Amendments to Environment Protection Act

Why in news?

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The Union government is planning to make changes to the Environment (Protection) Act of 1986.

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What are the present provisions?

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- The maximum fine that can be imposed on a polluting industry or other entities is Rs.1 lakh along with a jail sentence of up to five years.
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- Even this requires the government agencies to first file a complaint with a magistrate at the district level and secure a favourable order against the polluter.
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- At present, there are powers to shut down a polluting industry or an operation of a part of the industry temporarily.
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- Currently, a violation of the Environment Protection Act is treated as a criminal offence.
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- There is a felt need to have graded response to the pollution problem without everything ending up in court.
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What are the proposed changes?

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- The level of fines for a polluting industry from Rs.1 lakh to Rs.1 Crore to be increased.
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- The fine is to be imposed without going through a judicial process prescribed in the current law.
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- A designated officer would be the final authority to decide the money that needs to be recovered from the polluting entity.
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- There is also a plan to make pollution a civil offence for which the government can demand costs from the polluters without going to the courts.
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What are the shortfalls?

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- The proposed changes lack understanding of why repeated attempts over the past failed to bring a change in pollution levels in the river. This includes the recent Namami Gange project's output.
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- The river is a community asset and polluting it has disastrous health effects. This cannot be overlooked because a polluting industrial unit is happy to pay Rs.1 Crore.
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- Undermining judicial review could give scope for official-polluter nexus, instead of reducing pollution.
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- Change can start with more efficient execution of the existing rules than amending them or bringing new ones.
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Source: Business Standard

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