

Modi government waters down water offences, imprisonment replaced with fines for violations

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The Rajya Sabha on Tuesday passed a bill that seeks to replace criminal prosecution for minor offences relating to water pollution with deterrent financial penalties and empower the central government to exempt certain categories of industries from pollution-linked statutory restrictions.

The Water (Prevention and Control of Pollution) Amendment Bill, 2024, replaces provisions in the act for imprisonment from three months up to seven years with amended text specifying fines up to Rs 15 lakh and, under certain conditions, Rs 10,000 per day for violations.

The Union environment minister Bhupendar Yadav, who piloted the bill on Monday, said development and environmental protection must go together, a PTI report said. There should be harmony in ease of living and ease of doing business, Yadav added. The Rajya Sabha approved the bill by voice vote.

The Jan Vishwas Bill, passed by Parliament last year, contained similar provisions that decriminalised violations of the act governing air pollution and enhanced the financial penalties for violations.

Sections of environmental experts have argued that replacing imprisonment with fines is expected to improve enforcement, increase the frequency of fines' recovery and provide speedier justice because the process of imprisonment — invariably challenged — is difficult and longer.

But others have decried the decriminalisation of pollution-linked offences, saying that the latest amendment related to the water pollution act is part of the Narendra Modi government's policy of diluting existing laws for environmental protection.

Jawhar Sircar, a former central administrator and Rajya Sabha member representing the All India Trinamool Congress, said such dilutions in existing laws would effectively "legitimise offences".

In the debate on the bill, Yadav said its provisions would lead to greater transparency in dealing with issues related to water pollution. The amendment seeks to rationalise criminal provisions and ensure that citizens, businesses and companies operate without fear of imprisonment for minor, technical or procedural faults, according to the statement on the bill's objects and reasons.

Sircar, in his intervention during the debate on the bill, said offenders "must have a sense of fear. This government cannot go on exempting offenders, granting them relief."

Under the bill's provisions, the central government will be empowered to exempt certain categories of industries from specific restrictions on new outlets and discharges.

Last year, the Parliament had also passed amendments to laws relating to forest and biodiversity which critics asserted would have detrimental impacts on environmental protection and forests.

"The latest amendment on water pollution is a part of this government's process to dilute laws," said Bhargavi Rao, a lawyer with the Environmental Support Group, a Bangalore-based

environmental organisation. “Provisions for imprisonment serve as effective deterrents ... under the amendment, polluters can pay and get away with pollution,” she said.