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

Why in news?

Recently Rajya Sabha passed the Water (Prevention and Control of Pollution) Amendment Bill.

Water (Prevention and Control of Pollution) Act 1974
• **Article 252-** It enables Parliament to legislate for 2 or more States by consent, as Water is a State list through this Article the Act is enacted by the Central government. • **Objectives-** - To provide for prevention, control and abatement of water pollution - For maintenance or restoration of the wholesomeness of water. - For the establishment of pollution control water boards. - To assess pollution levels and punish polluters. • **Pollution-** It means any contamination of water or alteration of the physical, chemical and biological properties of water or disposing of any sewage waste in water which is likely to cause nuisance or renders such water to be harmful to public health or safety or to domestic, industrial or other legitimate use or harmful to the life and health of the animals and aquatic plants. • **Agencies-** - Central Pollution Control Board (CPCB) - State Pollution Control Board (SPCB) - Joint Board • **Role of CPCB**- It advise the Central Government on any matter concerning the prevention and control of water pollution. • **Role of SPCB**- To plan a comprehensive program for preventing and controlling the pollution of the wells and streams in the state and to secure its execution. • **Joint Board**- An agreement may be entered into by the state government of one state with the state government of another state to set up a joint Board.

What are the key provisions of the Water (Prevention and Control of Pollution) Amendment Bill, 2024?

- **Amend**- The bill amends the Water (Prevention and Control of Pollution) Act, 1974.
- **Aim**- To decriminalise minor offences related to water pollution, and exempt certain categories of industrial plants from statutory restrictions.
- **Initial application**- The bill will apply to Himachal Pradesh, Rajasthan, and the union territories. Other states may pass resolutions to extend its applicability to their states.
- **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.

- **National Green Tribunal**- 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.

Key aspects	Water (Prevention and Control of Pollution) Act, 1974	Water (Prevention and Control of Pollution) Amendment Bill 2024
Chairman of SPCB	It 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.
Consent exemptions for establishing industires	The 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 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.
Penalty for establishing industries without consent	If an industry is established and operating without obtaining consent from the SPCB, it is punishable with imprisonment up to 6 years and fine.	The Bill retains the same provision.
Tampering with monitoring devices	No such provision is mentioned in the Act.	The Bill penalises between Rs 10,000 and Rs 15 lakh for tampering with monitoring devices used in determining whether any industry or treatment plant can be set up.

Discharge of polluting matter	• 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-** Depositing non-polluting materials on the bank of a stream for reclaiming land. • **Penalty**- 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	• An offence for which punishment is not explicitly specified is punishable with an imprisonment term of up to 3 months or a fine of up to Rs 10,000, or both. • Failure to pay penalty for violation of any provision will attract an imprisonment term of up to 3 years, or a fine up to twice the amount of penalty imposed.	The Bill *removes imprisonment* as a punishment, and prescribes a penalty between Rs 10,000 and Rs 15 lakh.
Cognizance of offences	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	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.

References

1. Indian Express- Rajya Sabha passes water amendment bill 2024
2. PRS- Bill summary



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