



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

For Prelims: [Water \(Prevention and Control of Pollution\) Act, 1974](#), [Central Pollution Control Board](#), [Air \(Prevention and Control of Pollution\) Act, 1981](#).

For Mains: Major Provisions of Water (Prevention and Control of Pollution) Amendment Bill, 2024

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Why in News?

The two houses of the Parliament recently approved the **Water (Prevention and Control of Pollution) Amendment Bill, 2024**.

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

▪ About:

- The [Water \(Prevention and Control of Pollution\) Act, 1974](#), has long been a cornerstone of India's environmental legislation to ensure sustainable management of [water resources](#).
- The recent amendment seeks to address **certain shortcomings and adapt regulatory frameworks to contemporary needs**.
 - Amendments in the Water Act are also necessary to make in line with the Air Act, as both laws contain similar provisions

▪ Major Amended Provisions:

- **Decriminalisation of Minor Offences:** It focuses on **decriminalising minor offences** related to water pollution, alleviating fears of imprisonment for technical or procedural lapses.
 - The rationale is to ensure penalties align with the severity of offences, promoting compliance without overly burdening stakeholders.
- **Exemption for Certain Industrial Plants:** The amended bill empowers the central government to exempt specific categories of industrial plants from certain statutory restrictions, such as those outlined in **Section 25 regarding the establishment of new outlets and discharges**.
 - This provision intends to streamline regulatory processes and reduce duplication of surveillance efforts, and alleviate unnecessary burdens on regulatory agencies, promoting efficiency.
- **Enhanced Regulatory Oversight:** It introduces measures to enhance regulatory oversight and standardisation across states.
 - It grants the central government authority to **prescribe guidelines for the nomination of chairpersons** of State Pollution Control Boards and issue directives regarding the **grant, refusal, or cancellation** of industry-related

consents.

- It provides certain mandatory qualifications, experience, and procedures to ensure fair appointment of chairpersons.

▪ **Critiques:**

- Critics argue that the bill also seeks to centralise all powers and is against the principle of federalism. They also argue that a subject like the environment is hard to tackle without some amount of stringent fear.
- Some critics raise concerns about the potential impact on transparency in dealing with water pollution issues.
 - They argue that by relaxing certain regulations, the accountability of industries and regulatory agencies might be compromised, leading to less transparency in environmental management.

What are the Salient Features of Water (Prevention and Control of Pollution) Act, 1974?

- **About:** It was enacted for the prevention and control of water pollution and maintaining or restoring the wholesomeness of water.
 - The Central and State Pollution Control Boards have been constituted under **Section 3 and 4** of the Act respectively.
 - The **Central Pollution Control Board (CPCB)**, a statutory organization, was constituted in September, 1974 under the **Water (Prevention and Control of Pollution) Act, 1974**.
 - Further, CPCB was entrusted with the powers and functions under the **Air (Prevention and Control of Pollution) Act, 1981**.
 - It functions under the **Ministry of Environment, Forest and Climate Change (MoEFCC)** and coordinates with the State Pollution Control Boards and other agencies.
- **Previous Amendments:** The Act was amended in **1978 and 1988** to clarify certain ambiguities and to vest more powers in the Pollution Control Board. Salient obligations on the part of industries and local bodies are:
 - **Prior consent** is required from the **State Pollution Control Boards** for establishing any industry or local body that discharges domestic sewage or trade effluent into water, streams, wells, sewers, or land.
 - Upon receipt of the application, the State Board may grant consent with specific conditions and validity dates or refuse consent, providing reasons in writing.
 - Similar provisions apply to industries discharging trade/effluent waste before the Act was enacted.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Q. How is the National Green Tribunal (NGT) different from the Central Pollution Control Board (CPCB)? (2018)

1. The NGT has been established by an Act whereas the CPCB has been created by an executive order of the Government.
2. The NGT provides environmental justice and helps reduce the burden of litigation in the higher courts whereas the CPCB promotes cleanliness of streams and wells, and aims to improve the quality of air in the country.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (b)

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