

THE ENVIRONMENT LAWS (AMENDMENT) BILL, 2016

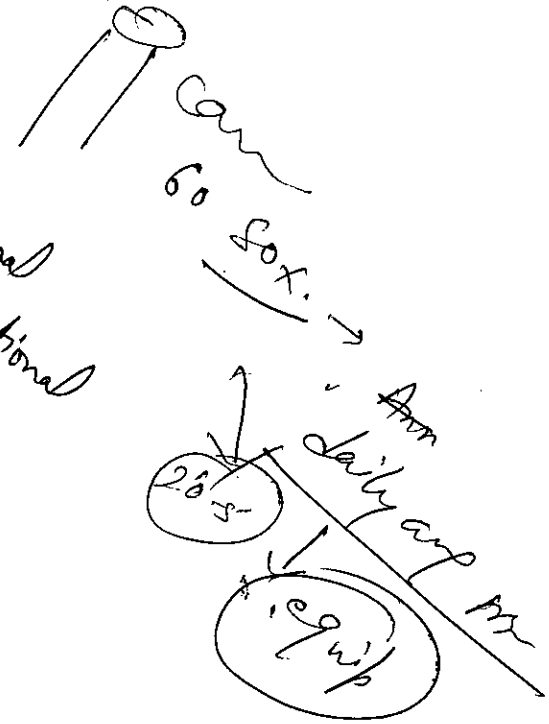
A

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-sixth 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 (aa) thereof and before clause (aa) 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-Y, by the Central Government;	
	(aa) “adjudicating officer” means officer or officers appointed under section 14-B;	
	(ii) after clause (e), the following clauses shall be inserted, namely:—	
	“(ea) “micro-organisms” shall include all types of bacteria, viruses, fungi, mycoplasma, cell lines, algae, protozoans and nematodes and shall also include those organisms which have not been presently known to exist, or not have been discovered so far, in India;	to delete
	(iii) after clause (g), the following clauses shall be inserted, namely:—	

Proce

1. Analogous arrangement
2. National International

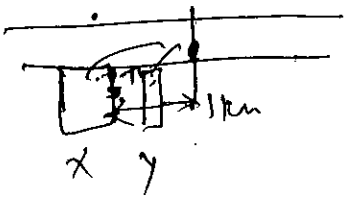


CEMS
Compliance schedule based on CEMS
and enforcement mechanism
Samples for detection
measurement shall be used

	(h) "Schedule" means the Schedule to this Act;	
	(i) "Selection Committee" means a Selection Committee referred to in sub-section (4) of section 14-Y;	
	(j) "Tribunal" means the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010;	19 of 2010.
	(k) 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, 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."	
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 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)	<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, 14ZF AND, 14ZG.	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	

including the method of measurement for sample the protocol and enforcement

	mentioned under column (2) of the said Schedule against such penalty.	
Power to adjudicate penalties under Schedule by adjudicating officer.	14B. For the purpose of adjudging penalties specified in the Schedule, the Central Government shall, within one 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 in the prescribed manner after giving the occupier or his agent and any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.	
Jurisdiction of adjudicating officer and adjudicating officers.	14C.(1) The Central Government shall, by notification, specify the areas in relation to which each adjudicating officer and adjudicating officers exercise jurisdiction for exercising and discharging 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 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 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 <u>thirty</u> days from the date of filing of the application, after providing the occupier and the other parties concerned an opportunity of being heard.	60 days
	(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 thirty days from the date of receipt of the order imposing such penalty.	
Factors to be taken into account by adjudicating officer.	14D. 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 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	



1475

	environment or cause environment pollution.	
Transfer of case causing environment pollution by adjudicating officer to Adjudicating Authorities in certain cases.	14E. In case the adjudicating officer or adjudicating officers, while adjudging penalties under sub-section (2) of section 14C, 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 order of adjudicating officer to Adjudicating Authority.	14F. Any person aggrieved by an order made by the adjudicating authority or adjudicating officers under sub-section (2) of section 14C 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. →	25% deposit
Penalty for environment pollution by pollution of water.	14G. 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 <u>or any other law for the time being in force</u> 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 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 <u>organisms</u> shall be liable to penalty, -- organisms?	
	(a) in case of such environment pollution, being within an area not exceeding one kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, 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, being within an area exceeding one kilometers but not exceeding two kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, 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;	
	(c) in case of such environment pollution, being beyond the area of two kilometers but within five kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding six crore rupees and in case of continuing such pollution, with an additional penalty which may extend to six lakh rupees for every day during which the pollution continues;	
	(d) in case of such environment pollution, being beyond the area of five kilometers but within ten kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding to eight crore rupees and in case of continuing such pollution, with an additional penalty which may extend to eight lakh rupees for every day during which the pollution continues;	
	(e) in case of such environment pollution, being beyond the area of ten kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding to ten crore rupees and in case of continuing such pollution, with an additional penalty which may extend to ten lakh rupees for every day during which the pollution continues;	
	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"	

147)

	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 by pollution of air.	14-H. 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, being within an area not exceeding five kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, 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;	
	(b) in case of such environment pollution, being within an area exceeding five kilometers but not exceeding ten kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, 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;	
	(c) in case of such environment pollution, being beyond the area of ten kilometers but within fifteen kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding six crore rupees and in case of continuing such pollution, with an additional penalty	

	which may extend to six lakh rupees for every day during which the pollution continues;	
	(d) in case of such environment pollution, being beyond the area of fifteen kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding ten crore rupees and in case of continuing pollution, with an additional penalty which may extend to ten lakh rupees for every day during which the pollution continues.	
	<i>Explanation.</i> —For the purposes of this section,-	
	(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.	
Penalty for environment pollution caused by hazardous material (including hazardous wastes).	14-I. 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 within an area not exceeding five kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding to 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;	
	(b) in case of such environment pollution, being within an area of five kilometers but within ten kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty of not exceeding to four crore rupees and in case of continuing such pollution, with an additional	

1779

	penalty which may extend to four lakh rupees for every day during which the pollution continues;	
	(c) in case of such environment pollution, being beyond the area of ten kilometers but within fifteen kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding six crore rupees and in case of continuing such pollution, with an additional penalty which may extend to six lakh rupees for every day during which the pollution continues;	
	(d) in case of such environment pollution, being beyond the area of fifteen kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding eight crore rupees and in case of continuing such pollution, with an additional penalty which may extend to eight 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.	
Penalty for environment pollution relating to ozone depleting substances.	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 ozone depleting substances (including manufacture, production, sale, purchase, reclamation, and destruction, new investments, destruction and consumption of ozone depleting substances export to or import) ^{thereof} and such default causes environment pollution, shall be liable to penalty of five ² lakhs rupees for each day during which such default continues or ten ⁵ 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 <u>any</u> 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-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 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 twenty ^{fifty} thousand rupees for each day during which such default continues or five ^{two} crore 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-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 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 twenty thousand 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) "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-M. 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 twenty crore rupees, whichever is less.	
Penalty for environment pollution by bio - medical waste.	14-N. 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 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 five ^{50,000} lakh rupees for each day during which such default continues or five ² crore rupees, whichever is less.	
Penalty for environment pollution by electrical and electronic equipments.	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 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 two ²⁰⁰⁰⁰⁰ lakh rupees for each day during which such default continues or five ²⁰⁰ crore rupees, whichever is less.	<i>Battery</i>
Penalty for environment pollution by <u>municipal</u> solid wastes.	14-P.(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, landfilling 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 twenty ¹⁰ five 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.	
Environment pollution by excess ambient air quality standards in respect of noise in any area or zone.	14-Q. 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 noise and such default causes environment pollution by excess ambient air quality standards in respect of noise in any area or zone, shall be liable to a penalty of twenty thousand rupees for each day during which such default continues or twenty lakhs, whichever is less.	
Pollution to environment due to non-installation or operation of requisite pollution control devices.	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 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 five 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 (except those provided in sections 14G, 14H, 14-I, 14-J, 14-K, 14-L, 14-M, 14-N, 14-O, 14-P, 14-Q and 14-R) and such default causes environment pollution, shall be liable, --	
	(a) in case of environment pollution, being within an area not	

100

100

100

100

100

1482

	exceeding two kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, 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;	
	(b) in case of environment pollution, being within an area exceeding two kilometers but not exceeding five kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, 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;	
	(c) in case of environment pollution, being beyond the area of five kilometers but within ten kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to penalty of not exceeding ten crore rupees and in case of continuing pollution, with an additional penalty which may extend to ten lakh rupees for every day during which the pollution continues;	
	(d) in case of environment pollution, being beyond the area of ten kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding to fifteen crore rupees and in case of continuing such pollution, with an additional penalty which may extend to fifteen lakh rupees for every day during which the pollution continues :	
✓	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-14 ^{2A} V and opinion of the scientist or experts under sub-section (5) of section 14Z, after recording reasons therefor, impose higher penalty as specified for in clause (b) clause (c) or clause (d), as the case may be.	
Penalty for environment pollution due to default in complying with prohibition or restrictions imposed on location of	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	

industries or carrying on of any process or operation in an area.	location of industries or carrying on of any process or operation in any area and such default causes environment pollution, shall be liable, ---.	
	(a) in case of environment pollution, being within an area not exceeding two kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, 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;	
	(b) in case of environment pollution, being within an area exceeding two kilometers but not exceeding five kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty of 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;	
	(c) in case of environment pollution, being beyond the area of five kilometers but within ten kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding ten crore rupees and in case of continuing such pollution, with an additional penalty which may extend to ten lakh rupees for every day during which the pollution continues;	
	(d) in case of environment pollution, being beyond the area of ten kilometers radial distance from the outer boundary of the project area or source of causing such environment pollution, whichever having a closer proximity as a cause to such pollution, to a penalty not exceeding fifteen crore rupees and in case of continuing such pollution, with an additional penalty which may extend to fifteen lakh rupees for every day during which the pollution continues.	
Penalty for environment pollution to biological diversity.	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, authorization, permission, registration made, given or granted to him in pursuance	

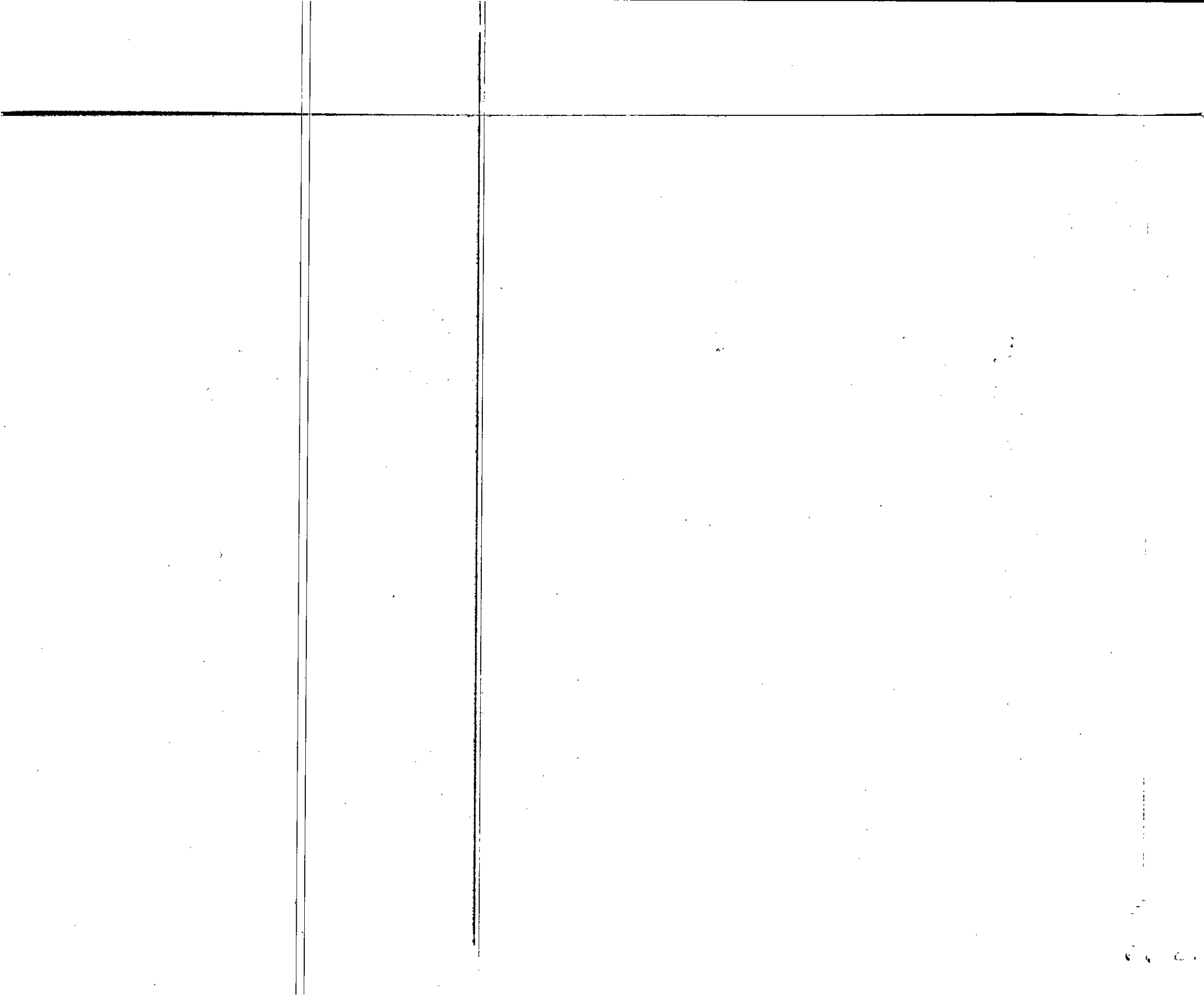


	of this Act or under any notification issued thereunder relating to location of industries or carrying on of any process or operation in any area and such default causes environment pollution to the biological diversity, shall be liable to a penalty of an amount not exceeding to twenty crore rupees and 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.	
Penalty for environment pollution where no separate penalty has been provided therefor.	14-V. 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, shall be liable two lakh rupees for each day during which such default continues or twenty five crore ^{5 crore} rupees, whichever is less.	
Opinions of scientists or experts or factors to be considered by Adjudicating Authority.	14-W. While adjudicating the quantum of penalty under sections 14-G, 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 Adjudicating Authority shall have due regard to the following, namely:—	
	(a) opinion of scientists and experts referred to in section 14-V 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 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 disproportionate gain or unfair advantage, wherever quantifiable, made as a result of environment pollution ^{default}	
	(f) the repetitive nature of the of environment pollution ^{and} the historical compliance record of the non-conforming industry;	
	(g) the continuance of default;	

1486

	(h) devastating nature of emissions of toxic fumes, 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.	
Preparation of panel of scientist and experts on the matters relating to environment.	14-X. (1) The Central Government shall, within six months of the commencement of the Environment Laws (Amendment) Act, 2016, prepare a panel of scientist and experts in the 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 other authorities or courts , as may be required for the purposes of this Act.	
	(2) The scientist and experts referred to in sub-section (1) shall be paid such fees 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-Y.(1) For the purpose of adjudging penalties under sections 14A to 14-V, 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, <u>administration of matters relating to Environment and science relating to environment.</u>	
	(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 <u>Joint Secretary or equivalent under the Central Government or State or in a reputed National or State level institution and having at least five years' experience of handling the matters relating to environment:</u>	JS - 900
	(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 Doctorate degree or Master of Engineering or Master of Technology and having at least ten 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) Subject to the provisions of this Act,-	
	(a) the jurisdiction of the Adjudicating Authority may be exercised by Benches thereof;	
	(b) a Bench may be constituted by the Chairperson of the Adjudicating Authority with one or two Members as the Chairperson of the Adjudicating Authority may deem fit;	
	(c) the Benches of the Adjudicating Authority shall ordinarily sit at such places as the Central Government may, in consultation with the Chairperson, by notification, specify;	
	(d) the Central Government shall, by notification, specify the areas in relation to which each Adjudicating Authority and Bench of an Adjudicating Authority may exercise jurisdiction.	
	(8) Notwithstanding anything contained in sub-section (7), the Chairperson may transfer a Member from one Bench to another Bench.	
	(9) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member of the Adjudicating Authority that the case or matter is of such a nature that it ought to be heard by a Bench consisting of two Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him for transfer, to such Bench as the Chairperson may deem fit.	
	(10) 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-two years ⁶⁵ 70 ^{years}	
	(11) 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.	
	(12) If, for reasons other than temporary absence, any vacancy occurs in the office of the <u>Chairperson</u> 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 maybe continued before the Adjudicating Authority from the stage at which the vacancy is filled.	
	(13) 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.	
	(14) 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.	
	(15) 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 (5) of section 14X, pass an order suspending the Member, if it is satisfied that the Member should cease to discharge his functions.	
	(16) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the	

1489

of the Act

	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.	
	(17) 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.	
	(18) The Chairperson or any other Member 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.	
	(19) 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 of this Act, the Adjudicating Authority shall have powers to regulate its own procedure.	5 of 1908.
Staff of Adjudicating Authorities.	14-Z.(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.	14ZA. (1) Any person aggrieved (including any representative body or organization) or the Central Government of a State Government or a Union territory Administration or Panchayat or Nagar Panchayat or municipality or Municipal Council or district board, local board or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or any environmental authority referred to in section 14ZC, may by an application make a complaint for contravention of 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 contravention causing environment pollution along with details of such environment pollution caused by the defendant or defendants.	
	(2) Every appeal under section 14F or application under sub-section (1) shall be made to the Adjudicating Authority having jurisdiction in	

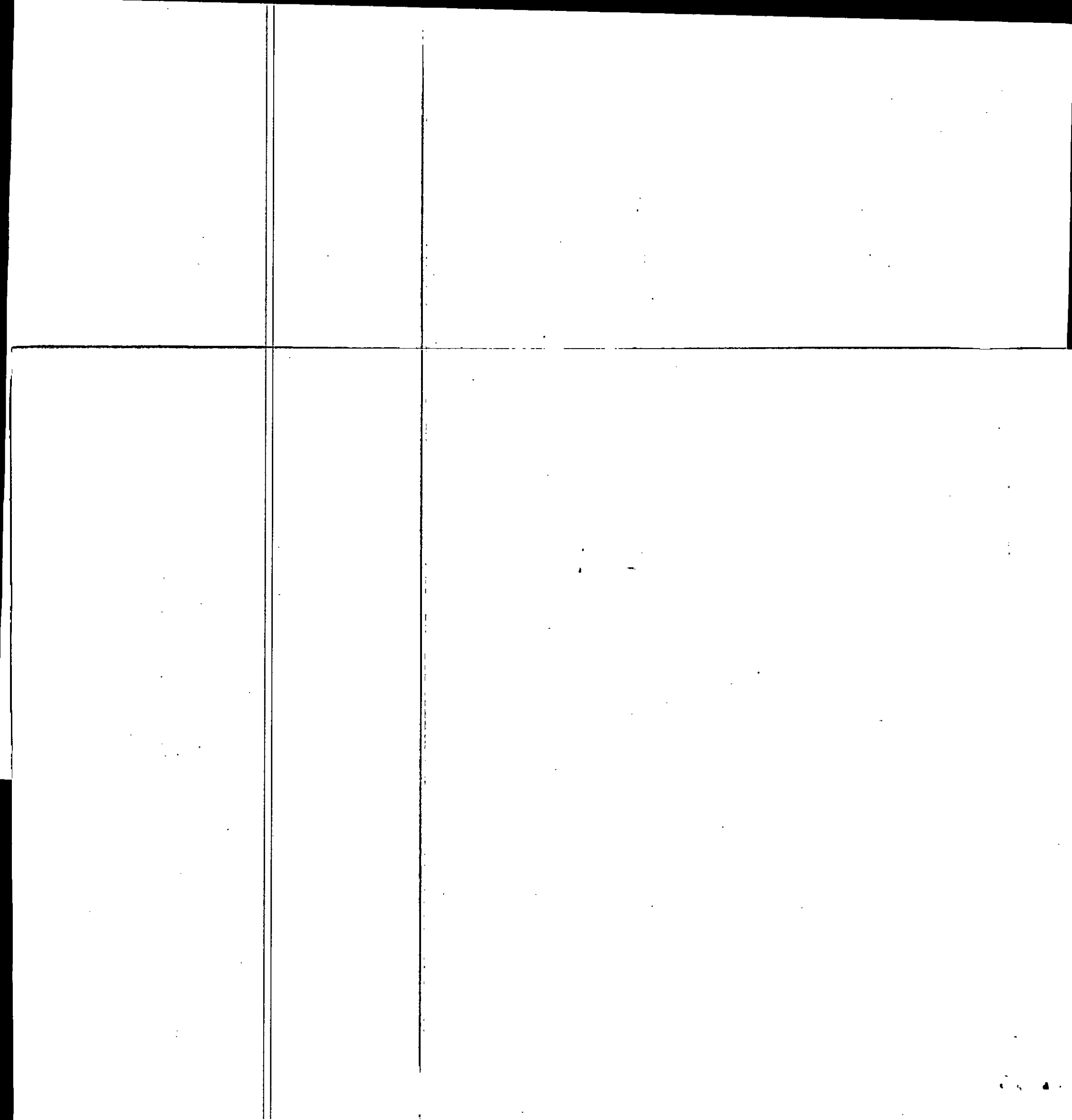
STP
C P S KPD

WET

	respect of appeal or application, as the case may be.	
	(3) Every application under sub-section (1) shall be in such form and be accompanied by such documents or other evidence for environment pollution and by such fee for filing the appeal or application as may be prescribed:	
	Provided that different fees may be levied for different class or classes of appellant or applicants. ✓	
	(4) On receipt of the appeal made under section 14F or application under sub-section (1), as the case may be, the Adjudicating Authority shall issue summons requiring the respondent or defendant 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.	
	(5) The Adjudicating Authority may, if it considers it appropriate, may direct that the opinion of one or more scientist or experts out of the panel referred to in section 14-W, be obtained and such scientist or experts shall give his opinion on the environment pollution alleged in the appeal or application, within fifteen ³⁰ days of receipt of such direction.	
	(6) The Adjudicating Authority may, having regard to the opinion of scientists and experts referred to in section 14-W and other factors referred to in section 14V, and taking into account all relevant materials placed on record before it relating to default and environment pollution caused by the defendant or defendants, 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 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 of this Act.	
	Provided that in case an Adjudicating Authority, having regard to the extent and gravity of the environment pollution and the to the factors mentioned in section-14V and opinion of the scientist or experts under sub-section (5) of section 14Z, after recording reasons therefor, may ignore the distance for which penalty has been provided for under this Act and impose a higher penalty specified for larger distance for the same default.	
	(7) Where the Adjudicating Authority holds that an appeal or application made before it under this Act, is false or vexatious, the ✓	

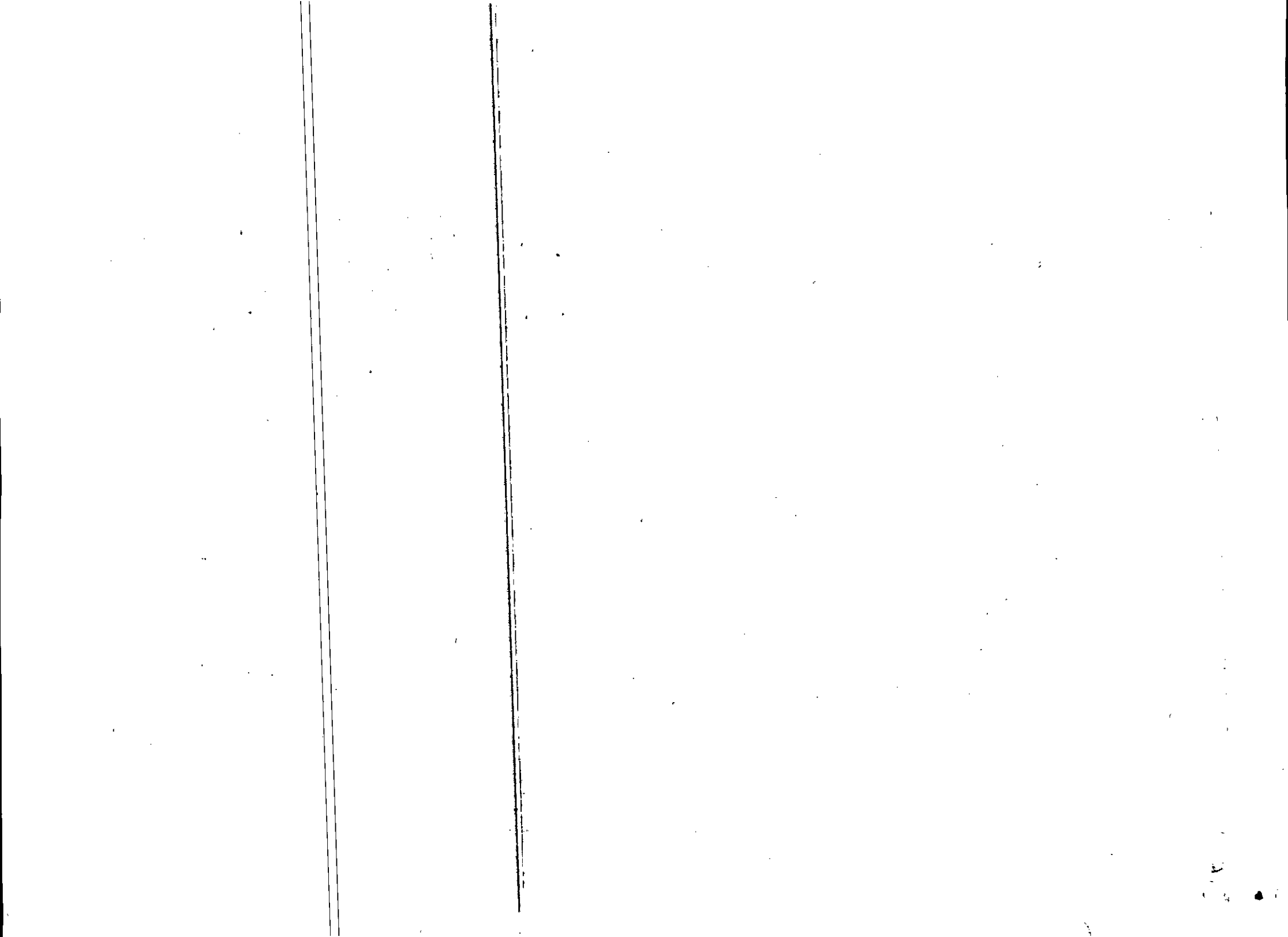
and Adjudicating Authorities.	a Union territory Admini or municipality or Muni or the Central Pollution Board or a Pollution C authority constituted o (Protection) Act, 1986; o law for the time being in adjudicating officer or penalty in accordance with
Recovery of amounts of penalty.	14ZE. (1) If a person adjudicating officer or by Officer may draw up under form specifying the amo being hereafter in this C proceed to recover from certificate by one or more
	(a) attachment and sale of
	(b) attachment of the perso
	(c) attachment and sale of
	(d) arrest of the person and
	(e) appointing a receiver movable and immovable p
	and for this purpose, the 229, 232, the Second and 1961 and the Income-tax (force from time to time, i modifications as if the said the provisions of this Act a Act instead of to income-
	<i>Explanation 1-</i> For the p movable or immovable pr shall include any propertye been transferred directly or amount specified in certific spouse or minor child or s than for adequate considera name of, any of the person immovable property or mo to his minor child or his son after the date of attainment minor child, as the case person's movable or immo accounts for recovering any Act.
	<i>Explanation 2-</i> Any referen

	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 section 14F or application made under sub-section (1), shall be disposed of within a period of <u>six months</u> from the date of filing of the appeal or making of the application, after providing the parties concerned an opportunity of being heard. Adjudicating Authority	
	(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 receipt of the order. ✓	
Appeal to National Green Tribunal.	14ZB. Any person aggrieved by an order made by the Adjudicating Authority under sub-section (6) of section 14ZA may prefer an appeal, within a period of ninety days from the date of receipt of the order imposing penalty, to the <u>National Green Tribunal established</u> 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 <u>civil court</u> under the Code of Civil Procedure, 1908 while trying a <u>suit</u> 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.
Who can make an application before adjudicating officer	14-ZD.(1) Any person aggrieved (including any representative body or organization) or the Central Government or a State Government or	



	Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.	
	<i>Explanation 3-</i> Any reference to appeal in Chapter XVIII and the Second Schedule to the Income-tax Act, 1961, shall be construed as a reference to appeal before the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010.	
	(2) The Recovery Officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).	
	(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Central Government under section 5, shall have precedence over any other claim against such person.	
	(4) For the purpose of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Central Government who may be authorized, by general or special order in writing, to exercise the powers of a Recovery Officer.	
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 or prosecution for commission of any offence under this Act.	14ZF. 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 or prosecution for commission of any offence under this Act. ✓✓	
Crediting sums realized by way of certain penalties.	14ZG. All sums realized by way of penalties, imposed by the adjudicating authority or Adjudicating Authority shall be credited to such fund as may be created by the Central Government and all such sums shall be utilized for the protection, improvement and management of the environment. ✓✓	✓✓
Substitution of new sections 15, 15A and 15B 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	

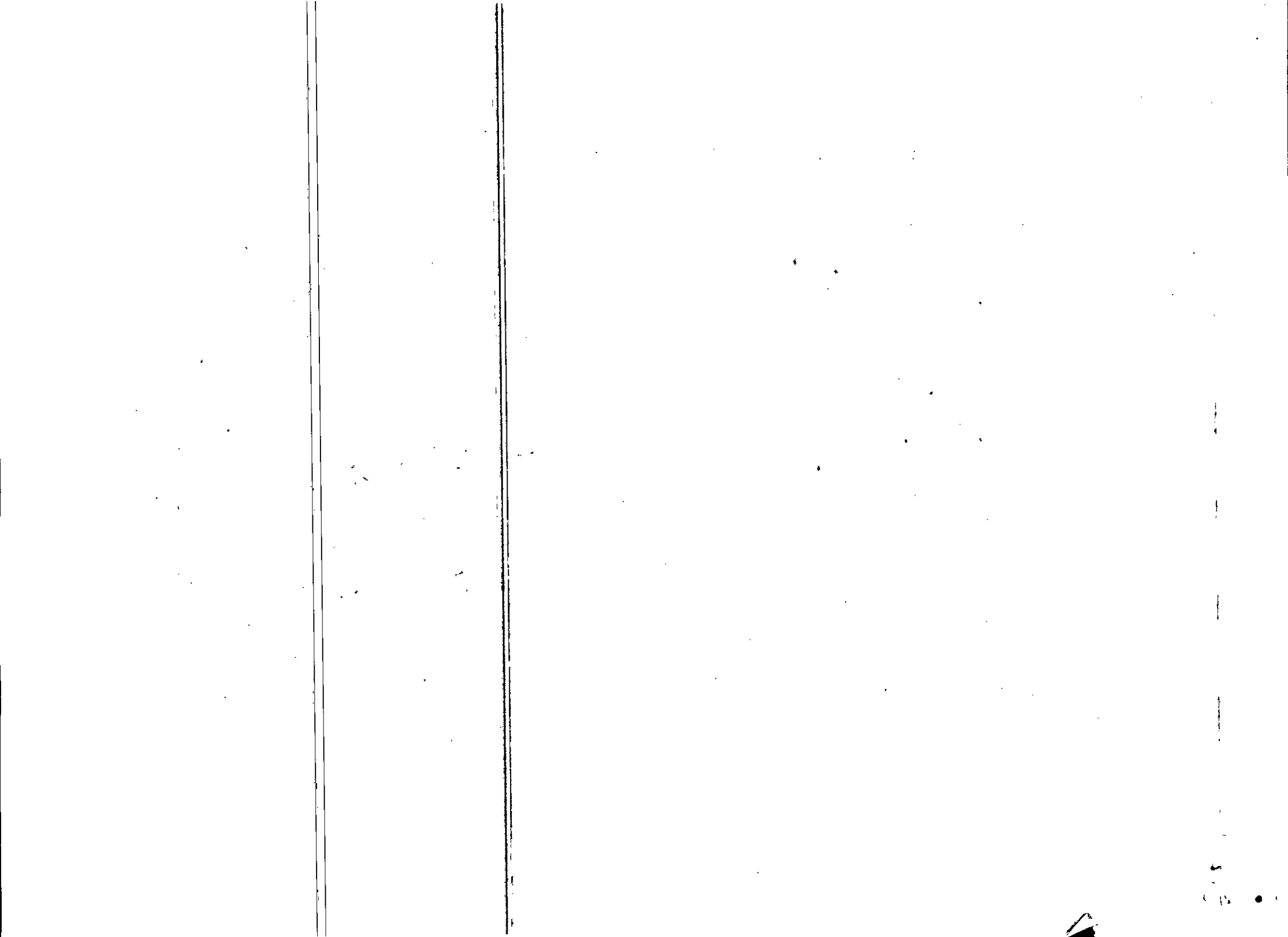
	which shall not be less than seven years but which may extend to <u>ten</u> years and with fine which shall not be less than <u>ten crore rupees</u> , and in case of continuing such pollution, with an additional fine which may extend to <u>fifty lakh rupees</u> for every day during which the pollution continues.	
	<i>Explanation.1.</i> —For the purposes of this section, --	
	(a) "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	
15A	(c) carrying out project or activities or operation or <u>process by the</u> occupier or his agent any other person (including release of environment pollutant).	→ failure to pay penalty same
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 <u>made thereunder or order</u> , direction or clearance, approval, authorisation, <u>permission, licence or</u> registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder. <u>shall be punished</u>	→
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, 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 <u>continues with an additional fine which may extend to ten lakhs rupees</u> for every day during which such default continues after the	→



1495

	first such default or contravention.	
Offences by Municipal Authority.	15D.(1)Where an offence under this Act has been committed by any Municipal Authority, the Chairperson, or Head of such Municipal Authority, by whatever name called, who, at the time the offence was committed, was directly in charge of, and was responsible to, the Municipal Authority, as well as the Municipal Authority, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:	
	(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Municipal Authority and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer or other person, other than the Chairperson, or Head of such Municipal Authority, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.	
	<i>Explanation.</i> -- For the purposes of this section and section 15B, "Municipal Authority" means Municipal Corporation, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including notified area committee or any other local body constituted under any law for the time being in force to whom the management and handling of municipal <u>solid waste</u> has been entrusted.	
Insertion of new sections 20A, 20B and 20C.	7. After section 20 of the principal Act, the following sections shall be inserted, namely:—	
"Power to levy fee in respect of matters for which no levy of fee provided.	"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 <u>levy of such fees in respect of</u> 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 <u>preparation and use of national data base on environment:</u>	
	Provided that the Central Government may, if it considers necessary so to do, in the public interest, by general or special order,	

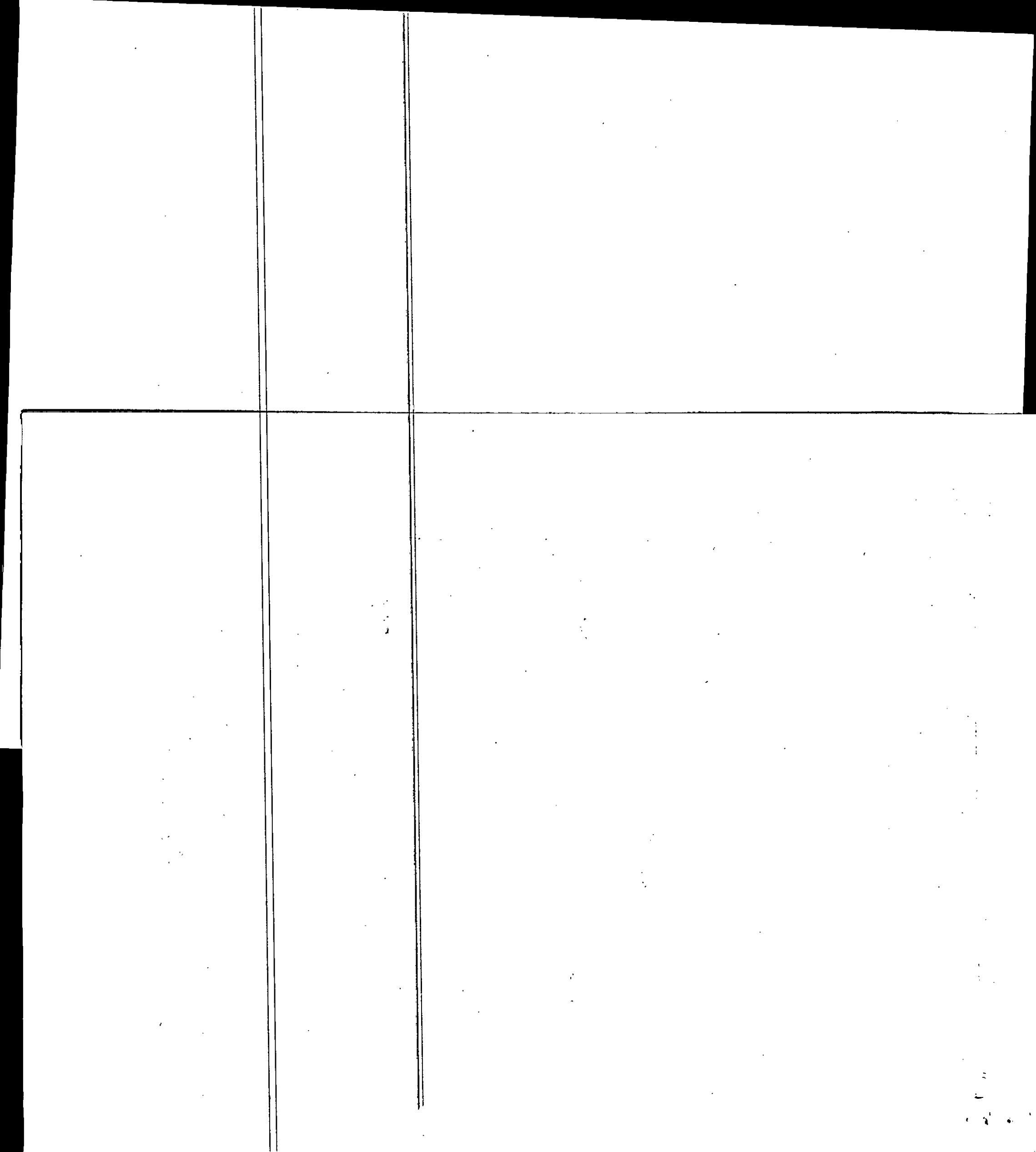
	exempt any class or classes of persons from the payment of such fee either in part or full.	
Fee, etc., to be credited into public account in certain cases.	20B. All fees in respect of matters involving the rendering of any service by the officers of the Central Government including clearance given, 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 into 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."	→
Amendment of section 21.	8. In section 21 of the principal Act, for the words and figure "All the members of the authority, constituted, if any under section (3)" the words, figures and letter " The Chairperson and other Members of the Adjudicating Authority, all the members of the authority, constituted, if any under section 3 and adjudicating Officer " shall be substituted.	
Amendment of section 22.	9. In section 22 of the principal Act, for the words "or officer", the words "or adjudicating authority or adjudicating officer or other officer" shall be substituted.	
Amendment of section 23.	10. In section 22 of the principal Act, after the words brackets and figures "expect to power to constitute an authority under sub-section (3) of section 3", the words brackets and figures "expect to power to constitute an authority under sub-section (3) of section 3 or impose penalty under this Act" shall be substituted.	
Amendment of section 24.	11. 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.	12. 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 therefrom 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	13 In section 25 of the principal Act, in sub-section (2).—	
	(i) clause (a) shall be re-numbered as clause (ac) thereof and before clause (ac) as so re-numbered, the following clauses shall be inserted, namely:—	
	"(a) the manner of authentication of electronic record by the Central or State Governments or any officer empowered under sub-section (5) of section 11;"	
	(ii) after clause (g), the following clauses shall be inserted, namely:—	
	"(ga) the manner of holding inquiry by the adjudicating officer under section 14B;	

"SCHEDULE" NATURE OF DEFAULT OR CONTRAVENTION NO. [See sections 2(h), 14A, 14B]	
Serial Number.	Nature of default or contravention.
(1)	(2)
	DEFAULT IN INSTALLATION OF THE POLLUTION CONTROL DEVICES FOR PROTECTING AND IMPROVING THE QUALITY OF ENVIRONMENT AND PREVENTING, CONTROLLING AND ABATING ENVIRONMENTAL POLLUTION etc.
1.	Default in installation of the pollution control device 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.
	DEFAULT IN OPERATING THE POLLUTION CONTROL DEVICES.
2.	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.
	DEFAULT IN COMMENCEMENT OF PREPARATORY WORK PRIOR TO GIVING OF CLEARANCE, APPROVAL, AUTHORISATION, PERMISSION OR GRANT OF LICENCE OR REGISTRATION FOR CARRYING ON PROJECT OR ACTIVITY OR OPERATION OR PROCESS.
3.	Default in completing at least ten per cent. preparatory work required to be completed prior to giving of clearance, approval, authorisation, permission or grant of licence or registration for carrying on any project or activity or operation or process as may be required under section 3 or under section 6 or other provisions of

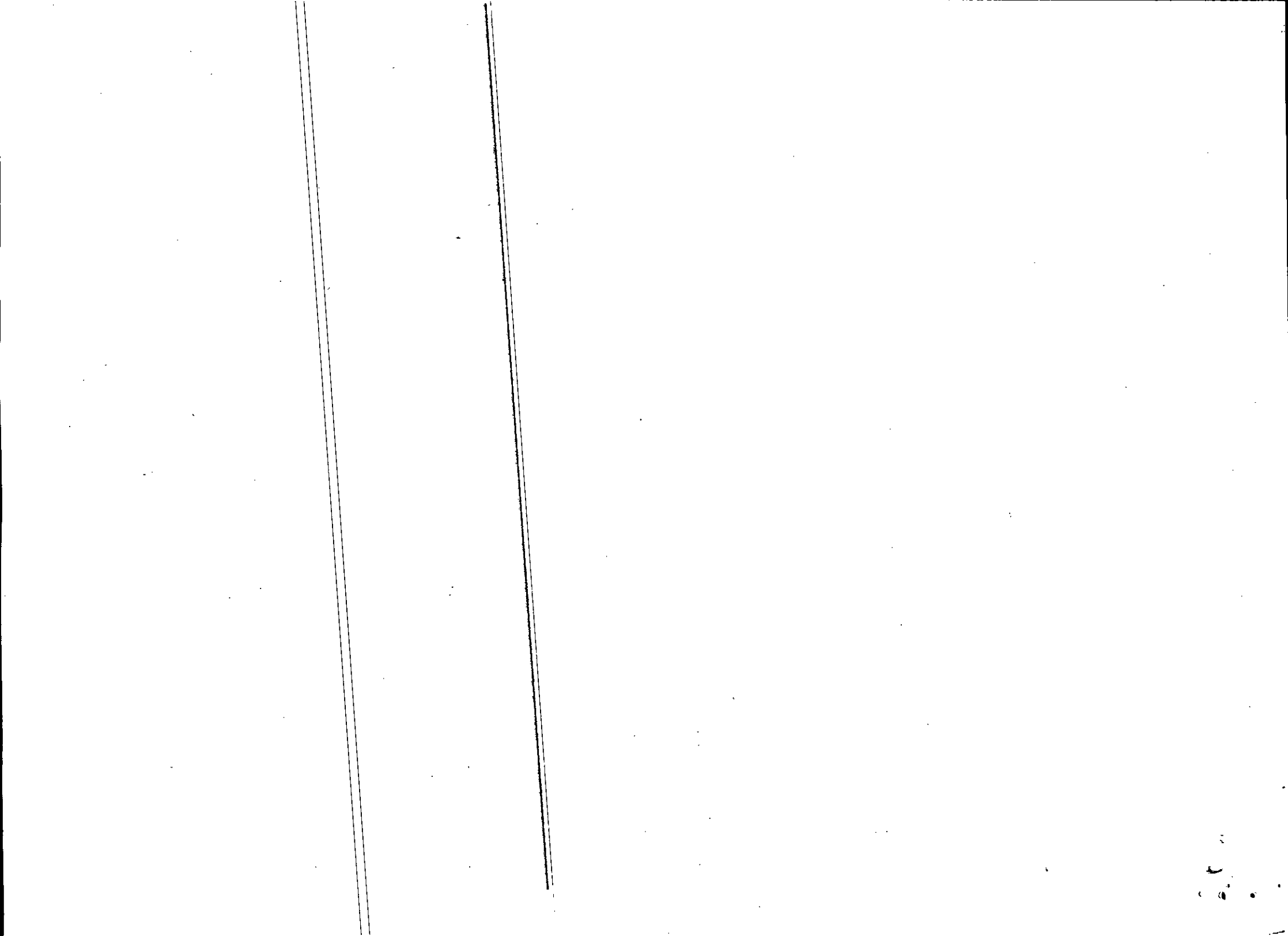
	(gb) the form in which appeal be made and documents to be accompanied with such form and fees payable for filing appeal to the Adjudicating Authority under sub-section (1) of section 14F;	
	(gc) fees payable to the scientist and experts under sub-section (2) of section 14-W;	
	(gd) the composition of the Selection Committee and procedure to be followed by it under sub-section (5) of section 14X;	
	(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 (11) of section 14X;	
	(gf) the salaries and allowances and other conditions of service of the officers and employees of the Adjudicating Authority under sub-section (3) of section 14Y;	
	(gg) form of application to be made under sub-section (1) of section 14Z and fee and documents to be accompanied alongwith such application or other evidence for environment pollution under sub-section (3) of said section ;	
	(gh) other matters which may be prescribed under section 14ZB while trying a suit in respect of the following matters;	
	(gi) the procedure for investigation of misbehaviour or incapacity of the member of the adjudicating authority under sub-section (15) of section 14Y;	
	(gj) 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.	14. After section 26 of the principal Act, the following Schedule shall be added to the said Act, namely:-	



1499

"SCHEDULE NATURE OF DEFAULT OR CONTRAVENTION NOT CAUSING ENVIRONMENT POLLUTION. [See sections 2(h), 14A, 14B, 14C, 14D and 24B]		
Serial Number.	Nature of default or contravention.	Amount of penalty for default or contravention mentioned under column (2) against such default or contravention.
(1)	(2)	(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 etc.	
1.	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 five crore rupees, whichever is less. <u>One crore</u>
	DEFAULT IN OPERATING THE POLLUTION CONTROL DEVICES.	
2.	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 three crore rupees, whichever is less. <u>one</u>
	DEFAULT IN COMMENCEMENT OF PREPARATORY WORK PRIOR TO GIVING OF CLEARANCE, APPROVAL, AUTHORISATION, PERMISSION OR GRANT OF LICENCE OR REGISTRATION FOR CARRYING ON PROJECT OR ACTIVITY OR OPERATION OR PROCESS.	
3.	Default in completing at least ten per cent. preparatory work required to be completed prior to giving of clearance, approval, authorisation, permission or grant of licence or registration for carrying on any project or activity or operation or process as may be required under section 3 or under section 6 or other provisions of	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.

	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.	
	DEFAULT IN COMPLETION OF ENTIRE PREPARATORY WORK REQUIRED FOR GIVING OF CLEARANCE, APPROVAL, AUTHORISATION, PERMISSION OR GRANT OF LICENCE OR REGISTRATION TO CARRY ON PROJECT OR ACTIVITY OR OPERATION OR PROCESS.	
4.	Default in completion of entire preparatory work required to be completed (after commencement of at least ten per cent. of such work) prior to giving of clearance, approval, authorisation, permission or grant of licence or registration as may be required under section 3 or under section 6 or other provisions of the Act or rules made thereunder, direction issued, or in terms of proposed terms of clearance, approval, authorisation, permission, licence or registration to made, given or granted in pursuance of this Act or under any notification issued thereunder for carrying on any project or activity or operation or process.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	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.	
5.	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 one lakh rupees for each day during which such default continues or five crore rupees, whichever is less 500000 → 50 lac
	DEFAULT IN FURNISHING ANNUAL REPORT BY THE OCCUPIER OR OPERATOR OF THE PROJECT OR ACTIVITY OR OPERATION OR PROCESS OR ANY OTHER PERSON.	
6.	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 one lakh rupees for each day during which such default continues or one crore rupees, whichever is less 50 lac
	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.	
7.	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 one lakh rupees for each day during which such default continues or one crore rupees, whichever is less. <i>sober</i>
	DEFAULT TO REPORT ACCIDENTS.	
8.	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 two lakh rupees for each day during which such default continues or two crore rupees, whichever is less. <i>Plr - Jw</i>
	DEFAULT IN REPORTING INTERRUPTIONS IN TRIAL RUN	
9.	Default in reporting an interruptions in the trial run 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 one lakh rupees for each day during which such default continues or one crore rupees, whichever is less. <i>→</i>
	DEFAULT IN COMPLYING WITH AMBIENT AIR QUALITY STANDARDS IN RESPECT OF NOISE IN ANY AREA OR ZONE IN RESPECT OF NOISE.	
10.	Default in complying ambient air quality standards in respect of noise in any area or zone in respect of noise or producing noise in excess than the standards, as may be specified under the Act or rules made or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	a penalty of ten thousand rupees for each day during which such default continues or five lakh rupees, whichever is less.
	CONTRAVENTION OF RESTRICTIONS ON USE OF LOUD SPEAKERS OR PUBLIC ADDRESS SYSTEM	
11.	Using loud speaker or a public address system without obtaining written permission of the competent authority, 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 ten thousand rupees for each day during which such default continues or five lakh rupees, whichever is less.
	USING LOUD SPEAKER OR A PUBLIC ADDRESS SYSTEM OR ANY SOUND PRODUCING INSTRUMENT	

	OR A MUSICAL INSTRUMENT OR A SOUND AMPLIFIER OR SOUND EMITTING CONSTRUCTION EQUIPMENT'S BEYOND PERMISSIBLE HOURS OR OUTSIDE PERMITTED AREAS.	
12.	Using loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier or sound emitting construction equipment's beyond permissible hours or outside permitted areas in contravention of the rules made under Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	a penalty of ten thousand rupees for each day during which such default continues or one lakh rupees, whichever is less.
	PLAYING ANY MUSIC OR USAGE OF ANY SOUND AMPLIFIERS, BEATS DRUM OR TOM-TOM OR BLOWING A HORN EITHER MUSICAL OR PRESSURE, OR TRUMPET OR BEATS OR SOUNDS ANY INSTRUMENT, EXHIBITING ANY MIMETIC, MUSICAL OR OTHER PERFORMANCES OF A NATURE TO ATTRACT CROWDS OR BURSTING SOUND EMITTING FIRE CRACKERS OR USING A LOUD SPEAKER OR A PUBLIC ADDRESS SYSTEM IN SILENCE ZONES OR AREAS.	
13	Playing any music or using any sound amplifiers,, beating drum or tom-tom or blowing a horn either musical or pressure, or trumpet or beats or sounds any instrument, exhibiting any mimetic, musical or other performances of a nature to attract crowds or bursting sound emitting fire crackers or using a loud speaker or a public address system in silence zones or areas in contravention of the 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 twenty thousand rupees for each day during which such default continues or two lakh rupees, whichever is less.
	MANAGEMENT OF MUNICIPAL SOLID WASTES GENERATED IN A CITY OR A TOWN BY MUNICIPAL AUTHORITY IN ACCORDANCE WITH THE CRITERIA AND PROCEDURE	
14.	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 five crore rupees, whichever is less. ✓
	DEFAULT IN DEVELOPMENT OF INFRASTRUCTURE FOR COLLECTION, STORAGE, SEGREGATION, TRANSPORTATION, PROCESSING AND DISPOSAL OF MUNICIPAL SOLID WASTE BY MUNICIPAL AUTHORITY	
15.	Default in development of infrastructure for collection,	a penalty of two lakh rupees for

	storage, segregation, transportation, processing and disposal of municipal solid waste by Municipal 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.	each day during which such default continues or five crore rupees, whichever is less. <i>5 cr</i>
	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.	<input checked="" type="checkbox"/>
16.	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 one lakh rupees for each day during which such default continues or two crore rupees, whichever is less. <i>50000 → 50 lac</i>
	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.	<i>50,000 → 50</i>
17.	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 one lakh rupees for each day during which such default continues or two crore rupees, whichever is less.

1504

	—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. DISMANTLING PROCESSES DO NOT HAVE 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).	
18.	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 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.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	CARRYING OUT PROHIBITED ACTIVITIES WITHIN COASTAL REGULATION ZONE COASTAL REGULATION ZONE AREA.	
19.	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 five crore rupees, whichever is less. <i>1 cr</i>
	DEFAULT IN COMPLYING WITH THE REQUIREMENTS FOR CARRYING OUT PERMISSIBLE ACTIVITIES WITHIN COASTAL REGULATION ZONE AREA COASTAL REGULATION ZONE.	
20.	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 water front 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	a penalty of one lakh rupees for each day during which such default continues or five crore rupees, whichever is less. <i>50,000 I 50 L</i>

1305

	notification issued thereunder.	
	DEFAULT IN PROVIDING EVIDENCE TO SHOW IDENTIFICATION OF THE MAJOR ACCIDENT HAZARDS AND DEFAULT IN TAKING ADEQUATE STEPS TO PREVENT MAJOR ACCIDENTS AND IN LIMITING THEIR CONSEQUENCES TO PERSONS AND THE ENVIRONMENT.	
21.	Default in providing evidence to show identification of the major accident hazards and taking adequate steps to prevent major accidents and to limit their consequences to persons and the environment, 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 day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN PROVIDING TO THE PERSONS WORKING ON SITE WITH THE INFORMATION, TRAINING AND EQUIPMENTS INCLUDING ANTIDOTES NECESSARY TO ENSURE THEIR SAFETY.	
22.	Default in providing to the persons working on the site with the information, training and equipments including antidotes necessary to ensure their safety 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.	A penalty of two lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	NON PREPARATION AND KEEPING UP TO-DATE ON-SITE EMERGENCY PLAN FOR THE PROJECT OR ACTIVITY OR OPERATION OR PROCESS UNDERTAKEN BY THE OCCUPIER.	
23.	Default in preparing and keeping up to-date on-site emergency plan for the project or activity or operation or process undertaken by the occupier, as may be 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 CONDUCTING A MOCK DRILL AT REQUIRED INTERVALS.	
24.	Default in conducting mock drill as per on-site emergency plan at the intervals 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 day during which such default continues or one crore rupees, whichever is less.

1502

	DEFAULT IN PROVIDING TO THE CONCERNED AUTHORITY WITH REQUISITE INFORMATION FOR PREPARATION OF OFF-SITE EMERGENCY.	
25.	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 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.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN CONDUCTING REHEARSAL AS PER OFF-SITE EMERGENCY PLAN.	
26.	Default in conducting rehearsal as per off-site emergency plan, 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 day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN CONDUCTING THE SAFETY AUDIT OR FRESH SAFETY AUDIT.	
27.	Default in conducting the safety audit or fresh safety audit at the intervals 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 two lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN PREPARING SAFETY REPORT.	
28.	Default in preparing safety report, 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 two lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT TO UPDATE THE SAFETY AUDIT REPORT.	
29.	Default in updating the safety audit report, as may be required under provisions of the Act or rules made	a penalty of fifty thousand rupees for each day during which such

	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 continues or one crore rupees, whichever is less.
	DEFAULT IN FORWARDING THE SAFETY AUDIT REPORT TO THE CONCERNED AUTHORITIES.	
30.	Default in 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 twenty thousand rupees for each day during which such default continues or one crore rupees, whichever is less.
	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) OR INSTITUTE.	
31.	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 two lakh rupees for each day during which such default continues or two crore rupees, whichever is less.
	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.	
32.	Default by environmental laboratories or 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.	a penalty of rupees five lakhs for each default and rupees one lakh for each day during which such default continues or five crore rupees, whichever is less.
	DEFAULT TO ENVIRONMENTAL LABORATORIES OR INSTITUTE TO ANALYZE SAMPLES.	
33.	Default by environmental laboratories or Institutes to analyse samples sent by the Central Government or	a penalty of five lakh rupees for each day during which such default

158

	empowered officers 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.	continues or five crore rupees, whichever is less.
34.	DEFAULT BY ENVIRONMENTAL LABORATORIES OR INSTITUTE TO SEND PERIODICAL REPORTS REGARDING ITS ACTIVITIES TO THE CENTRAL GOVERNMENT.	
	Default by environmental laboratories or Institutes to send periodical reports regarding its activities to the Central Government 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.	a penalty of fifty thousand rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT TO APPOINT QUALIFIED GOVERNMENT ANALYST BY LABORATORIES.	
35.	Default to appoint persons qualified for appointment or recognized as a Government Analyst or appointment of persons not qualified for appointment or recognized as a Government Analyst as provided 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.	a penalty of one lakh rupees for each day during which such default continues or two crore rupees, whichever is less.
36.	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 two lakh rupees for each day during which such default continues or two crore rupees, whichever is less.
	DEFAULT TO KEEP HAZARDOUS MATERIAL IN ISOLATED STORAGE OR IN SPECIFIED MANNER OR IN SPECIFIED QUANTITY.	
37.	Default in keeping hazardous material in isolated storage or in specified manner or in specified quantity as required or may be 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 five lakh rupees for each day during which such default continues or five crore rupees, whichever is less.
	DEFAULT TO LABEL OR MARK THE CONTAINER	

1509

	CONTAINING THE HAZARDOUS CHEMICAL.	
38.	Default to label or mark to identify the container: 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.	a penalty of five lakh rupees for each day during which such default continues or five crore rupees, whichever is less.
	FURNISHING OF FALSE INFORMATION TO AUTHORITIES AND AGENCIES IN CERTAIN CASES.	
39.	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.	Without prejudice to the penalty under sections 14-S and 15B, an additional penalty of five lakh rupees for each contravention.
	DEFAULT IN COMPLYING WITH PROHIBITION OR RESTRICTIONS IMPOSED ON LOCATION OF INDUSTRIES OR CARRYING ON OF ANY PROCESS OR OPERATION IN AN AREA.	
40.	Default in complying with prohibition or restrictions imposed on location of industries or carrying on any process or operation in an area, 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 five lakh rupees for each day during which such default continues or ten crore rupees, whichever is less.
	CARRYING OUT PROJECT OR ACTIVITIES OR OPERATION OR PROCESS WITHOUT OBTAINING CLEARANCE, APPROVAL, AUTHORISATION OR REGISTRATION.	
41.	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 ten lakh rupees for each day during which such default continues or ten crore rupees, whichever is less.

without EC



EC- Condition not to be

157

	FURNISHING FALSE OR MISLEADING INFORMATION	
42.	Furnishing of false or misleading information, save as provided at serial No.39 and without prejudice to provisions in section 15B, as required or may be required to be furnished 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 COMPLYING WITH DIRECTIONS ISSUED BY CENTRAL GOVERNMENT OR AUTHORITY.	✓
43.	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 day during which such default continues or five crore rupees, whichever is less.
	CONTRAVENTION IN RESPECT OF PRODUCTION AND CONSUMPTION OF OZONE DEPLETING SUBSTANCES.	
44.	Production and consumption of ozone 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.	a penalty of five lakh rupees for each day during which such default continues or five crore rupees, whichever is less.
	CONTRAVENTION IN RESPECT OF EXPORT OR IMPORT OF OZONE DEPLETING SUBSTANCES.	
45.	Export or import of ozone depleting substances in contravention of the provisions under the Act or rules made order or direction issued 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 five lakh rupees for each contravention.
46.	Sale or stock of ozone depleting substances or exhibiting the same for sale or distribution in contravention of the provisions under the Act or rules made order or direction issued 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 five lakh rupees for each contravention.
	CONTRAVENTION IN RESPECT OF PURCHASE OF OZONE DEPLETING SUBSTANCES.	

151)

47.	Purchase of ozone depleting substances in contravention of the provisions under the Act or rules made order or direction issued thereunder.	a penalty of one lakh rupees for each contravention.
	CONTRAVENTION IN RESPECT OF NEW INVESTMENTS ON OZONE DEPLETING SUBSTANCES.	
48.	Establishing or expanding or cause to be established or expansion of any manufacturing facility for production of any ozone depleting substance in contravention of the provisions under the Act or rules made order or direction issued 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 five lakh rupees for each contravention or an amount equal to such new investment, whichever is higher .
	CONTRAVENTION OF REGULATION ON RECLAMATION AND DESTRUCTION OF OZONE DEPLETING SUBSTANCES.	
49.	Reclamation and destruction of ozone depleting substance in contravention of the provisions under the Act or rules made order or direction issued thereunder.	a penalty of ten lakh rupees for each contravention.
	CONTRAVENTION IN RESPECT OF MANUFACTURE, IMPORT AND EXPORT OF COMPRESSORS.	
50.	Manufacture, import and export of compressors in contravention of the provisions under the Act or rules made order or direction issued 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 rupees five lakh rupees for each contravention.
	DEFAULT IN MONITORING AND REPORTING REQUIREMENTS IN RESPECT OF OZONE DEPLETING SUBSTANCE .	
51.	Default in monitoring and reporting requirements in respect of ozone depleting substance (including producing, importing, exporting or selling any ozone depleting substance) under the Act or rules made thereunder or order, direction 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 DISCHARGING RESPONSIBILITIES OF MANUFACTURER, IMPORTER, ASSEMBLER AND RE-CONDITIONER OF BATTERIES.	
52.	Default in discharging responsibilities of manufacturer, importer, assembler and re-conditioner of batteries (including default in collecting the used batteries as against new batteries sold excluding those sold to	a penalty of fifty thousand rupees for each day during which such default continues or one crore rupees, whichever is less.

	original equipment manufacturer and bulk consumer, default in ensuring that used batteries collected back are of similar type and specifications as that of the new batteries sold, ensuring that used batteries collected back are of similar type and specifications as that of the new batteries sold and failure to file a half-yearly return of their sales and buy-back to the State Board etc.) 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..	
	DEFAULT IN DISCHARGING RESPONSIBILITIES BY DEALERS OF BATTERIES.	
53.	Default in discharging responsibilities by dealer of batteries(including default in collection of used batteries against new batteries sold, safe transportation of collected batteries to the designated collection centres, default in ensuring that no pollution is caused to the environment during storage and transportation of used batteries and default in registration with State Pollution Control, default in filing returns to the State Pollution Control Boards, renewal of the registration etc.) as specified or may be specified 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 fifty thousand rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN DISCHARGING RESPONSIBILITIES OF RECYCLER OF BATTERIES.	
54.	Default in discharging responsibilities of recycler of batteries (including default in Marking 'Recycled' on lead recovered by reprocessing; complying requirement of registration and default in submitting returns) 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 fifty thousand rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN DISCHARGING RESPONSIBILITIES OF CONSUMER OR BULK CONSUMER OF BATTERIES.	
55.	Default in discharging responsibilities of consumer or bulk consumer (including default in depositing used batteries depositing with the dealer, manufacturer,	a penalty of fifty thousand rupees for each day during which such default continues or one crore

	importer, assembler, registered recycler, re-conditioner or at the designated collection centres and filling return) as provided or may be provided 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.	rupees, whichever is less.
	DEFAULT IN DISCHARGING RESPONSIBILITIES OF AUCTIONEER OF BATTERIES.	
56.	Default in discharging responsibilities of auctioneer of batteries(including default in auctioning used batteries to the registered recyclers only , filing returns of auctions to the State Boards or other competent authorities and maintaining a record of auctions of used batteries and making records available to the State Board for inspection etc.) 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 one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	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.	
57.	Default in complying with conditions or requirements in course of manufacture, stocking, distribution, sale and use 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 twenty thousand rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN COMPLYING WITH REQUIREMENTS FOR RECYCLING, RECOVERY OR DISPOSAL OF PLASTIC WASTE	
58.	Default in complying with conditions or requirements for recycling or recovery or disposal of plastic waste 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 thousand rupees for each day during which such default continues or one crore rupees, whichever is less.
59.	DEFAULT IN COMPLYING WITH REQUIREMENTS FOR	

	HANDLING 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, 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 twenty thousand rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN SETTING UP REQUISITE BIO-MEDICAL WASTE TREATMENT AND DISPOSAL FACILITIES.	
60.	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 five lakh for each day during which such default continues or five crore rupees, whichever is less.
61.	DEFAULT IN SEGREGATION, PACKAGING, TRANSPORTATION AND STORAGE OF BIO-MEDICAL WASTE.	
	Default in (i) segregation, packaging, storage of bio-medical waste into containers or bags and their labelling at the point of generation prior to its storage, transportation, treatment; or (ii) transportation of bio medical waste for disposal to any waste treatment facility outside the premises.	a penalty of two lakh for each day during which such default continues or two crore rupees, whichever is less.
	DEFAULT IN KEEPING BIO-MEDICAL WASTE STORED BEYOND SPECIFIED HOURS.	
62.	Default in keeping bio-medical waste stored beyond hours as specified or may be specified 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 two lakh for each day during which such default continues or one crore rupees, whichever is less.

	ANY OTHER DEFAULT NOT SPECIFIED AT SERIAL NUMBER 1 TO 62 ABOVE IN THE SCHEDULE.	
63.	Any other default or contravention (other than those mentioned at serial numbers 1 to 62) above in complying with the conditions or requirements under the Act or rules made thereunder or order or direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act.	a penalty of two lakh rupees for each day during which such default continues or two crore rupees, whichever is less .”.
	CHAPTER III	
	AMENDMENTS TO THE NATIONAL GREEN TRIBUNAL ACT. 2010	
Amendment of section 16.	15. In the National Green Tribunal Act, 2010, (hereafter in this Chapter referred to as the principal Act), in section 16, after clause (i), the following clause shall be inserted, namely:—	
	“(ia) an order made by the Adjudicating Authority under sub-section (6) or section (7) of section 14DA of the Environment (Protection) Act, 1986;”.	
Insertion of new section 16A.	16. After section 16 of the principal Act, the following section shall be inserted, namely:-	
“Condition to entertain appeal by Tribunal.	16A. Where an appeal is preferred by any person on whom the penalty has been imposed by an Adjudicating Authority under the Environment (Protection) Act, 1986, such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal <u>seventy-five</u> per cent. of the amount of penalty imposed upon him by the adjudicating authority.”.	

50/