

**GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA**

UNSTARRED QUESTION NO:3782
ANSWERED ON:23.08.2004
COMPENSATION BY POLLUTING INDUSTRIAL UNITS
Rana Shri Kashi Ram;Singh Shri Brij Bhushan Sharan

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

- (a) whether it has been observed by any of the Hon`ble Courts that the polluting industrial units should not only be closed down but also be asked to pay compensation;
- (b) if so, the details thereof;
- (c) the steps taken by the Government in this direction; and
- (d) the outcome thereafter?

Answer

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA)

(a) & (b) The Hon`ble Supreme Court vide it's order dated 28.08.1996 in the Writ Petition (C) No. 914/1991 of Vellore Citizen Welfare Forum Vs Union of India & Others, held that the precautionary principle and polluter pays principle are part of the Environment Law of the country and directed the Central Government to constitute an Authority under the Environment (Protection) Act, 1986 for the State of Tamil Nadu. The Authority was directed to implement the above two principles and assess the loss of ecology/environment in the affected areas due to polluting industries. The authority was further directed to determine the compensation to be recovered from the polluting industries as cost of reversing the damaged environment.

(c) & (d) In pursuance of the Supreme Court order, the Government has constituted the Loss of Ecology (Prevention and Payments of Compensation) Authority for Tamil Nadu to assess the loss of the ecology and environment in the effected areas and also to identify the individuals and families for payment of compensation. The authority after detailed studies has delivered its award for compensation to affected families.