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SOP for Environmental Violations: MoEFCC

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Why in News

Recently, the **Ministry of Environment, Forests and Climate Change (MoEFCC)** issued the Standard Operating Procedure (SOP) to deal with environmental violations.

The SOP is a result of orders from the **National Green Tribunal**, which earlier in 2021 directed the ministry to **put in place penalties and an SOP for green violations**.

Key Points

- **Categories of Green Violation as per the SOP:**
 - **Projects Without Clearance:**
 - Violations' involving cases where construction work, including expansion of an existing project, has begun **without the project proponent having acquired environmental clearance.**
 - Projects that are not permissible for environmental clearance.
 - The permissibility of the project shall be examined from the perspective of whether such activity/project was at all eligible for grant of prior environment clearance.
 - **For Example:** If a Red Industry(Industrial Sectors having **Pollution Index (PI)** score of 60 and above) is functioning in a **Coastal Regulation Zone (CRZ)-I area**, which means it was not permitted at the time of commencement of the project. Therefore, the activity shall be closed.
 - PI of any industrial sector is a **number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution** load from the industrial sector. It is developed by the Ministry of Environment, Forest and Climate Change (MoEFCC) and used for categorization of industrial sectors in **red, orange, green and white categories.**
 - **Non-Compliant Projects:**
 - Projects in which **prior environmental clearance has been accorded, but it is in violation of norms** prescribed in the approval.
 - Projects which are permissible according to environmental law but which have not acquired the requisite clearance.
 - In cases of expansion of a project, including increase in volume of production, if environmental clearance has not been received, then the **government agency can force the project proponent to revert to the level of construction/manufacturing before the expansion.**
- **Fines:**
 - In cases where operations have commenced **without the required environmental clearance, 1% of the total project cost** and in addition **0.25 % of the total turnover** during the period of violation will be levied.
 - In **violation cases**, where operations have not commenced, **1% of the total project cost incurred up to the date** of filing of the application (for instance a fine of Rs 1 lakh for a project worth Rs 1 crore) will be levied.
- **Concerns Raised by Environmentalists:**
 - The SOP normalises **post facto regularisation of violations** in which violations are first committed and then the project proponent files for clearance by which they “are let off by paying a penalty”.
 - It is the **institutionalising of violations on the basis of the polluter pays norm.**

- **Other Related Initiatives of MOEFCC:**
 - Earlier MoEFCC has published the draft **Environment Impact Assessment (EIA) Notification 2020**, with the intention of replacing the existing EIA Notification, 2006 under the **Environment (Protection) Act, 1986**.
 - In 2017, the ministry had initiated a **six-month amnesty scheme on penalising green violations**, which was later extended.

Environmental Impact Assessment

- **About:**
 - The **United Nations Environment Programme (UNEP)** defines EIA as a tool used to identify the environmental, social and economic impacts of a project prior to decision-making.
 - It aims to **predict environmental impacts** at an early stage in project planning and design, **find ways and means to reduce adverse impacts**, shape projects to suit the local environment and **present the predictions and options to decision-makers**.
 - The Environment Impact Assessment in India is **statutorily backed by the Environment Protection Act, 1986**.
- **Importance:**
 - Provides a **cost effective method to eliminate or minimize the adverse impact of developmental projects**.
 - **Enables the decision makers to analyse the effect of developmental activities on the environment** well before the developmental project is implemented.
 - Encourages the adaptation of mitigation strategies in the developmental plan.
 - Makes sure that the **developmental plan is environmentally sound and within the limits of the capacity of assimilation and regeneration** of the ecosystem.

National Green Tribunal

- It is a **specialised body set up under the National Green Tribunal Act (2010)** for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources.
- With the establishment of the NGT, **India became the third country in the world to set up a specialised environmental tribunal**, only after Australia and New Zealand, and the first developing country to do so.
- NGT is **mandated to make disposal of applications or appeals finally within 6 months of filing the same**.
- The NGT has **five places of sittings**, **New Delhi is the Principal place** of sitting and Bhopal, Pune, Kolkata and Chennai are the other four.

Source: IE