rupees for each default.

	indicating the name and address of the manufacturer or importer of the hazardous chemical and the physical, chemical and toxicological data as specified or may be required under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	
	FURNISHING OF FALSE INFORMATION TO AUTHORITIES AND AGENCIES IN CERTAIN CASES.	
22.	Furnishing false information to authorities and agencies or false fact of occurrence or apprehension of occurrence in case of the discharge of environmental pollutant in excess of the prescribed standards due to any accident or other unforeseen act or event, to the authorities or agencies, as required or may be required, under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each contravention.
	DEFAULT IN COMPLYING WITH DIRECTIONS ISSUED BY CENTRAL GOVERNMENT OR AUTHORITY.	
23.	Default in complying with directions issued under section 5 of the Act by the Central Government or authority constituted under sub-section (3) of section 3 of the Act.	a penalty of five lakh rupees for each default.
	CONTRAVENTION IN RESPECT OF PRODUCTION OR CONSUMPTION OR EXPORT OR IMPORT OR SALE OR STOCK OR PURCHASE OR RECLAMATION OR DESTRUCTION OR NEW INVESTMENTS OF, OR, IN OZONE DEPLETING SUBSTANCES.	
24.	Production or consumption or export or import or sale or stock or purchase or reclamation or destruction or new investments of, or, in ozone	a penalty of one lakh rupees each contravention.

SECRET  
F.No.J-11013/45/2014-IA.I  
Ministry of Environment, Forest & Climate Change

	depleting substances in contravention of the provisions under the Act or rules made order or direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	
	DEFAULT IN DISCHARGING RESPONSIBILITIES OF MANUFACTURER, IMPORTER, ASSEMBLER AND RE-CONDITIONER OR IN DISCHARGING RESPONSIBILITIES BY DEALERS OR, RECYCLER OR CONSUMER OR BULK CONSUMER OR AUCTIONEER OF BATTERIES.	
25.	Default in discharging responsibilities of manufacturer, importer, assembler and re-conditioner or by dealers or recycler or consumer or bulk consumer or auctioneer, as required or may be required under the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder..	a penalty of twenty five thousand for each default.
	DEFAULT IN COMPLYING WITH CONDITIONS OR REQUIREMENTS IN THE COURSE OF MANUFACTURE, STOCKING, DISTRIBUTION, SALE AND USE OF PLASTIC CARRY BAGS AND SACHETS, RECYCLING, RECOVERY OR DISPOSAL OF PLASTIC WASTE ETC.	
26.	Default in complying with conditions or requirements in the course of manufacture, stocking, distribution, sale and use of plastic carry bags and sachets, recycling, recovery or disposal of plastic carry bags and sachets, plastic waste management, as required or may be required, under the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of fifteen thousand rupees for each default.

27.	DEFAULT IN COMPLYING WITH REQUIREMENTS FOR HANDLING, SETTING UP REQUISITE TREATMENT AND DISPOSAL FACILITIES FOR BIO-MEDICAL WASTE.	
	Default by an occupier of an institution generating bio-medical waste(including a hospital, nursing home, clinic, dispensary, veterinary institution, animal house pathological laboratory, blood bank by whatever name called) in taking steps to ensure that such waste is handled without any adverse effect to human health, or default in segregation, packaging, storage of biomedical waste into containers or bags and their labelling at the point of generation prior to its storage, transportation, treatment, as required or may be required, under the Act or rules made thereunder or order, or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder..	a penalty of fifteen thousand rupees for each day during which such default continues or fifty thousand rupees, whichever is less.
	DEFAULT IN SETTING UP REQUISITE BIO-MEDICAL WASTE TREATMENT AND DISPOSAL FACILITIES.	
28.	Default by an occupier in setting the treatment facilities (such as incinerator, autoclave, microwave system) for the treatment of bio-medical waste or taking steps for requisite treatment of such waste at a common waste treatment facility or any other waste treatment facility to ensure that such waste is handled without any adverse effect to human health with the time-schedule as required or may be required under the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of fifteen thousand rupees for each default or rupees fifty lakh whichever is less.
	DEFAULT IN KEEPING BIO-MEDICAL WASTE STORED BEYOND SPECIFIED HOURS.	
29.	Default in keeping bio-medical waste stored beyond hours as specified or may be specified	a penalty of fifteen thousand for each day during which such