

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION NO. 695
ANSWERED ON 08.02.2024

Guideline for closure of polluted industries

695 SHRI NARANBHAI J. RATHWA:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) Whether Pollution Control Boards issued orders for closure of industries fraught with legal infirmities such as violation of constitutional rights to practice trade, defying principles of natural justice, proportionality and precautionary principle;
- (b) If so, reasons therefor with the number of such industries closed without adopting above legal course during the last three years;
- (c) the procedure adopted by Pollution Control Board to get the closure directions revoked of polluted industries; and
- (d) the complete details of industries unit where Central Pollution Control Board has revoked closure directions and are allowed to operate, State-wise?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI ASHWINI KUMAR CHOUBEY)

(a)to(d): The Central Pollution Control Board (CPCB) has devised a 'Standard Protocol for Conducting Inspections, Report Preparation and Action'. The action against violators is taken based on the guidelines prescribed in this protocol.

In general, for minor non-compliances, show-cause notice is issued to unit, in line with the principles of Natural Justice and to give an opportunity to the unit, before issuance of closure directions under Section 5 of the Environment (Protection) Act, 1986. However, closure directions under Section 5 of the Environment (Protection) Act, 1986 are issued directly to the unit if it is found grossly non-complying with regard to prescribed environmental standards and other shortcomings which have potential to cause grave injury to the environment. Some of such gross non-compliances include the following:

- i. Any bypass discharge of partially treated or untreated effluent and emission observed.
- ii. Injection of treated or untreated water or both into ground water (reverse boring).
- iii. Operating unit having defunct Effluent Treatment Plant (ETP) or Air Pollution Control Device (APCD) and/or operating without installation of ETP or APCD.
- iv. Unauthorized disposal or dumping of hazardous waste likely to cause grave injury to Environment.

Based on status of Online Continuous Effluent/ Emission Monitoring Systems (OCEMS), CPCB has inspected 215 industrial units since 2020, out of which 83 units were found non-complying with environmental norms. Based on the severity of violations, closure directions were directly issued to 7 units without issuance of show-cause notice. All these 7 units have later complied with prescribed environmental norms and the closure directions are revoked. The list of units is attached as **Annexure-I**.

State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) also issue show cause notice or closure directions under section 33A of the Water Act, 1974 / 31 A of the Air Act, 1981 for the violations of consent conditions.

CPCB has constituted a Committee having representative(s) from CPCB and Ministry of Environment, Forest and Climate Change (MoEF&CC) for examination and recommendation for revocation /withdrawal of closure direction issued by CPCB. This Committee reviews the compliance submitted by the concerned industry and revocation of closure direction is issued by CPCB after the recommendations of the said Committee.

Annexure-I

List of industries to which closure directions were issued directly by CPCB, without issuance of show-cause notice, due to severe non-compliance of environmental norms

S. No.	Name of the unit	Sector
1	M/s. Mithila Dugdh Utpadak Sakhari Sangh Limited (Samastipur Dairy), Samastipur, Bihar	Dairy
2	M/s Astik Dyestuff Pvt Ltd, Ankleshwar, Gujarat	Dye & Dye Intermediate
3	M/s Niox Speciality Paper Mill, Mehsana, Gujarat	Pulp & paper
4	M/s Hema laboratories, Raichur, Karnataka	Pharmaceutical
5	M/s Athani Sugars Ltd., Maharashtra	Sugar
6	M/s Dharashiv Sakhar Karkhana Ltd., Osmanabad, Maharashtra	Sugar
7	M/s Jagruti Sugar & Allied Industries Ltd, Devni, Maharashtra	Sugar
