THE JOURNEY OF INDIA’S WATER ACT AND THE WAY FORWARD
AN ASSESSMENT OF THE 2024 AMENDMENT TO THE ACT

Wednesday, June 12, 2024
2:30-4.00 PM (IST)
On Zoom

Key differences between Water Act 1974 and Water Act 2024
What are the changes in the new Water Act?

Will the amendments weaken the laws that protect rivers and water bodies from industrial pollution?

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Amended Water Act Permits Pollution by Corporates

THE government has secured the latest in a series of enactments seriously diluting earlier legislation on environmental issues, this time on water pollution. As has become customary with the Modi government, objections by the opposition were brushed aside, and there was virtually no discussion in either house of parliament. The Water (Prevention and Control of Pollution) Amendment Act, 2024 (hereafter Water Act 2024), amending the earlier Water Act 1974, was tabled in the Rajya Sabha earlier this year on February 5 and passed the very next day on February 6, and tabled in the Lok Sabha on February 8 and passed shortly thereafter. Since 2014 the BJP government has amended almost all policies meant to protect our environment and forest resources with the explicit purpose of facilitating the “ease of doing business.” Major changes have been made to the Forest Conservation Act, the Environmental Impact Assessment (EIA) enactment, guidelines and rules for environment clearances, the Coastal Zone regulations and so on. The common thread in all these amendments has been dilution of regulations, relaxation of conditions for obtaining environmental clearance, and major reduction in penalties for violations, all enabling plunder of natural resources and freedom to pollute by corporates, with hardly any responsibility to conserve or protect them.
Status of compliance of Water Act 1974 in India?

- Limited Enforcement
- State Autonomy
- Focus on Industry
- Inadequate penalties under the Act
- Monitoring deficiencies
**Centralization of Powers:**

**1974 Act:** Gave significant power to State Pollution Control Boards (SPCBs).

**2024 Amendment:** Grants the Central Pollution Control Board (CPCB) more control over SPCB activities, including potentially selecting top officials. The appointment of the chairman of state pollution control boards will now be governed by processes and terms prescribed by the Union government.
Consent exemptions for establishing industries

**1974 Act:** 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.

**2024 Amendment:** The central government, in consultation with the CPCB, may exempt certain categories of industrial plants from obtaining such consent. The central government may issue guidelines for the grant, refusal, or cancellation of consent granted by the SPCB.

2024 Amendment: May not be explicitly applicable to all states initially. It was first implemented in Himachal Pradesh, Rajasthan, and Union Territories. Other states can choose to adopt it through resolutions.
1974: SPCB may issue directions to immediately restrain any water polluting activity and also prohibits violation of standards set by SPCB. Violation of these provisions were punishable with an imprisonment term between one and a half years and six years, and a fine.

2024 Amendment: Decriminalizes some violations and replaces them with fines ranging from ₹10,000 to ₹15 lakh.
Pros

• Streamlining the appointment of chairpersons of state boards with the provision of uniform qualifications, experience and manner of appointment as proposed in the bill would bring transparency to the process.

• Most of the imprisonment provisions in the Act are to be replaced by fines to decriminalise the Act for ease the process of business.
Cons

• latest bill was another effort by the Union government to dilute the environmental governance architecture of the country, termed as “an anti federal law”
• The government has been systematically decriminalising offences against the environment and softening penalties to please the industrial-mining lobby.
• More centralisation and diluted provisions rather than decentralisation and stricter laws
• “As per the National Crime Records Bureau’s 2022 reports, only 78 criminal cases were recorded under Water Act and Air (Prevention and Control of Pollution) Act, 1981. Most states did not register even a single case. It shows weak enforcement of the Act
Thank You