



SOP for Environmental Violations: MoEFCC

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](#)

