

Govt proposes to amend pollution control norms

Move will allow levy of penalties for better compliance, to hit polluting industries

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NEW DELHI: Taking India's fight against air pollution a step further, the ministry of environment, forest and climate change (MoEFCC) has drafted a set of proposals to amend the rules enabling prevention of air pollution by various industries, while issuing guidelines for the creation of a crop of adjudicating officers to decide the penalty for violations of these rules.

However, these proposed amendments in the Air (Prevention and Control of Pollution) Rules, 1982, by the MoEFCC are also likely to bring higher operational expenses and stricter oversight for companies in industries such as manufacturing, textiles and chemicals, among others, even as they work towards curbing various kinds of pollution in the country.

This may further impact the



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profitability of businesses.

The government has put the proposed amendments in the public domain and invited comments and feedback from the general public and interested parties before its roll out. In the notification, the MoEFCC stated that the central government will enforce the amendments "on or after the expiry of 60 days from the issue date i.e. July 24. Any person interested in making any objection or suggestion on the proposals contained in the draft notification may do so in writing within 60 days."

While amending the air pollution act; enhancing the disclo-

sure requirements of the Environmental Protection Fund (EPF); and enabling the adjudicating officers to decide the penalty for violations, will lead to better long-term positive environmental outcomes by creating a robust deterrent against pollution, they will also add to the compliance cost of companies, especially smaller ones, said experts and lawyers.

The recent move by the environment ministry comes in light of poor air quality across the country every summer, especially in cities such as Delhi-NCR, Mumbai, Kanpur, and Hyderabad, among others.

Under the proposed changes, the government plans to give quasi-judicial powers to bureaucrats in both state and central government's environment and pollution control departments by inserting a new chapter on adjudicating officers.

This includes the conditions for their appointment, the procedure to conduct inquiries, issue penalties, and factors to consider before issuing the penalties.

"Under the Jan Vishwas (Amendment and Provisions) Act, the Air (Prevention and Control of Pollution) Act, the Environment (Protection) Act and the Public Liability Insurance Act have been amended. The rules involve several inferences like section 39A, section 16 of the EP Act, which did not exist before amendments," explained Sreeja Chakraborty, an environmental lawyer and founder of Living Environment Advocacy Foundation.

In case the violators fail to pay the penalty within 90 days, the act states that they shall be liable for imprisonment which may extend up to three years or pay a fine which may extend to twice the amount of the penalty, or both, as per the existing rules.