

THE ENVIRONMENT (PROTECTION) ACT, 1986			
Section	Existing Provision	Proposed Provision	Comments
	seizures under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or as the case may be, under the corresponding provision of the said law.		
Section 15 PENALTY FOR CONTRAVENTION OF THE PROVISIONS OF THE ACT AND THE RULES, ORDERS AND DIRECTIONS.-	(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.	In the principal Act, for section 15, the following sections shall be substituted, namely: - "15. (1) Where any person contravenes or does not comply with any of the provisions of this Act or the rules made or orders or directions issued thereunder for which no penalty is provided, he shall be liable to pay the penalty in respect of each such contravention or non-compliance which shall not be less than five lakh rupees and may extend to five crore rupees: Provided that where the amount of the damage caused due to such contravention or non-compliance by that person is more than the amount of penalty, such person shall be liable to pay the penalty equal to the amount of the damage causedshall not be less than ten thousand rupees and may extend to one lakh rupees.

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	(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.	(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty, which shall not be less than fifty thousand rupees for each day during which such contravention or non-compliance continues and may extend to five lakh rupees.shall not be less than five thousand rupees for each day.....and may extend to one lakh rupees.
Amendment of section 25 POWER TO MAKE RULES	25. POWER TO MAKE RULES. - (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely – (a) the standards in excess of which environmental pollutants shall not be discharged or emitted under section 71 ; (b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be	6.In the Principal Act, in section 25, after clause (g), the following clauses shall be inserted, namely: - “(ga) manner of holding inquiry by the adjudicating officer under sub-section (1) of section 15C;” (gb) manner of administration of the Fund under sub-section (3) of section 17A; (gc) form for maintenance of accounts of the Fund and for preparation of annual statement of accounts under section 17B;	

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	shall be furnished under section 20; (j) any other matter which is required to be, or may be, prescribed.		
The following sections are proposed to be inserted			
Insertion of clause (ca) after clause (c)		(ca) "Fund" means Environmental (Protection) Fund established under section 17A;	
Insertion of section 14A deals with Penalty for contravention of section 7 and 8 of the Act		"14A. (1) If any person, contravenes provisions of section 7 or section 8 or orders or directions issued thereunder, he shall be liable to pay the penalty in respect of each such contravention or non-compliance which shall not be less than five lakh rupees and may extend to five crore rupees: Provided that where the amount of the damage caused due to such contravention or non-compliance by that person is more than the amount of penalty, such person shall be liable to pay the penalty equal to the amount of the damage caused. (2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay anshall not be less than ten thousand rupees and may extend to one lakh rupees.

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		additional penalty, which shall not be less than one lakh rupees for each day during which such contravention continues and may extend to fifty lakh rupees.shall not be less than five thousand rupees for each day.....and may extend to one lakh rupees.
<p>Insertion of section 14B deals with Penalty for contravention of section 9, 10 and 11.</p>		<p>14B.(1) If any person contravenes or does not comply with section 9, section 10 or section 11 or orders or directions issued under those sections, he shall be liable to pay the penalty in respect of each such contravention or non-compliance which shall not be less than five lakh rupees and may extend to five crore rupees.</p> <p>(2) Where any person continues contravention or non-compliance under subsection (1), he shall be liable to pay an additional penalty which shall not be less than one lakh rupees for each day during which such contravention or non-compliance continues and may extend to fifty lakh rupees."</p>	<p>.....shall not be less than ten thousand rupees and may extend to one lakh rupees.</p> <p>.....shall not be less than five thousand rupees for each day.....and may extend to one lakh rupees.</p>
<p>Insertion of section 15A Penalty for contravention by companies</p>		<p>15A. Where any company contravenes any provision of this Act, such company shall be liable to pay the penalty for each such contravention which shall not be less than</p>	

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		five lakh rupees and may extend to five crore rupees: Provided that where the amount of the damage caused due to such contravention or non-compliance by that person is more than the amount of penalty, such company or body corporate shall be liable to pay the penalty equal to the amount of the damage caused.shall not be less than ten thousand rupees and may extend to one lakh rupees.
Insertion of section 15B Penalty for contravention by Government Department.		15B. Where contravention of any provision of this Act has been committed by any department or agency of the Central Government or any State Government and such contravention is attributable to any neglect on the part of the officer concerned, such officer and if contravention is committed on the instruction of senior officer or Head of the Department, such senior officer or Head of the Department, as the case may be, shall be liable to pay the penalty not exceeding two lakh rupees for each such contravention.	
Insertion of section 15C Adjudicating Officer.		15C. (1) The Central Government, for the purposes of determining the penalties under this Act, may appoint an officer not below	

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		<p>Green Tribunal established under section 3 of the National Green Tribunal Act, 2010.</p> <p>(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.</p> <p>(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.</p>	
Insertion of section 15E Penalty amount to be credited to Environmental (Protection) Fund.		15E. Where any penalty or additional penalty, as the case may be, is imposed under section 14A, 14B, 15, 15A or section 15B, the amount of such penalty shall be credited to the Environmental (Protection) Fund established under section 17A.	
Insertion of section 15F Offence for failure to pay penalty or additional penalty.		15F. Where any person fails to pay the penalty or additional penalty, as the case may be, under sections 14A, 14B, 15, 15A and section 15B, he shall be liable for imprisonment which may extend to 3 years or with fine which may extend upto ten crore rupees or with both."which may extend up to five lakh rupees.....