

New Rules Under Water Act 2024: Penalty and Inquiry Process Explained

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Why in News?

The Central Government has notified new rules to streamline the process of inquiry and imposition of penalties for water pollution offenses under the Water (Prevention and Control of Pollution) Act, 1974. These rules are called the **Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024**.

The Rules come in the backdrop of the amendments made to the Water Act earlier this year. This notification strengthens regulatory oversight while streamlining the adjudication process for water pollution violations.

Water Act 1974 and the need for amendment

- **Background - Water Act 1974**

- The **Water (Prevention and Control of Pollution) Act** was enacted in 1974 to provide for the prevention and control of water pollution.
- The Act prescribes various penal provisions for non-compliance or contravention of the provisions punishable with imprisonment.

- **Need for the amendment**

- The Amendment was brought to uphold the principle that **democratic governance lies in the government trusting its own people and institutions**.
- The Water Act 1974 had provision of imprisonment of up to three months for not informing the State Board about abstraction of water from a stream or well.
- The imprisonment provisions for minor violations which are simple infringements, not leading to any injury to humans or damage to the environment, many a times cause harassment to business and citizen.
- It is also not in consonance with the spirit of Ease of Living and Ease of Doing Business.
- Therefore, the Water (Prevention and Control of Pollution) Amendment Bill, 2024 proposes rationalising criminal provisions.

Key highlights of the Water Act 2024

- **Introduction and Applicability**

- It applies initially to Himachal Pradesh, Rajasthan, and union territories, with provisions for other states to adopt it through state resolutions.

- **Decriminalization and New Penalties**

- It decriminalizes various violations, removing imprisonment for several offences and replacing it with monetary penalties ranging from Rs 10,000 to Rs 15 lakh.
- However, failure to pay penalties can still result in imprisonment of up to three years or fines up to twice the original penalty amount.

- **Consent Exemptions for Industry Establishment**

- While the 1974 Act requires SPCB consent for industries likely to discharge sewage, the 2024 Act allows the central government, in consultation with CPCB, to exempt specific categories of industries from this requirement.
- Guidelines for SPCB consent processes may also be issued by the central government.
- Penalties for tampering with monitoring devices are set between Rs 10,000 and Rs 15 lakh.

- **State Pollution Control Board (SPCB) Chairman Appointments**

- The Act requires the central government to prescribe the nomination process and terms for SPCB chairmen, adding central oversight in appointments which were previously state-determined.

- **Regulations on Polluting Matter Discharge**

- The SPCBs can issue directives to immediately stop activities discharging pollutants.
- The Act removes imprisonment for violations and instead imposes monetary penalties between Rs 10,000 and Rs 15 lakh.

- **Penalty for General Offences**

- Offences without explicit penalties in the 1974 Act are no longer punishable by imprisonment; the 2024 Act instead prescribes fines between Rs 10,000 and Rs 15 lakh.

- **Appointment of Adjudicating Officers for Penalty Assessment**

- The Act authorizes the central government to appoint adjudicating officers (ranked at least as Joint Secretary) to determine penalties.
- Appeals against their orders can be made to the National Green Tribunal, provided 10% of the penalty amount is deposited.
- Penalties collected go to the Environment Protection Fund.

- **Expanded Cognizance of Offences**

- Under the Act, courts can take cognizance of an offence if a complaint is filed by an adjudicating officer, in addition to complaints from CPCB, SPCB, or notified persons.
- **Accountability for Government Departments**
- For violations by government departments, department heads will be penalized with an amount equal to one month's basic salary unless they can prove due diligence was exercised to prevent the violation.

Key highlights of New Rules under the Water Act 2024

- **Introduction of New Penalty Rules**

- The Union Environment Ministry has notified the Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, which immediately take effect.
- These new rules establish procedures for inquiries and penalties in cases of violations under the Water Act.

- **Shift from Criminal Penalties to Civil Penalties**

- Following recent amendments to the Water Act, violations have been decriminalized, with penalties replacing criminal charges.
- The Ministry previously exempted non-polluting 'white' category industries (non-polluting industries) from needing prior permissions to operate under the Water Act.

- **Empowerment of Pollution Control Authorities**

- Authorized officers from the CPCB, SPCB, Pollution Control Committees, and Integrated Regional Offices can now file complaints to adjudicating officers about violations.
- They can do so under specific sections of the Act (Sections 41, 41A, 42, 43, 44, 45A, and 48), primarily addressing industrial effluent and pollutant discharge norms.

- **Role and Responsibilities of the Adjudication Officer**

- An adjudicating officer, ranked at least as a state government joint secretary, is responsible for overseeing complaints, issuing notices to alleged violators, and conducting inquiries.
- Alleged violators may respond through a legal representative. The adjudication process must be completed within six months of the notice issuance.

Q.1. What are the new rules introduced under the Water Act 2024?

The new rules decriminalize certain violations, impose monetary penalties, and outline a streamlined inquiry process managed by adjudicating officers. These changes aim to enhance regulatory efficiency.

Q.2. How does the Water Act 2024 impact pollution control authorities?

CPCB, SPCBs, and other authorized bodies can file complaints under specific sections, with adjudicating officers now empowered to assess penalties. This reform aims to improve response efficiency to water pollution violations.

News: Rules under new Water Act notified: How inquiry and penalties process will work | PRS India

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