

(c) damage or destroy machine or equipment or apparatus or meter, or any other such device installed or used or operated for registration, calibration or recording environment pollution or preventing environment pollution installed.

3. The consequential changes have also been reflected in the aforesaid Draft Bill.

Submitted please.

(V.K. BHASIN)

17.02.2016

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Secret

THIRD WORKING DRAFT BILL
(PREPARED AFTER PRESENTATION TO THE HON'BLE MINISTER)
(FOR DISCUSSION AND CORRECTION)

V.K. BHASIN
17.02.2016

THE ENVIRONMENT LAWS (AMENDMENT) BILL, 2016

A

Bill

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

	viruses, fungi, mycoplasma, cell lines, algae, protozoans and nematodes;	
	(iii) after clause (g), the following clauses shall be inserted, namely:—	
	‘ (h) “Schedule” means the Schedule to this Act;	
	(i) “Selection Committee” means a Selection Committee referred to in sub-section (4) of section 14-X;	
	(j) “ small enterprise” shall have the meaning assigned to it in section 7 of the Micro, Small and Medium Enterprises Development Act, 2006;	
	(k) “Tribunal” means the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010;’	19 of 2010.
	(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, 2002and the National Green Tribunal Act, 2010 shall be deemed to have the meanings assigned to them in those Acts.	
Amendment of section 6.	3. In section 6 of the principal Act,-	
	(a) in sub-section (2), after clause (f), the following clause shall be inserted, namely:—	
	“(g) levy of fee for matters falling under clauses (viii) to (xiv) of sub-section (2) of section 3.”.	
	(b) after sub-section (2), the following sub-sections shall be inserted, namely:-	
	“(3) In case the Central Government is of the opinion that the discharge of environment pollutant in excess of the prescribed standards or the other environment pollution can be prevented by adopting a new technology or a machine or device or process, it may, by rules made by it, specify the time within which such new technology or a machine or device or process shall be adopted or installed or operated by the occupier or any person carrying on industry, operation or process or activity and in such cases no penalty shall be levied for the contravention specified under the Schedule or for default or contraventions specified under sections 14-H, 14-I, 14-J, 14-K, 14-L, 14-M, 14-N, 14-O, 14-P, 14-Q, 14-R, 14-S, 14-T and 14-U , if such occupier or person gives prescribed security for an amount equivalent to the maximum amount of penalty leviable under this Act:	
	Provided that different periods may be specified for a class or classes of occupier or any person carrying on industry, operation or process or activity for adoption or installation or	

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	operation of new technology or a machine or device or process or for different categories of industry, operation or process or activity for adoption or installation or operation.	
	(4) In case occupier or person referred to in sub-section (3) adopts or installs or operates the new technology or a machine or device or process referred to in that sub-section, the prescribed security given by him shall be returned to him in the manner as may be prescribed.	
	(5) In case occupier or person referred to in sub-section (3) fails to adopt or install or operate the new technology or a machine or device or process referred to in that sub-section, the prescribed security given by him shall be forfeited or invoked in the manner as may be prescribed.	
Amendment of section 11.	4. In section 11 of the principal Act, after sub-section (4), the following shall be inserted, namely:-	
	'(5) Nothing contained in sub-sections (3) and (4) shall apply to any sample taken in electronic form from any equipment installed by the occupier when such sample has been authenticated, by any of the officers authorized by the Central Government or State Government or any officer empowered in this behalf, to be electronic record, in such manner as may be prescribed.	
	(6) The Central Government may, having regard to the equipment or process or activity used or carried on, specify the method of calculation or measurement to be taken from such equipment or process as the sample in electronic form and different methods of calculation or measurement may be specified for different equipment or process as sample taken in electronic form.	
	<i>Explanation.-</i> For the purposes of this section, the expressions "electronic form" and "electronic record" shall have the same meanings as assigned to them in clauses (r) and (t) respectively of sub-section (1) of section 2 of the Information Technology Act, 2000.'	21 of 2000.
Insertion of new sections 14A,14B,14C,14D, 14E,14F,14G,14H,14I,14J,14K,14-L,14-M,14N,14O,14P,14Q, 14R,14S,14T,14U,14V,14W,14X,14Y,14Z,14ZA, 14ZB,14ZC,14ZD, 14ZE and 14ZF.	5. After section 14 of the principal Act, the following sections shall be inserted, namely:—	
Penalty for certain defaults specified	"14A. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued	

in Schedule.	thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder and such default does not causes environment pollution, shall be liable to penalties specified under column (3) of the Schedule for the default mentioned under column (2) of the said Schedule against such penalty.	
Imposition of lesser penalty in the cases of micro enterprise, small enterprise and medium enterprise.	14B. The adjudicating officer shall impose, upon the micro enterprise or small enterprise or medium enterprise, the lesser penalty as it may deem fit than the penalty specified under the Schedule, having regard to its size, operation, process, premises and turnover of such enterprise, if, -	
	(a) such enterprise gives an undertaking for not making any default or contravention in future;	
	(b) the adjudicating officer is satisfied that such enterprise shall not make such default or contravention in future:	
	Provided that the adjudicating officer shall not impose the lesser penalty in the case of subsequent default by such enterprise in complying the provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder.	
Power to adjudicate penalties under Schedule by adjudicating officer.	14C. (1) Any person aggrieved, (including any representative body or organization) or any agent duly authorized by such person or the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under this Act or any other law for the time being in force may, by an application, make a complaint to the adjudicating officer for any default or contravention of the any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder.	
	(2) For the purpose of adjudging penalties specified in the Schedule, the Central Government shall, within six month of commencement of the Environment Laws (Amendment) Act, 2016, appoint one or more officers not below the rank of a Joint Secretary to the Government of India or equivalent, to be an adjudicating officer or adjudicating officers for holding an inquiry after giving the occupier or his agent and any person concerned or Board or authority or committee or body a reasonable opportunity of being heard for the purpose of imposing any penalty.	

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

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

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

	in the air, to a penalty not exceeding fifty thousand rupees and in case of continuing such pollution, with an additional penalty which may extend to five thousand rupees for every day during which the pollution continues;	
	(b) in case of such environment pollution, causing moderate pollution in the air, to a penalty not exceeding seventy five thousand rupees and in case of continuing such pollution, with an additional penalty which may extend to seven thousand five hundred rupees for every day during which the pollution continues.	
	(c) in case of such environment pollution, causing high pollution in the air, to a penalty not exceeding one crore rupees and in case of continuing such pollution, with an additional penalty which may extend to one lakh rupees for every day during which the pollution continues,	
	(d) in case of such environment pollution, causing critical pollution in the air, to a penalty not exceeding two crore rupees and in case of continuing such pollution, with an additional penalty which may extend to two lakh rupees for every day during which the pollution continues,	
	Explanation 1.- 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.	
	Explanation 2.- For the purposes of this section, the low pollution, moderate pollution, high pollution and critical pollution shall be categorised having regard to the Excedence Factor in the following manner, namely :-	
	(a) in case Excedence Factor is more than 1.5, the air pollution shall be categorised as critical pollution;	
	(b) in case Excedence Factor is between 1.0 to 1.5, the air pollution shall be categorised as high pollution	
	(c) in case Excedence Factor is between 0.5 to 1.0, the air pollution shall be categorised as moderate pollution;	
	(d) in case Excedence Factor is less than 0.5, the air pollution shall be categorised as Low Pollution.	
	Explanation 3.- For the purposes of Explanation 2, the Excedence Factor means the ratio of annual mean concentration of a pollutant with that of a respective standard calculated in the	

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

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

	substance is formulated.	
Penalty for environment pollution by batteries.	14-L. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to handling of batteries (including manufacture, processing, sale, purchase and use of batteries or components thereof) and such default causes environment pollution, shall be liable to a penalty of fifty thousand rupees for each day during which such default continues or 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-M. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to handling of plastic and plastic waste and such default causes environment pollution by handling plastic and plastic waste (including manufacture, stocking, distribution, sale and use of plastic carry bags and sachets, recycling, recovery or disposal of plastic waste) and such default causes environment pollution, shall be liable to a penalty of 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-N. Whoever makes a default in carrying out such activities, as may be notified by the Central Government, within coastal regulation zone area (including on the setting up and expansion of industries, operations or processes within coastal regulation zone area) in contravention of provisions of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration or such notification, and such default causes	

	environment pollution, shall be liable to a penalty of five lakh rupees for each day during which such default continues or five crore rupees, whichever is less.	
Penalty for environment pollution by bio - medical waste.	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 bio-medical waste (including generation, collection, receiving, storage, transportation, treatment, disposal, or handling bio medical waste in any form) and such default causes environment pollution, shall be liable to penalty of twenty thousand rupees for each day during which such default continues or two crore rupees, whichever is less.	
Penalty for environment pollution by electrical and electronic equipments.	14-P. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to electrical and electronic equipment (including collection of electrical and electronic equipments waste generated during the manufacture or end life of electrical and electronic equipments, dismantling, storage of electrical and electronic equipments, setting up of collection center and channelizing of electrical and electronic equipment for recycling or disposal of electrical and electronic equipments) and such default causes environment pollution, shall be liable to penalty of twenty thousand rupees for each day during which such default continues or two crore rupees, whichever is less.	
Penalty for environment pollution by municipal solid wastes.	14-Q.(1) Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to municipal solid waste (including collection, storage, segregation, transportation, disposal, processing, recycling, land filling of municipal solid waste) and such default causes environment pollution, shall be liable to a penalty of two lakh rupees for each day during which such default continues or ten 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	

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	treated bio- medical waste.	
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 the Act) and such default causes environment pollution, shall be liable, to a penalty of five lakh rupees for each day during which default continuous or five crore rupees, whichever is less:	
	Provided that in case an Adjudicating Authority may, having regard to the extent and gravity of the environment pollution and the to the factors mentioned in section-14V and opinion of the experts under sub-section (5) of section 14Z, after recording reasons therefor, impose higher penalty 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 industries or carrying on of any process or operation in an area.	14-T. Whoever makes a default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorizations, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder relating to location of industries or carrying on of any process or operation in any area and such default causes environment pollution, shall be liable to a penalty of five lakh rupees for each day during which default continuous or five crore rupees, whichever is less.	
Penalty for environment pollution where no separate penalty	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,	

has been provided therefor.	authorisation, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder and such default causes environment pollution, for which no separate penalty has been provided, shall be liable two lakh rupees for each day during which such default continues or twenty five crore rupees, whichever is less.	
Opinions of experts in the field of environment or factors to be considered by Adjudicating Authority.	14-V. While adjudicating the quantum of penalty under sections 14H to 14U), the Adjudicating Authority shall have due regard to the following , namely:—	
	(a) opinion of experts referred to in section 14-U on environment pollution;	
	(b) the amount and gravity of environment pollution (including the level of chemicals or heavy metals being discharged into the environment by a particular factory 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 default and causing of environment pollution;	
	(f) the repetitive nature of the of environment pollution; the historical compliance record of the non-conforming industry;	
	(g) the continuance of default;	
	(h) devastating nature of emissions of toxic fumes and discharge of effluents for the nearby ecology;	
	(e) the extent of injury caused or likely to be caused to the public or other living creatures or plants and micro-organisms or property or public health;	
	(f) size, operation, process, premises and turnover of the micro	

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	enterprise or small enterprise or medium enterprise.	
Preparation of panel of experts in the field of environment (including institutions) on the matters relating to environment.	14-W. (1) The Central Government shall, within six months of the commencement of the Environment Laws (Amendment) Act, 2016, prepare a panel of experts, being individuals and institutions in the various field of environment for the purposes of rendering their opinion in respect of matters relating to environment pollution to the Central Government and Adjudicating Authorities or adjudicating officer or other authorities, as may be required for the purposes of this Act.	
	(2) The experts, being individuals and institutions, referred to in sub-section (1) shall be paid such fees or charges to them, as may be prescribed, by the Central Government forgiving their opinion in respect of matters relating to environment pollution under this Act.	
Adjudicating Authorities, composition, powers, etc.	14-X.(1) For the purpose of adjudging penalties under sections 14-H, 14-I, 14-J, 14-K, 14-L, 14-M, 14-N, 14-O, 14-P, 14-Q, 14-R, 14-S, 14-T and 14-U, the Central Government shall, within six months from the date of commencement of the Environment Laws (Amendment) Act, 2016, by notification, appoint one or more Adjudicating Authorities to exercise jurisdiction, powers and authority conferred by or under this Act.	
	(2) An Adjudicating Authority shall consist of a Chairperson and two other Members:	
	Provided that one Member each shall be a person having experience in the field of law, administration of matters relating to Environment and in the field of science relating to environment.	
	(3) A person shall, however, not be qualified for appointment as Member of an Adjudicating Authority,---	
	(a) in the field of law, unless he is or has been a District Judge;	
	(b) in the field of administration of matters relating to environment, unless he has held the post not below the rank of Joint Secretary or equivalent under the Central Government or State or in a reputed National or State level institution ;	
	(c) in the field of science relating to environment, an officer not below the rank of Scientist Grade "F" or equivalent post in the Ministry or Department of the Central Government or State Government dealing with environment or any other person having 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) The Central Government shall, by notification, specify the areas in relation to which each Adjudicating Authority may exercise jurisdiction.	
	(8) The Chairperson and every Member of the Adjudicating Authority shall hold office as such for a term of three years from the date on which he enters upon his office:	
	Provided that no Chairperson or other Member shall hold office as such after he has attained the age of sixty-five years.	
	(9) The salary and allowances payable to and the other terms and conditions of service of the Member of the Adjudicating Authority shall be such as may be prescribed	
	Provided that neither the salary and allowances nor the other terms and conditions of service of the Member shall be varied to his disadvantage after appointment.	
	(10) If, for reasons other than temporary absence, any vacancy occurs in the office of the Chairperson or any other Member of the Adjudicating Authority, then, the Central Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Adjudicating Authority from the stage at which the vacancy is filled.	
	(11) The Chairperson or any other Member of the Adjudicating Authority may, by notice in writing under his hand addressed to the Central Government, resign his office:	
	Provided that the Chairperson or any other Member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.	
	(12) A Member of the Adjudicating Authority shall not be removed from the office except by an order made by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of a High Court, or an officer senior by two ranks in which the member of the Adjudicating Authority has been informed of the charges and given a	

		reasonable opportunity of being heard in respect of the charges.	
		(13) The Central Government may, by rules, regulate the procedure for investigation of misbehaviour or incapacity of the member of the Adjudicating Authority:	
		Provided that the Central Government during the pendency of the inquiry against the Member of the Adjudicating authority, after consulting the Chairperson of the Selection Committee constituted under sub-section (4), pass an order suspending the Member, if it is satisfied that the Member should cease to discharge his functions.	
		(14) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the senior-most Member shall act as the Chairperson of the Adjudicating Authority until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.	
		(15) When the Chairperson of the Adjudicating Authority is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Member shall discharge the functions of the Chairperson of the Adjudicating Authority until the date on which the Chairperson of the Adjudicating Authority resumes his duties.	
		(16) The Chairperson or any other Member of the Adjudicating Authority or the adjudicating officer after ceasing to hold office as such shall not accept any commercial employment, for a period of five years from the date he ceases to hold such office.	
		<i>Explanation.</i> —For the purposes of this section, 'commercial employment' means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any field and includes also a director of a company or partner of a firm and it also includes setting up practice either independently or as partner of a firm or as an adviser or a consultant.	
		(17) The Adjudicating Authority shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Adjudicating Authority shall have powers to regulate its own procedure.	5 of 1908.
		<i>Explanation.</i> — For the purposes of this Act, the member of Adjudicating Authority includes the Chairperson thereof.	
Staff Adjudicating Authorities.	of	14-Y.(1) The Central Government shall provide each Adjudicating Authority with such officers and employees as that Government may think fit.	
		(2) The officers and employees of the Adjudicating Authority shall discharge their functions under the general superintendence	

	of the Chairperson of the Adjudicating Authority.	
	(3) The salaries and allowances and other conditions of service of the officers and employees of the Adjudicating Authority shall be such as may be prescribed.	
Adjudication Adjudicating Authority.	by 14-Z.(1) Any person aggrieved, (including any representative body or organization) or any agent duly authorised by such person or the Central Government or a State Government or a Union territory Administration or the Central Pollution Control Board or a State Pollution Control Board or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under this Act or any other law for the time being in force , may by an application, make a complaint to the Adjudicating Authority for any default or contravention of the any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder if such contravention causes environment pollution.	
	(2) Every application under sub-section (1) and every appeal under sub section (1) of section 14G shall be made to the Adjudicating Authority having jurisdiction in respect of appeal or application, as the case may be.	
	(3) Every application to in sub-section (2) shall be in such form and be accompanied by such documents and other evidence for default or contravention and environment pollution along-with such fee for making the application under sub-section (1) as may be prescribed:	
	Provided that different fees may be levied for different class or classes of applicants.	
	(4) On receipt of the application under sub-section (1) or appeal made under section 14G, as the case may be, the Adjudicating Authority shall-	
	(a) issue summons requiring the respondent or respondents or defendant or defendants, as the case may be, to show cause within thirty days of the service of summons as to why the relief prayed for in such appeal or application should not be granted;	
	(b) make a reference to the authority or board or commission established under a Central or State Act which has been conferred powers or assigned functions for the prevention, control and abatement of environment pollution of the nature referred to such application or appeal, and such authority or board or commission shall, within thirty days of receipt of such reference, forward its views on such reference to the Adjudicating Authority.	
	(5) The Adjudicating Authority may, if it considers it appropriate, may direct that the opinion of one or more experts in the field of environment out of the panel referred to in section 14-W, be	

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	obtained and such experts shall give his opinion on the environment pollution alleged in the appeal or application ,within thirty days of receipt of such direction.	
	(6) The Adjudicating Authority may, having regard to the opinion of experts referred to in section 14-W, the views of the authority or board or commission received under clause (b) of sub-section(4) and other factors referred to in that section, and taking into account all relevant materials placed on record before it relating to default and environment pollution caused by respondent or respondents or defendant or defendants, as the case may be, after giving the appellant or applicant and the defendant or defendants an opportunity of being heard , and on it being satisfied that the respondent or respondents or defendant or defendants, as the case may be have made default in complying with any provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorisation, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder and also caused environment pollution, it may, by an order, after recording a finding, impose such penalty as it thinks fit in accordance with the provisions this Act:	
	(7) Where the Adjudicating Authority holds that an application made before it under this Act, is false or vexatious, the Adjudicating Authorities, if it so thinks fit, after recording its reasons for holding such appeal or application to be false or vexatious, make an order to award costs as it may consider necessary.	
	(8) Every appeal filed under sub-section (1) of section 14-G or application made under sub-section (1), shall be disposed of within a period of six months from the date of filing of the appeal or making of the application, after providing the parties concerned an opportunity of being heard,	
	(9) The Adjudicating Authority shall send a copy of every order passed by it to the concerned parties.	
	(10) The penalty imposed on any occupier or any other person or cost imposed by it shall be paid within a period of ninety days from the date of the order.	
	(11) Any penalty which a person is liable to pay under sub-section (2) of 14-D or sub-section (6), shall, without prejudice to section 15A, be recovered together with simple interest due thereon from the date of failure to pay such penalty till the date of recovery of the penalty, as an arrear of land revenue.	
Imposition of lesser penalty in the cases of micro enterprise, small enterprise and medium enterprise.	14ZA. The Adjudicating Authority shall impose, upon the micro enterprise or small enterprise or medium enterprise, the lesser penalty as it may deem fit than the penalty leviable under this Act, having regard to its size, operation, process, premises and turnover of such enterprise if, -	

	(a) such enterprise gives an undertaking for not causing environment pollution and to take remedial action in respect thereof within such time as the Adjudicating Authority may specify;	
	(b) the Adjudicating Authority is satisfied that such enterprise shall be able to take such remedial action for preventing such pollution within such time referred to in clause (a) :	
	Provided that that the Adjudicating Authority shall not impose the lesser penalty, if it is satisfied that such enterprise has not earlier complied with the provision of this Act or rules made or any order or direction issued thereunder or terms and conditions of the clearance, approval, authorization, permission, registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder for which the lesser penalty was imposed or had given false evidence.	
Appeal to National Green Tribunal.	14ZB. Any person aggrieved by an order made by the Adjudicating Authority under sub-section (6) of section 14-Z may prefer an appeal, within a period of ninety days from the date of receipt of the order imposing penalty, to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010.	
Power regarding summons, production of documents and evidence, etc.	14-ZC. (1) The Adjudicating Authority shall, for the purposes of this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:-	5 of 1908.
	(a) discovery and inspection;	
	(b) enforcing the attendance of any person, and examining him on oath	
	(c) compelling the production of records;	
	(d) receiving evidence on affidavits;	
	(e) issuing commissions for examination of witnesses and documents; and	
	(f) any other matter which may be prescribed.	
	(2) All the persons so summoned shall be bound to attend in person or through authorised agents, as the Adjudicating Authority may direct, and shall be bound to state the truth upon any subject respecting which they are examined or make statements, and produce such documents as may be required.	
	(3) Every proceeding under this section shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code.	45 of 1860.
Cease and desist	14 ZD. Every defendant or defendants or respondent or respondents, as the case may be, upon whom a penalty has been	

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	imposed by the adjudicating officer or Adjudicating Authority under this Act, shall cease and desist from making default or causing contravention for which such penalty has been imposed under this Act.	
Imposition of penalty not to affect power of Central Government to issue directions under section 5 directing the closer prohibition or regulation of any industry, operation or process or stoppage or regulation of the supply of electricity or water or any other service or prosecution for commission of any offence under this Act.	14ZE. The imposition of penalty under this Act shall be, without prejudice to the power of the Central Government to issue directions under section 5, including directing the closer prohibition or regulation of any industry, operation or process or stoppage or regulation of the supply of electricity or water or any other service or prosecution for commission of any offence under this Act.	
Crediting sums realized by way of certain penalties.	14-ZF. All sums realized by way of penalties, imposed by the adjudicating authority or Adjudicating Authority shall be credited to the Consolidated Fund of India.”.	
Substitution of new sections 15, 15A 15B and 15C for section 15.	6. For section 15 of the principal Act, the following sections shall be substituted, namely:—	
Punishment for environment. Pollution causing substantial damage to environment.	‘15. Whoever causes environment pollution and thereby causes substantial damage to environment shall, without prejudice to any penalty imposed by the adjudicating officer or Adjudicating Authority under this Act, be punished with imprisonment for a term which shall not be less than seven years but which may extend to ten years or with fine or with both which shall not be less than one crore rupees, and in case of continuing such pollution causing substantial damage to environment, with an additional fine which may extend to fifty lakh rupees for every day during which the such pollution continues after the conviction for the first causing such substantial damage to environment.	
	<i>Explanation.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	
	(c) carrying out project or activities or operation or process by the occupier or his agent any other person (including release of environment pollutant).	
Punishment for failure to pay penalty imposed under the Act.	15A. (1) Whoever fails to pay the penalty imposed by the adjudicating officer within the time specified in sub-section (4) of section 14-D or penalty imposed by the Adjudicating Authority under within the time specified in sub-section (10) of section 14Z shall be punished with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than one crore rupees and in case of such failure to pay the penalty continues, with additional fine which may extend to fifty lakh rupees for every day during which such failure continues after the first such failure or contravention.	
	(2) Where a company fails to pay the penalty imposed by the adjudicating authority within the time specified in sub-section (4) of section 14-D or penalty imposed by the Adjudicating Authority under within the time specified in sub-section (10) of section 14Z, the company shall be punished with fine which shall not be less than one crore rupees and in case such failure to pay the penalty continues, with additional fine which may extend to fifty lakh rupees for every day during which such failure continues after the first such failure or contravention.	
	(3) Where a company fails to pay the penalty imposed by the adjudicating authority, within the time specified in sub-section (4) of section 14-D or penalty imposed by the Adjudicating Authority under within the time specified in sub-section (10) of section 14-Z, every officer of such company (who at the time when damage to environment was committed and in respect of which such penalty has been imposed) was directly in charge of and was responsible to the company for the conduct of the business of the company, such officer shall be punished with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than five crore rupees and in case of such failure to pay the penalty continues, with additional fine which may extend to fifty lakh rupees for every day during which such failure continues after the first failure or contravention.	
	<i>Explanation.</i> — For the purposes of sub-sections (2) and (3), "company" shall have the same meaning as assigned to it in clause	

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	(20) of section 2 of the Companies Act, 2013.'.	
Furnishing of false information to authorities and agencies in certain cases.	15B. Whoever furnishes any false information or the false occurrence or false apprehension of occurrence in case of the discharge of environmental pollutant in excess of the prescribed standards due to any accident or other unforeseen act or event, to the authorities or agencies, as required or may be required, under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration made, given or granted to him in pursuance of this Act or under any notification issued thereunder, shall be punished with imprisonment for a term which shall not be less than one month but which may extend to six months, or with fine or with both.	
Punishment for failure to comply with direction issued under section 5.	15C. Whoever fails to comply with direction issued by the Central Government under section 5, be punished with imprisonment for a term which shall not be less than six months but which may extend to three years, or with fine or with both and in case of such failure continues, with an additional fine which may extend to ten lakhs rupees for every day during which such default continues after the first such default or contravention.	
Offences by local authority.	15D. Where an offence under this Act has been committed by any local authority, any person who, at the time the offence was committed, was directly in charge of, and was responsible to, the local authority, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.	
Tempering of machine or equipment or apparatus or meter, or any other such device installed or used or operated for recording environment pollution or preventing environment pollution.	15-E. Whoever	
	(a) tampers a machine or equipment or apparatus or meter, or any other such device installed or used or operated for registration, calibration or recording environment pollution or preventing environment pollution; or,	
	(b) installs or uses or operates any machine or equipment or apparatus or meter, or any other such device which interferes with accurate or proper registration, calibration or recording environment pollution or preventing environment pollution; or	
	(c) damages or destroys machine or equipment or apparatus or meter,	

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

cases.	Central Government under sub-section (3) of section 3 including clearance or approval given, registration or authorization granted by it, and for use of national data base on environment in pursuance of any provision of this Act or rules made thereunder shall be paid into such account, in consultation with the concerned State Government as may be, specified by notification in the Official Gazette, by the Central Government.”.	
Substitution of new section for section 21.	8. For section 21 of the principal Act, the following section shall be substituted, namely :-	
Members, officers and employees of the Adjudicating Authority and authority constituted under section 3 and adjudicating officer to be public servants.	“21. All the members, officers and employees of the Adjudicating Authority and authority constituted under section 3 and all other officers and other employees and adjudicating officer when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or direction issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.”.	45 of 1860
Amendment of section 24.	9. In section 24 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—	
	“(2) Where any act or omission constitutes an offence punishable under this Act and the rules or orders or direction made or issued thereunder and also under any other relevant Act, then the offender found guilty of such offence shall be liable to be punished under that Act which imposes a greater punishment.”.	
Insertion of new sections 24A and 24B.	10. After section 24 of the principal Act, the following section shall be inserted, namely:-	
Provisions of this Act to be addition and not in derogation of any law.	“24A. The provisions of this Act shall be in addition to and not in derogation of the provisions of any law for the time being in force.	
Power to amend Schedule.	24B.(1) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other default or contravention under other provisions of this Act or rules made thereunder or order, direction or clearance, approval, authorization, permission, licence, registration made, given or granted under this Act or omitting 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.	

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	(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.”.	
Amendment of section 25.	11. In section 25 of the principal Act, in sub-section (2),—	
	(i) the security to be given by the occupier or other person under sub-section (3) of section 6;	
	(ii) the manner in which the prescribed security shall be returned under sub-section (4) of section 6;	
	(iii) the manner in which the prescribed security shall be forfeited or invoked under sub-section (5) of section 6;	
	(iv) after clause (d) the following clause shall be inserted, namely:—	
	“(a) the manner of authentication of electronic record by the Central 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 form in which appeal be made and documents to be accompanied with such form and fees payable for filling appeal to the Adjudicating Authority under sub-section (1) of section 14-G;	
	(gb) specifying the calculation of pollution of water under sub-section (2) of section 14-H;	
	(gc) specifying the calculation of pollution of air under sub-section (2) of section 14-I;	
	(gc) fees or charges payable to the experts under sub-section (2) of section 14-W;	
	(gd) the composition of the Selection Committee and procedure to be followed by it under sub-section (5) of section 14-X;	
	(ge) the salary and allowances payable to, and the other terms and conditions of service of the Members of the Adjudicating Authority under sub-section (9) of section 14-X;	

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	(gh) the procedure for investigation of misbehaviour or incapacity of the member of the adjudicating authority under sub-section (13) of section 14-X;	
	(gi) the salaries and allowances and other conditions of service of the officers and employees of the Adjudicating Authority under sub-section (3) of section 14-Y;	
	(gj) form of application to be made under sub-section (3) of section 14-Z and fee and documents to be accompanied along with such application or other evidence for environment pollution under said sub-section;	
	(gk) other matters which may be prescribed under clause (f) of sub-section (1) of section 14-ZC while trying a suit in respect of the following matters;	
	(iii) after clause (j), the following clause shall be inserted, namely:-	
	(ja) levy of fees for preparation and use of national database on environment under sub-section (2) of section 20A;".	
Insertion of Schedule to this Act.	12. After section 26 of the principal Act, the following Schedule shall be added to the said Act, namely:-	

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<p style="text-align: center;">"SCHEDULE NATURE OF DEFAULT OR CONTRAVENTION NOT CAUSING ENVIRONMENT POLLUTION. [See sections 2(h), 14A, 14C, 14D, 14E and 24B]</p>		
Serial Number.	Nature of default or contravention.	Amount of penalty for default or contravention mentioned under column (2) against such default or contravention.
(1)	(2)	(3)
1.	<p>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.</p> <p>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.</p>	<p>a penalty of fifty thousand rupees for each day during which such default continues or fifty lakhs rupees, whichever is less</p>
2.	<p>CARRYING OUT PROJECT OR ACTIVITIES OR OPERATION OR PROCESS WITHOUT OBTAINING CLEARANCE, APPROVAL, AUTHORISATION OR REGISTRATION.</p> <p>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.</p>	<p>a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.</p>
	<p>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.</p>	
3.	<p>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.</p>	<p>a penalty of one lakh rupees for each day during which such default continues or five crore rupees, whichever is less.</p>

	DEFAULT IN OPERATING THE POLLUTION CONTROL DEVICES.	
4.	Default in operating the pollution control devices (after having installed such pollution control devices) for protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution as may be required under section 3 or under section 6 or other provisions of the Act or rules made thereunder or order, direction, clearance, approval, authorisation, permission, licence or registration made, given or granted in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or three crore rupees, whichever is less.
	DEFAULT IN FURNISHING ANNUAL REPORT BY THE OCCUPIER OR OPERATOR OF THE PROJECT OR ACTIVITY OR OPERATION OR PROCESS OR ANY OTHER PERSON.	
5.	Default furnishing the annual report or required details or documents or material by the occupier or operator of the project or activity or operation or process or any other person, as may be required, under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration granted made, given or granted in pursuance of this Act or under any notification issued thereunder.	A penalty of fifty thousand rupees for each default or contravention
	DEFAULT IN FURNISHING THE REQUIRED DETAILS OR PRODUCING REQUISITE DOCUMENTS OR MATERIAL AT THE TIME OF INSPECTION OF ANY PROJECT OR ACTIVITY OR OPERATION OR PROCESS.	
6.	Default in furnishing the required details or producing requisite documents or material at the time of inspection of any project or activity or operation or process, as may be required, under clause (vi) of sub-section (2) of section 3 or under other provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration granted, made, given or granted in pursuance of this Act or under any notification issued thereunder.	A penalty of twenty thousand rupees for each default or contravention
	DEFAULT TO REPORT ACCIDENTS.	
7.	Default in reporting, any accidents occurring in carrying out of the project or activity or operation or process, as may be required under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted in pursuance of this Act or under any notification issued thereunder.	A penalty of five lakh rupees for each default or contravention

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

	DEFAULT IN FULFILLING RESPONSIBILITIES OF THE COLLECTION CENTRES (INCLUDING STORING WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT IN A SECURED MANNER TILL IT IS SENT TO REGISTERED DISMANTLER OR RECYCLER, AS THE CASE MAY BE, AND ENSURING THAT NO POLLUTION IS CAUSED TO THE ENVIRONMENT DURING STORAGE AND TRANSPORTATION OF ELECTRICAL AND ELECTRONIC EQUIPMENT WASTE) ETC.	
11.	Default in fulfilling responsibilities of the Collection Centres (including default in storing waste electrical and electronic equipments in a secured manner till it is sent to registered dismantler or recycler, as the case may be, and ensuring that no pollution is caused to the environment during storage and transportation of waste electrical and electronic equipments) as may be required under rules made under the Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	a penalty of fifty thousand rupees for each day during which such default continues or fifty lakhs rupees, whichever is less.
	DEFAULT IN FULFILLING RESPONSIBILITIES OF THE DISMANTLER IN DISMANTLING OF USED ELECTRICAL AND ELECTRONIC EQUIPMENT INTO THEIR COMPONENTS (INCLUDING ENSURING THAT NO POLLUTION IS CAUSED TO THE ENVIRONMENT DURING STORAGE AND TRANSPORTATION OF ELECTRICAL AND ELECTRONIC EQUIPMENT WASTE, 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).	
12.	Default in fulfilling responsibilities by dismantler in dismantling of used electrical and electronic equipment into their components (including default in ensuring that no pollution is caused to the environment during storage and transportation of electrical and electronic equipment waste, dismantling processes and ensuring that dismantled such wastes are 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 fifty thousand rupees for each day during which such default continues or fifty lakhs rupees, whichever is less.
	CARRYING OUT PROHIBITED ACTIVITIES WITHIN COASTAL REGULATION ZONE COASTAL REGULATION ZONE AREA.	
13.	Carrying out prohibited activities within the	a penalty of one lakh rupees for

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	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.	each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT IN COMPLYING WITH THE REQUIREMENTS FOR CARRYING OUT PERMISSIBLE ACTIVITIES WITHIN COASTAL REGULATION ZONE AREA COASTAL REGULATION ZONE.	
14.	Default in complying with the requirements for carrying out permissible activities within coastal regulation zone area (including carrying out any activity within the coastal regulation zone not requiring waterfront and foreshore facilities and making default in carrying out projects or construction etc., in coastal regulation zone area) as may be required under rules made under the Act or order or directions issued thereunder or in pursuance of this Act or under any notification issued thereunder.	a penalty of fifty thousand rupees for each day during which such default continues or five lakhs rupees, whichever is less.
	DEFAULT IN PROVIDING TO THE CONCERNED AUTHORITY WITH REQUISITE INFORMATION FOR PREPARATION OF OFF-SITE EMERGENCY.	
15.	Default in providing the concerned authority with such information relating to the project or activity or operation or process under the control of the occupier or his agent any other person as the concerned authority may require, (including 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 fifty thousand rupees for each default.
	DEFAULT IN CONDUCTING THE SAFETY AUDIT OR FRESH SAFETY AUDIT OR IN PREPARING SAFETY-REPORT OR UPDATING IT.	
16.	Default in conducting the safety audit or fresh safety audit at the intervals or fresh safety audit or in preparing safety-report or updating it or forwarding the safety audit report to the concerned authorities, as may be required, under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration,	a penalty of fifty thousand rupees for each default.

	given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	
17.	Default by environmental laboratories or Institutes to evolve standardized methods for and analysis of various types of environmental pollutants including air, water, soil or other substance for analysis) as may be required under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each default.
	DEFAULT BY ENVIRONMENTAL LABORATORIES OR INSTITUTE TO CARRY OUT SUCH INVESTIGATIONS AS MAY BE DIRECTED BY THE CENTRAL GOVERNMENT TO LAY DOWN STANDARDS FOR THE QUALITY OF ENVIRONMENT.	
18.	Default by environmental laboratories or 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 two lakhs rupees for each default.
19.	DEFAULT IN HANDLING OR CAUSE TO BE HANDLED ANY HAZARDOUS SUBSTANCE IN ACCORDANCE WITH PROCEDURE AND SAFEGUARDS PRESCRIBED.	
	Default in handling or cause to be handled any hazardous substance in accordance with procedure and complying with the safeguards as specified or may be specified under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.
	DEFAULT TO KEEP HAZARDOUS MATERIAL IN ISOLATED STORAGE OR IN SPECIFIED MANNER OR IN SPECIFIED QUANTITY.	
20.	Default in keeping hazardous material in isolated storage or in specified manner or in specified quantity as required or may be under provisions of the Act or rules made thereunder or order, direction or clearance, approval, authorisation,	a penalty of one lakh rupees for each day during which such default continues or one crore rupees, whichever is less.

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

	or under any notification issued thereunder.	
	DEFAULT IN DISCHARGING RESPONSIBILITIES OF MANUFACTURER, IMPORTER, ASSEMBLER AND RE-CONDITIONER OR IN DISCHARGING RESPONSIBILITIES BY DEALERS OR RECYCLER OR CONSUMER OR BULK CONSUMER OR AUCTIONEER OF BATTERIES.	
25.	Default in discharging responsibilities of manufacturer, importer, assembler and re-conditioner or by dealers or recycler or consumer or bulk consumer or auctioneer, as required or may be required under the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder..	a penalty of fifty thousand for each default.
	DEFAULT IN COMPLYING WITH CONDITIONS OR REQUIREMENTS IN THE COURSE OF MANUFACTURE, STOCKING, DISTRIBUTION, SALE AND USE OF PLASTIC CARRY BAGS AND SACHETS, RECYCLING, RECOVERY OR DISPOSAL OF PLASTIC WASTE ETC.	
26.	Default in complying with conditions or requirements in the course of manufacture, stocking, distribution, sale and use of plastic carry bags and sachets, recycling, recovery or disposal of plastic carry bags and sachets, plastic waste management, as required or may be required, under the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of twenty thousand rupees for each default.
27.	DEFAULT IN COMPLYING WITH REQUIREMENTS FOR — HANDLING, — SETTING — UP — REQUISITE TREATMENT AND DISPOSAL FACILITIES FOR BIO-MEDICAL WASTE.	
	Default by an occupier of an institution generating bio-medical waste(including a hospital, nursing home, clinic, dispensary, veterinary institution, animal house pathological laboratory, blood bank by whatever name called) in taking steps to ensure that such waste is handled without any adverse effect to human health, or default in segregation, packaging, storage of biomedical waste into containers or bags and their labelling at the point of generation prior to its storage, transportation, treatment, as required or may be required, under the Act or rules made thereunder or order, or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder..	a penalty of twenty thousand rupees for each day during which such default continues or fifty thousand rupees, whichever is less.

	DEFAULT IN SETTING UP REQUISITE BIO-MEDICAL WASTE TREATMENT AND DISPOSAL FACILITIES.	
28.	Default by an occupier in setting the treatment facilities (such as incinerator, autoclave, microwave system) for the treatment of bio-medical waste or taking steps for requisite treatment of such waste at a common waste treatment facility or any other waste treatment facility to ensure that such waste is handled without any adverse effect to human health with the time-schedule as required or may be required under the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of fifty thousand rupees for each default or rupees fifty lakh whichever is less.
	DEFAULT IN KEEPING BIO-MEDICAL WASTE STORED BEYOND SPECIFIED HOURS.	
29.	Default in keeping bio-medical waste stored beyond hours as specified or may be specified under the Act or rules made thereunder or order, direction or clearance, approval, authorisation, permission, licence or registration, given or granted under the Act or in pursuance of this Act or under any notification issued thereunder.	a penalty of twenty five thousand for each day during which such default continues or five lakhs rupees, whichever is less.
	ANY OTHER DEFAULT NOT SPECIFIED AT SERIAL NUMBER 1 TO 29 ABOVE IN THE SCHEDULE.	
30.	Any other default or contravention (other than those mentioned at serial numbers 1 to 29) for which no separate penalty has been provided in the Schedule or the Act, 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."

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	CHAPTER III	
	AMENDMENTS TO THE NATIONAL GREEN TRIBUNAL ACT, 2010	
Amendment of section 16.	13. 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 subsection (6) or section (7) of section 14DA of the Environment (Protection) Act, 1986;”.	
Insertion of new section 16A.	14. 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 fifty per cent. of the amount of penalty imposed upon him by the adjudicating authority.”.	