

Bill Summary

The Water (Prevention and Control of Pollution) Amendment Bill, 2024

- The Water (Prevention and Control of Pollution) Amendment Bill, 2024 was introduced in Rajya Sabha on February 5, 2024. It amends the Water (Prevention and Control of Pollution) Act, 1974. The Act establishes the central and state pollution control boards (CPCB and SPCBs) to prevent and control water pollution. The Bill decriminalises several violations, and instead imposes penalties. It will initially apply to Himachal Pradesh, Rajasthan, and the union territories. Other states may pass resolutions to extend its applicability to their states.
- **Consent exemptions for establishing industries:** As per the Act, prior consent of the SPCB is required for establishing any industry or treatment plant, which is likely to discharge sewage into a water body, sewer, or land. The Bill specifies that the central government, in consultation with the CPCB, may exempt certain categories of industrial plants from obtaining such consent. The Bill also adds that the central government may issue guidelines for the grant, refusal, or cancellation of consent granted by the SPCB. Under the Act, establishing and operating an industry without obtaining such consent from the SPCB is punishable with imprisonment up to six years and fine. The Bill retains this. It also penalises tampering with monitoring devices used in determining whether any industry or treatment plant can be set up. The penalty will be between Rs 10,000 and Rs 15 lakh.
- **Chairman of State Board:** Under the Act, chairman of an SPCB is nominated by the state government. The Bill adds that the central government will prescribe the manner of nomination and the terms and conditions of service of the chairman.
- **Discharge of polluting matter:** Under the Act, the SPCB may issue directions to immediately restrain any activity which is leading to discharge of noxious or polluting matter in water bodies. The Act also prohibits violation of standards (laid down by SPCB) regarding polluting matter in water bodies or on land, barring some exemptions. Exemptions include depositing non-polluting materials on the bank of a stream for reclaiming land. Violation of these provisions is punishable with an imprisonment term between one and a half years and six years, and a fine. The Bill removes the punishment and instead, imposes a penalty between Rs 10,000 and Rs 15 lakh.
- **Penalty for other offences:** Under the Act, an offence for which punishment is not explicitly specified is punishable with an imprisonment term of up to three months or a fine of up to Rs 10,000, or both. The Bill removes imprisonment as a punishment, and prescribes a penalty between Rs 10,000 and Rs 15 lakh. Failure to pay penalty for violation of any provision under the Act will attract an imprisonment term of up to three years, or a fine up to twice the amount of penalty imposed.
- **Adjudicating officer to determine penalties:** The Bill allows the central government to appoint adjudication officers to determine penalties under the Act. The officer must be of the level of a Joint Secretary to the central government, or of Secretary to the state government. Appeals against orders passed by the adjudicating officer may be made before the National Green Tribunal, after depositing 10% of the penalty levied. Penalties imposed by the adjudicating officer will be credited to the Environment Protection Fund established under the Environment (Protection) Act, 1986.
- **Cognizance of offences:** As per the Act, a court may take cognizance of an offence if a complaint is made by the CPCB or SPCB, or a person who has given a notice of the complaint to the Boards. The Bill adds that cognizance may also be taken if a complaint is made by the adjudicating officer.
- **Offences by government departments:** Under the Act, the head of a department will be deemed guilty for offences committed by government departments, provided that they prove due diligence was carried out to avoid such contravention. The Bill specifies that the head of a department will be required to pay penalty equal to one month of their basic salary if the department violates any provision of the Act.

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