

Rules under new Water Act notified

Posted at: 14/11/2024

Rules under new Water Act notified

Context :

The **Central Government** has introduced new rules to streamline **inquiry and penalty procedures** for water pollution offenses under the **Water (Prevention and Control of Pollution) Act, 1974**. These rules, known as the **Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024**, are intended to improve regulatory oversight and simplify the adjudication process for violations.

Water Act 1974 and the Need for Amendment

Background:

- **The Water Act, 1974** was established to **prevent and control water pollution**.
- It initially included **penal provisions**, including imprisonment, for non-compliance.

Why Amendment Was Needed:

- The amendment was made to support the idea that **governance should trust citizens and institutions**.
 - The original act included **imprisonment** for minor offenses, like not informing the State Board about water abstraction, which often led to **harassment** of businesses and citizens.
 - The strict penal approach was **inconsistent with the Ease of Living and Ease of Doing Business** goals.
 - **Water (Prevention and Control of Pollution) Amendment Bill, 2024** was introduced to **reduce criminal penalties** for minor infractions.
-

Key Highlights of the Water Act 2024

1. Introduction and Applicability:

- Applies to **Himachal Pradesh, Rajasthan, and Union Territories** initially, with options for other states to adopt it.

2. Decriminalization and New Penalties:

- **Decriminalizes minor violations**, replacing imprisonment with **monetary fines** (from Rs 10,000 to Rs 15 lakh).
- If penalties aren't paid, imprisonment of **up to three years** or a fine up to **twice the original amount** may still apply.

3. Consent Exemptions for Industry Establishment:

- The **2024 Act** allows the **central government**, in consultation with the **Central Pollution Control Board (CPCB)**, to exempt certain industries from needing **State Pollution Control Board (SPCB)** consent.
- Introduces **guidelines for SPCB consent processes** for specific industries.

4. SPCB Chairman Appointments:

- Central government now oversees the **appointment of SPCB chairmen**, previously managed by states.

5. Regulations on Polluting Matter Discharge:

- SPCBs can issue directives to **immediately stop polluting activities**.
- Violations result in fines, not imprisonment, between **Rs 10,000 and Rs 15 lakh**.

6. Penalty for General Offenses:

- General offenses that previously led to imprisonment now carry fines from **Rs 10,000 to Rs 15 lakh**.

7. Appointment of Adjudicating Officers:

- **Adjudicating officers**, with ranks at least **Joint Secretary**, will assess penalties.
- Appeals can be made to the **National Green Tribunal** after depositing 10% of the penalty.

8. Expanded Cognizance of Offenses:

- Courts can now take action on complaints filed by **adjudicating officers** in addition to CPCB, SPCB, or notified officials.

9. Accountability for Government Departments:

- Government department heads are liable for violations, facing penalties equal to **one month's basic salary** unless due diligence was demonstrated.

Key Highlights of New Rules under the Water Act 2024

1. Introduction of New Penalty Rules:

- The **Union Environment Ministry** has introduced the **Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024**, outlining **inquiry and penalty procedures**.

2. Shift from Criminal to Civil Penalties:

- Following amendments, penalties now replace criminal charges.
- **White category (non-polluting) industries** are exempted from needing prior permissions to operate under the Act.

3. Empowerment of Pollution Control Authorities:

- **CPCB, SPCB, Pollution Control Committees, and Integrated Regional Offices** can file complaints to adjudicating officers for violations, mainly concerning **industrial effluent and pollutant discharge**.

4. Role and Responsibilities of the Adjudicating Officer:

- An **adjudicating officer** (minimum rank: joint secretary) oversees complaints, issues notices, and conducts inquiries.
- Alleged violators can respond via legal representatives.
- Inquiries must be completed within **six months** of notice issuance.



AKKA IAS ACADEMY
www.akkaias.com