



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

Semester: IV

SUBJECT: Environmental Laws

SUBJECT CODE: LLB404

NAME OF FACULTY: Mohammad Aqib

Lecture-22



LECTURE 22: Offences and Penalty under Environment Protection Act

Penalty for the Contravention of Rules and orders of this Act

As it was stated earlier that the most important goal of the environmental protection act is to provide for the punishment of the offence of endangering the human environment, safety and health.

Section 15 states that any person who is not complying to the provisions stated in this act and its failure or contravention will make him liable and punishable as the following:

1. In terms of imprisonment up to the extension of the time span of five years.
2. With fine which may extend to the term of one lakh rupee.
3. Or the liable person has to deal with both of the punishments.
4. If the contravention of the offence that continues for one year, the punishment can extend up to seven years.

Section 24 a provision that if any offence is punishable under the Environment Protection Act and also under other Act, then the person shall not be liable under the Environment Protection Act, 1986.

This particular section reduces the punishment extent as other Act includes lesser punishment.

Offences by the Companies and the Governmental Departments

Section 16 of the Environmental Protection Act, 1986 explains the principle of vicarious liability of the Incharge person such as directors, Managers and secretary etc for if the offence is committed by any company.

He is not held liable for the following:

1. If the offence is committed without his knowledge.
2. If he has taken diligent care to prevent the commission of the offence.

Illustration: If any company which is emitting some hazardous substance out of its industry and is taking care of the standard level of the harm produced to the environment and if the offence committed by the industry is not in knowledge of person taking the liability, then the person will not stand as liable.

There cannot be a liability on his part if he **proves** the following.

1. That the offence was committed without his knowledge.
2. If he has exercised the diligent care to prevent the commission of any offence.

Who can make a complaint?

A complaint can be filed by two parties:

1. The central government or any authority associated with the government.
2. Any person who has given the notice of complaint within the term of sixty days of the alleged offence or the has the intention to make the complaint to governmental authority or the central government.

Bars to the jurisdiction

The Act has barred the civil court to entertain any proceedings in respect of any action taken by the central government. Most of the cases in India, pertaining to Environmental Law have to come before the courts in the form of **Public Interest Litigation (PIL)** and can be filed in High Courts and Supreme Courts.