

## Government strengthens environmental laws - new rules for penalty and inquiry procedures

### Introduction

In a significant step toward strengthening environmental governance, the Ministry of Environment, Forest and Climate Change ('the Ministry') has introduced three comprehensive sets of rules to enhance transparency and efficiency in addressing environmental violations. These rules streamline the procedures for holding inquiries and imposing penalties under key environmental laws.

### Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024

The Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, were notified on 4 November 2024, and came into effect on 5 November 2024. These rules introduce a detailed framework for inquiries into environmental violations and lay the groundwork for penalizing the offenders.

### Key highlights of the Rules

1. **Definitions:** Rule 2 outlines essential terms such as 'adjudicating officer' to clarify roles.
2. **Complaint process:** Rule 3 details the procedure for filing complaints regarding violations.
3. **Inquiry mechanism:** Rule 4 provides a structured approach to conduct inquiries into reported contraventions

These rules aim to enhance accountability and ensure adherence to environmental protection laws.

### Air (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty), 2024

To address air quality violations, the Air (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, were notified on 12 November 2024, with immediate effect. These rules, designed to strengthen the enforcement of the Air (Prevention and Control of Pollution) Act, 1981, outline a comprehensive inquiry and penalty process.

### Key highlights of the Rules

1. **Complaint filing:** Complaints may be submitted electronically, by speed post, or by hand using Form-I. Complaints can be initiated by authorized officers from bodies such as the Central Pollution Control Board ('CPCB'), State Pollution Control Boards, and the Commission for Air Quality Management ('CAQM').
2. **Show cause notice:** Adjudicating officers are required to issue a show cause notice within 30 days of receiving a complaint. The person committing any contravention must be given at least 15 days to respond.
3. **Inquiry process:**
  - The person/(s) committing contravention can present evidence personally or through legal representatives.
  - Adjudicating officers can summon witnesses, demand documents, and conduct proceedings ex parte if necessary.
4. **Penalty imposition:** Proven violations may result in monetary penalties under the Act, with collections credited to the Environment Protection Fund.
5. **Timeline:** The inquiry must conclude within 6 months of the notice being issued, with extensions allowed only for recorded, justifiable reasons.

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- 6. Detailed orders:** Penalty orders must include details of the violations, reasons for the penalties, and must be shared with all involved parties free of cost.
- 7. Jurisdictional transfers:** Cases can be reassigned between adjudicating officers to resolve jurisdictional issues, without restarting the proceedings.

The government intends to promote stricter compliance with air quality standards and reduce pollution incidents through effective legal mechanisms.

### Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024

On 11 November 2024, the Central Government notified the Water (Prevention and Control of Pollution) (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, which also came into immediate effect. These rules focus on addressing violations under the Water (Prevention and Control of Pollution) Act, 1974.

#### Key highlights of the Rules

- 1. Streamlined complaints:** Complaints can be filed electronically, by speed post, or in person.
- 2. Timely inquiries:** Adjudicating officers must initiate inquiries against the person contravening the provisions, within 30 days of receiving a complaint, with a six-month timeline for completion.
- 3. Relaxed formalities:** Procedural requirements have been simplified to ensure faster resolution of cases.
- 4. Enhanced enforcement:** Stricter penalties and measures can now be imposed on violators to deter non-compliance and ensure that water quality standards are upheld.

These measures aim to reinforce the legal framework for preventing water pollution and ensure quicker responses to environmental violations.

## Weblink

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## Therefore

These newly introduced rules collectively signify a decisive shift in India's environmental regulatory approach. By defining clear procedures, ensuring timely resolutions, and empowering authorities with enhanced enforcement tools, the government seeks to deter violations and promote greater compliance with environmental laws. These rules represent a critical step forward in safeguarding the country's natural resources and ensuring a healthier environment for future generations.