



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

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

(Bill No. 13 of 2024)

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(To be introduced in the Legislative Assembly of the State of Goa)

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**GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM, GOA  
FEBRUARY, 2024**

**The Water (Prevention And Control Of Pollution)  
Amendment Bill, 2024**

(BILL No. 13 of 2024)

A

BILL

*further to amend the Water (Prevention and Control of Pollution)  
Act, 1974.*

5       Whereas in pursuance of clause (1) of article 252 of 6 of 1974.  
the Constitution, the Water (Prevention and Control of  
Pollution) Act, 1974 had been passed by Parliament;

10       And whereas it is considered necessary to make certain  
amendments thereto for decriminalising and rationalising minor  
offences to further enhance trust-based governance for ease of  
living and doing business;

15       And whereas in pursuance of clause (1) of article 252 of the  
Constitution read with clause (2) thereof, resolutions have been  
passed by the Legislative Assemblies of the State of Goa to the  
effect that the said Act should be amended by an Act of Parliament  
for the purposes hereinafter appearing.

BE it enacted by Parliament in the Seventy-fifth Year of the  
Republic of India as follows:—

20       **1. Short title, application and commencement.**— (1) This Act  
may be called the Water (Prevention and Control of Pollution)  
Amendment Act, 2024.

(2) It applies, in the first instance, to the whole of the States of  
Himachal Pradesh and Rajasthan and the Union territories; and it  
shall apply to such other State which adopts this Act by resolution

passed in that behalf under clause (1) of article 252 of the Constitution read with clause (2) thereof.

(3) It shall come into force, at once in the States of Himachal Pradesh and Rajasthan and the Union territories, and in any other State which adopts this Act under clause (1) of article 252 of the Constitution read with clause (2) thereof on the date of such adoption. 5

**2. Amendment of section 4.**— In section 4 of the 6 of 1974. Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the principal Act), in sub-section (2), in clause (a), after the words “State Government”, the words “in such manner as may be prescribed by the Central Government” shall be inserted. 10

**3. Amendment of Section 5.**— In section 5 of the principal Act, in sub-section (9), after the word “prescribed”, the words “by the Central Government” shall be inserted. 15

**4. Amendment of Section 25.**— In section 25 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:— 20

“Provided that the Central Government may in consultation with the Central Board, by notification in the Official Gazette, exempt certain categories of industrial plants from the provisions of this sub-section.”. 25

**5. Insertion of new section 27A.**— After section 27 of the principal Act, the following section shall be inserted, namely:— 25

**“27A. Power to issue guidelines.**— (1) Notwithstanding anything in this Act, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board for 30

establishment of any industry, operation or process, or treatment and disposal system or to bringing into use of a new or altered outlet including the mechanism for time-bound disposal of the application made under section 25 or period of validity of such consent.

(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 25 or section 27 shall act in accordance with the guidelines issued under sub-section (1).”.

10 **6. Substitution of new sections 41 and 41A for section 41.**— For section 41 of the principal Act, the following sections shall be substituted, namely:—

15 **“41. Failure to comply with provisions of section 20 or directions issued thereunder.**— (1) Whoever contravenes or does not comply with the directions given under sub-section (2) or sub-section (3) of section 20, within such time as may be specified in the direction, shall, in respect of each such contravention or non-compliance, be liable to pay a penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.

25 **41A. Failure to comply with provisions of section 32, or directions issued under section 33 or section 33A.**— (1) Whoever contravenes or does not comply with any order or direction issued under clause (c) of sub-section (1) of section 32 or any direction issued by a court under sub-section  
30 (2) of section 33 or any direction issued under section 33A, shall, in respect of each such contravention or non-compliance, be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.”.

**7. Amendment of section 42.**— In section 42 of the principal Act,— 5

(a) in sub-section (1), for the long line, the following long line shall be substituted, namely:—

“shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.”; 10

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.”. 15

**8. Substitution of new sections for sections 43 and 44.**— For sections 43 and 44 of the principal Act, the following sections shall be substituted, namely:— 20

**“43. Penalty for contravention of provisions of section 24.**— Whoever contravenes the provisions of section 24, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees and where such contravention continues, he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues. 25

**44. Penalty for contravention of section 25 or section 26.**— Where for the purpose of grant of a consent in pursuance of the provisions of section 25 or section 26, the use of a meter or gauge or other measure or monitoring device is required and such device is used for the purposes of those provisions, any 30

person who knowingly or wilfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.”.

**9. Omission of section 45.**— Section 45 of the principal Act shall be omitted.

**10. Substitution of new sections 45A to 45E for section 45A.**— For section 45A of the principal Act, the following sections shall be substituted, namely:—

**‘45A. Penalty for contravention of certain provisions of Act.**— If any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been provided for in this Act, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to pay an additional penalty which may extend to ten thousand rupees for every day during which such contravention continues.

**45B. Adjudicating officer.**— (1) The Central Government, for the purposes of determining the penalties under the provisions of this Act shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and

if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit under the provisions of this Act:

Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter. 5

(3) The amount of penalty imposed under the provisions of sections 41, 41A, 42, 43, 44, 45A and 48, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010. 10

**45C. Appeal.**— (1) Any person aggrieved by the order passed by the adjudicating officer under section 45B may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010. 15

(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against. 20

(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer. 25

**45D. Penalty amount to be credited to Environmental Protection Fund.**— Where an adjudicating officer imposes penalty or additional 30

29 of 1986.

penalty, as the case may be, under the provisions of this Act, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act, 1986.

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**45E. Offences for failure to comply with provisions of section 25 or 26 and for failure to pay penalty.**— (1) Whoever fails to comply with the provisions of section 25 or section 26, in respect of each such failure, shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to fifty thousand rupees for every day during which such failure continues after the conviction for the first such failure.

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(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

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(3) Where any person fails to pay the penalty or the additional penalty, as the case may be, imposed under the provisions of this Act within ninety days of such imposition, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twice the amount of the penalty or additional penalty so imposed or with both.

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(4) Where any offence under sub-section (1) or sub-section (2) or sub-section (3) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and he shall be liable to be proceeded against and punished accordingly:



Provided that nothing in this sub-section shall render any such person liable to any punishment provided in sub-section (1) or sub-section (2) or sub-section (3), if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. 5

(5) Notwithstanding anything in sub-section (4), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also have deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. 10

*Explanation.*—For the purposes of this section,— 15

(a) “company” includes body corporate, firm, trust, society and any other association of individuals;

(b) “director”, includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.’. 20

**11. Omission of section 47.**— Section 47 of the principal Act shall be omitted.

**12. Substitution of new section for section 48.**— For section 48 of the principal Act, the following section shall be substituted, namely:— 25

**“48. Penalty for contravention by Government Department.**— (1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary: 30

Provided that such Head of the Department shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

5 (2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall be liable to pay the penalty equal to one month of his basic salary:

10 Provided that such officer shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.”.

**13. Amendment of section 49.**— In section 49 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

15 “(aa) the adjudicating officer or any officer authorised by him in this behalf; or”.

**14. Amendment of section 63.**— In section 63 of the principal Act, in sub-section (2),—

20 (i) after clause (a), the following clause shall be inserted, namely:— “(aa) the manner of nomination of the chairman of the State Board and the terms and conditions of service of the chairman of the State Board under clause (a) of sub-section (2) of section 4 and undersub-section (9) of section 5;”;

25 (ii) after clause (m), the following clause shall be inserted, namely:— “(ma) the manner of holding inquiry and imposing penalties by the adjudicating officer under section 45B;”.

**15. Amendment of section 64.**— In section 64 of the principal Act, in sub-section (2), in clause (e), for the words, brackets and figures “the chairman and the member-secretary of the State Board under sub-section (9) of section 5 and”, the words “the member-secretary of the State Board” shall be substituted.

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**ANNEXURE**

**The Water (Prevention and Control of Pollution) Act, 1974**

Sr. No.	Section	Changes to be made	Amended Section
1	2	3	4
1	<b>Sec 4. CONSTITUTION OF STATE BOARDS.</b>		
	<p>Sec 4(2) A State Board shall consist of the following members, namely:-</p> <p>(a) a <sup>3</sup> [*** chairman, being a person having special knowledge or practical experience in respect of <sup>4</sup> [matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government:</p> <p><sup>5</sup> [Provided that the chairman may be either whole-time or part-time</p>	<p>In section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the principal Act), in sub-section (2), in clause (a), after the words "State Government", the words "in such manner as may be prescribed by the Central Government" shall be inserted.</p>	<p>(2) A State Board shall consist of the following members, namely:-</p> <p>(a) a <sup>3</sup> [*** chairman, being a person having special knowledge or practical experience in respect of <sup>4</sup> [matters relating to environmental protection] or a person having knowledge and experience in</p>

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	as the State Government may think fit;]		administering institutions dealing with the matters aforesaid, to be nominated by the State Government in such manner as may be prescribed by the Central Government <sup>5</sup> [Provided that the chairman may be either whole-time or part-time as the State Government may think fit;]
2	<b>Sec. 5. TERMS AND CONDITIONS OF SERVICE OF MEMBERS.</b>		
	Sec 5 (9) The other terms and conditions of service of the chairman shall be such as may be prescribed.	In section 5 of the principal Act, in sub-section (9), after the word "prescribed", the words "by the Central Government" shall be inserted.	Sec 5 (9) The other terms and conditions of service of the chairman shall be such as may be prescribed by the Central

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			Government.
3	<b>Sec 25. RESTRICTIONS ON NEW OUTLETS AND NEW DISCHARGES.</b>		
	<p>25 [(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,--</p> <p>(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or</p> <p>(b) bring into use any new or altered outlets for the discharge of sewage; or</p> <p>(c) begin to make any new discharge of sewage;</p>	<p>In section 25 of the principal Act, in sub-section (1), for the proviso, the following proviso shall be substituted, namely:- "Provided that the Central Government may in consultation with the Central Pollution Control Board, by notification in the Official Gazette, exempt certain categories of industrial plants from the provisions of this sub-section."</p>	<p>25 [(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,--</p> <p>(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being</p>

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	<p>Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.</p>		<p>hereafter in this section referred to as discharge of sewage); or</p> <p>(b) bring into use any new or altered outlets for the discharge of sewage; or</p> <p>(c) begin to make any new discharge of sewage;</p> <p>"Provided that the Central Government may in consultation with the Central Pollution Control Board, by notification in the Official Gazette, exempt certain categories of industrial plants from the provisions of this sub-section."</p>
4	<b>Sec 27. REFUSAL OR WITHDRAWAL OF CONSENT BY</b>		Incorporate 27(1) & then 27(1) (A)

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	<b>STATE BOARD.</b>		
	<p>27(1) A State Board shall not grant its consent under subsection (4) of section 25 for the establishment of any industry, operation or process, or treatment and disposal system or extension or addition thereto, or to the bringing into use of a new or altered outlet unless the industry, operation or process, or treatment and disposal system or extension or addition thereto, or the outlet is so established as to comply with an conditions imposed by the Board to enable it to exercise its right to take samples of the effluent.</p> <p><sup>1</sup> [(2) A State Board may from time to time review --</p> <p><sup>2</sup> [(a) any condition imposed under section 25 or section 26 and may serve on the person to whom a consent under section 25 or section 26 is granted a</p>	<p>After section 27 of the principal Act, the following section shall be inserted, namely:-</p> <p>"27A.(1) Notwithstanding anything in this Act, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board for establishment of any industry, operation or process, or treatment and disposal system or to bringing into use of a new or altered outlet including the mechanism for time-bound disposal of the application made under section 25 or period of</p>	<p>"27A.(1) Notwithstanding anything in this Act, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board for establishment of any industry, operation or process, or treatment and disposal system or to bringing into use of a new or altered outlet including the mechanism for time-bound disposal of the application made under section 25 or period of validity of</p>

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	<p>notice making any reasonable variation of or revoking any such condition.</p> <p>(b) the refusal of any consent referred to in sub-section (1) of section 25 or section 26 or the grant of such consent without any condition, and may make such orders as it deemed fit.]</p> <p>(3) Any conditions imposed under section 25 or section 26 shall be subject to any variation made under sub-section (2) and shall continue in force until revoked under that sub-section.</p>	<p>validity of such consent.</p> <p>(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 25 or section 27 shall act in accordance with the guidelines issued under sub-section (1)."</p>	<p>such consent.</p> <p>(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 25 or section 27 shall act in accordance with the guidelines issued under sub-section (1)."</p>
5	<p><b>Sec 41. FAILURE TO COMPLY WITH DIRECTIONS UNDER SUB-SECTION (2) OR SUB-SECTION (3) OF SECTION 20, OR ORDERS ISSUED UNDER CLAUSE (c) OF SUB-SECTION (1) OF 32 OR DIRECTIONS ISSUED UNDER SUB-SECTION (2) OF SECTION 33 OR SECTION 33A.</b></p>		



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		<p>For section 41 of the principal Act, the following sections shall be substituted namely:</p> <p>"41 (1) Whoever contravenes or does not comply with the directions given under sub-section (2) or sub-section (3) of section 20, within such time as may be specified in the direction, shall, in respect of each such contravention or non-compliance, be liable to pay a penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during</p>	<p>"41(1) Whoever contravenes or does not comply with the directions given under sub-section (2) or sub-section (3) of section 20, within such time as may be specified in the direction, shall, in respect of each such contravention or non-compliance, be liable to pay a penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during</p>

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		<p>which such contravention continues.</p> <p>41A.(1) Whoever contravenes or does not comply with any order or directions issued under clause (c) of sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A, shall, in respect of each such contravention or non-compliance, be liable to pay the penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand</p>	<p>which such contravention continues.</p> <p>41A.(1) Whoever contravenes or does not comply with any order or directions issued under clause (c) of sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A, shall, in respect of each such contravention or non-compliance, be liable to pay the penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.</p> <p>(2) Where any</p>

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		rupees every day during which such contravention continues."	person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues."
6	<b>Sec 42. PENALTY FOR CERTAIN ACTS.</b>		
	<p>(1) Whoever --</p> <p>(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or</p> <p>(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and</p>	<p>In section 42 of the principal Act,-</p> <p>(a) in sub-section (1), for the long line, the following long line shall be substituted, namely:</p> <p>"shall be liable to pay penalty which shall not be less than ten thousand rupees but which may extend to</p>	<p>(a) shall be liable to pay penalty which shall not be less than ten thousand rupees but which may extend to fifteen lakh rupees.";</p> <p>(b) Where any person continues contravention or non-compliance</p>

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	<p>performing his functions under this Act, or</p> <p>(c) damages any works or property belonging to the Board, or (d) fails to furnish to any officer or other employee of the Board any information required by him for the purpose of this Act, or</p> <p>(e) fails to intimate the occurrence of an accident or other unforeseen act or even under section 31 to the Board and other authorities or agencies as required by that section, or</p> <p>(f) in giving any information which he is required to give under this Act, knowingly or willfully makes a statement which is false in any material particular, or</p> <p>(g) for the purpose of obtaining any consent under section 25 or section 26,</p>	<p>fifteen lakh rupees.";</p> <p>(b) for sub-section (2), the following sub-section shall be substituted, namely:</p> <p>"(2) Where any person continues contravention or noncompliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues."</p>	<p>under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues."</p>

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	<p>knowingly or willfully makes a statement which is false in any material particular,</p> <p>shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to <sup>1</sup>[ten thousand rupees] or with both.</p> <p>(2) Where for the grant of a consent in pursuance of the provisions of section 25 or section 26 the use of a meter or gauge or other measure or monitoring device is required and such device is used for the purposes of those provision, any person who knowingly or willfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to <sup>1</sup>[ten thousand rupees] or with both.</p>		

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7	<p><b>Sec 43. PENALTY FOR CONTRAVENTION OF PROVISIONS OF SECTION 24.</b></p> <p><b>Sec 44. PENALTY FOR CONTRAVENTION OF SECTION 25 OR SECTION 26.</b></p>		
	<p>Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than <sup>2</sup>[one year and six months] but which may extend to six years and with fine.</p> <p>Whoever contravenes the provision of section 25 or section 26 shall be punishable with imprisonment with a term which shall not be less than [one year and six months] but which may extend to six years and with fine.</p>	<p>Substitution of new sections for Section 43 &amp; Section 44</p>	<p>43. Whoever contravenes the provisions of section 24, shall, be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees and where such contravention continues, he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.</p> <p>44. Where for the purpose of grant of a</p>

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			consent in pursuance of the provisions of section 25 or section 26, the use of a meter or gauge or other measure or monitoring device is required and such device is used for the purposes of those provision, any person who knowingly or willfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees."
8	<b>Sec 45 ENHANCED PENALTY AFTER PREVIOUS CONVICTION.</b>		

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	<p>If any person who has been convicted of any offence under section 24 or 25 or section 26 is again found guilty of an offence involving a contravention of the same provision, he shall, on the second and on every subsequent conviction, be punishable with imprisonment for a term which shall not be less than 1[two years] but which may extend to seven years and with fine:</p> <p>Provided that for the purpose of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.</p>	<p>Section 45 shall be omitted</p>	
9	<p><b>Sec 45A PENALTY FOR CONTRAVENTION OF CERTAIN PROVISIONS OF THE ACT.</b></p>		
	<p>Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere</p>	<p>Substitution of Sec 45A with new Sections from 45A to 45E</p>	<p>45A. If any person contravenes any of the provisions of this Act or any order or directions issued</p>



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	<p>provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in the case of a continuing contravention or failure, with an additional fine which may extend to five thousand rupees for every day during which such contravention or failure continues after conviction for the first such contravention or failure.].....</p>		<p>thereunder, for which no penalty has been provided for in this Act, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to pay an additional penalty which may extend to ten thousand rupees for every day during which such contravention continues.</p> <p>45B.(1) The Central Government, for the purposes of determining the penalties under the provisions of this Act</p>

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			<p>shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:</p> <p>Provided that the Central Government may appoint as many adjudicating officers as may be required.</p> <p>(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in</p>

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			<p>the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit under the provisions of this Act:</p> <p>Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.</p> <p>(3) The amount of penalty imposed under the provisions of section 41, 41A, 42, 43, 44, 451 and 48, shall</p>

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			<p>be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010.</p> <p>45C (1) Any person aggrieved by the order passed by the Appeal adjudicating officer under section 3 of the National Green Tribunal Act, 2010.</p> <p>(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by</p>

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			<p>the aggrieved person.</p> <p>(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.</p> <p>(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.</p>

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			<p>45D. Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under the provisions of this Act, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act, 1986.</p> <p>45E. (1) Whoever fails to comply with the provisions of section 25 or section 26, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year</p>

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			<p>and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to fifty thousand rupees for every day during which such failure continues after the conviction for the first such failure.</p> <p>(2) If the failure referred to in subsection (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and</p>

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			<p>with fine.</p> <p>(3) Where any person fails to pay the penalty or the additional penalty, as the case may be, imposed under the provisions of this Act within ninety days of such imposition, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twice the amount of the penalty or additional penalty so imposed or with both.</p> <p>(4) Where any offence under subsection (1) or subsection (2) or subsection (3) has been</p>



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			<p>committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and he shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in sub-section (1) or subsection (2) or subsection (3), if he proves that the offence was</p>

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			<p>committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(5) Notwithstanding anything contained in sub-section (4), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also have deemed to be guilty of</p>

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			<p>that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation. For the purposes of this section,-</p> <p>(a) "company" includes body corporate, firm, trust, society and any other association of individuals;</p> <p>(b) "director", includes director of the company, partner of the firm, members of the society or trust or member of any Association of individuals, as the case may be.</p>
10	Sec 47 <b>OFFENCES BY COMPANIES.</b>		

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	<p>(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge for that he exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the</p>	Section 47 shall be omitted	

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	<p>offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation--For the purpose of this section,--</p> <p>(a) "company" means any body corporate, and includes a firm or other association of individuals; and</p> <p>(b) "director" in relation to a firm means a partner in the firm.</p>		
11	<p><b>Sec 48 OFFENCES BY GOVERNMENT DEPARTMENTS.</b></p>		
	<p>Provided that nothing contained in this section shall render such Head of the Department liable to any</p>	<p>Substitution of new Sec for Section 48</p>	<p>(1) Where contravention of any provision of this Act has been committed</p>

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	<p>punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p>		<p>by any Department of the Central Government or State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary.</p> <p>Provided that such Head of the Department shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.</p> <p>(2) Where any contravention under sub-section (1) is attributable to any</p>

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			<p>neglect on the part of, any officer, other than the Head of the Department, such officer shall be liable to pay the penalty equal to one month of his basic salary.</p> <p>Provided that such officer shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention."</p>
12	<p><b>Sec 49 COGNIZANCE OF OFFENCES.</b></p>		
	<p>(1) No court shall take cognizance of any offence under this Act except on a complaint made by--</p> <p>(a) a Board or any officer authorized in this behalf by it; or</p> <p>(b) any person who has given</p>	<p>After Sub-Sec (1) (a), Sub Clause "(aa)" the adjudicating officer or any officer authorised by him in this behalf, or".shall be added.</p>	<p>(1) No court shall take cognizance of any offence under this Act except on a complaint made by--</p> <p>(a) a Board or any officer authorized in</p>

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	<p>notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Board or officer authorized as aforesaid, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.]</p> <p>[2] Where a complaint has been made under clause (b) of sub-section (1), the Board shall, on demand by such person, make available the relevant reports in its possession to that person:</p> <p>Provided that the Board may refuse to make any such report available to such person if the same is, in its opinion, against the public interest.]</p> <p>[3] Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973], (2 of 1974) it shall be lawful for any 4[Judicial Magistrate of the</p>		<p>this behalf by it; or</p> <p>“(aa)” the adjudicating officer or any officer authorised by him in this behalf, or”</p>



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	<p>first class or for any Metropolitan Magistrate] to pass a sentence of imprisonment for a term exceeding two years or of fine exceeding two thousand rupees on any person convicted of an offence punishable under this Act.</p>		
13	<p><b>Sec 63 POWER OF CENTRAL GOVERNMENT TO MAKE RULES.</b></p>		
	<p>(1) The Central Government may, simultaneously with the constitution of the Central Board, make rules in respect of the matters specified in sub-section (2);</p> <p>Provided that when the Central Board has been constituted, no such rule shall be made, varied, amended or repealed without consulting the Board.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—</p>	<p>(i) after clause (a), the following clause shall be inserted, namely:</p> <p>"(aa) the manner of nomination of the chairman of the State Board and the terms and conditions of service of the chairman of the State Board under clause (a) of sub-section (2) of section 4 and under sub-section (9) of section 5;"</p> <p>(ii) after clause (m), the following clause shall be inserted, namely:—</p>	<p>In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely : -</p> <p>(a) the terms and conditions of service of the members (other than the chairman and member –secretary ) of the Central Board under sub-section (8) of section 5;</p>

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	<p>(a) the terms and conditions of service of the members (other than the chairman and member -secretary ) of the Central Board under sub-section (8) of section 5;</p> <p>(b) the intervals and the time and place at which meetings of the Central Board or of any committee thereof constituted under this Act, shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business under section 8, and under sub-section (2) of section 9;</p> <p>(c) the fees and allowances to be paid to such members of a committee of the Central Board as are not members of the Board under sub-section (3) of section 9;</p> <p>(d) the manner in which and the purposes for which persons</p>	<p>(ma) the manner of holding inquiry and imposing penalties by the adjudicating officer under section 45B;".</p>	<p>(aa) the manner of nomination of the chairman of the State Board and the terms and conditions of service of the chairman of the State Board under clause (a) of sub-section (2) of section 4 and under sub-section (9) of section 5;"</p> <p>(ma) the manner of holding inquiry and imposing penalties by the adjudicating officer under section 45B;".</p>

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	<p>may be associated with the Central Board under sub-section (1) of section 10 and the fees and allowances payable to such persons;]</p> <p>(e) the terms and conditions of service of the chairman and the member secretary of the Central Board under sub-section (9) of section 5 and under sub-section (1) of section 12;</p> <p>(f) conditions subject to which a person may be appointed as a consulting engineer to the Central Board under sub-section (4) of section 12;</p> <p>(g) the powers and duties to be exercised and performed by the chairman and member secretary of the Central Board;</p> <p>1 * * *</p> <p>(j) the form of the report of the Central Board analyst under sub-section (1) of section 22;</p>		

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	<p>(k) the form of the report of the Government analyst under sub-section (1) of section 22;</p> <p>(l) the form in which the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 38;</p> <p>(ll) the form in which the annual report of the Central Board may be prepared under Section 39;]</p> <p>(m) the form in which the accounts of the Central Board may be maintained under section 40;</p> <p>3[(mm) the manner in which notice of intention to make a compliant shall be given to the Central Board or officer authorized by it under Section 49;]</p> <p>(n) any other matter relating to the Central Board, including the powers and functions of</p>		

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	<p>that Board in relation to Union Territories;</p> <p>(o) any other matter which has to be, or may be prescribed.</p> <p>(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the</p>		

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	validity of anything previously done under that rule.		
	<b>Sec 64 POWER OF STATE GOVERNMENT TO MAKE RULES.</b>		
14	<p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely : -</p> <p>(a) the terms and conditions of service of the members (other than the chairman and the member–secretary ) of the State Board under sub-section (8) of section 5;</p> <p>(b) the time and place of meetings of the State Board or of any committee of that Board constituted under this Act and the procedure to be followed at such meeting, including in quorum necessary for the transaction of business under section 8 and under sub-section (2) of Section 9;</p>	<p>In section 64 of the principal Act, in sub-section (2), in clause (e), for the words "the chairman and the member-secretary of the State Board under sub-section (9) of section 5 and", the words "the member-secretary of the State Board" shall be substituted.</p>	<p>(e) the terms and conditions of service of the member-secretary of the State Board under sub-section (1) of section 12;</p>

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	<p>(c) the fees and allowances to be paid to such members of a committee of the State Board as are not members of the Board under sub-section (3) of section 9;</p> <p>(d) the manner in which and the purposes for which persons may be associated with the State Board under sub-section (1) of section 10 1[and the fees and allowances payable to such persons];</p> <p>(e) the terms and conditions of service of the Chairman and member secretary of the State Board under sub-section (9) of section 5 and under sub-section (1) of section 12;</p> <p>(f) the conditions subject to which a person may be appointed as a consulting engineer to the State Board under sub-section (4) of section 12;</p>		

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	<p>(g) the powers and duties to be exercised and discharged by the chairman and member secretary of the State Board;</p> <p>(h) the form of the notice referred to in section 21;</p> <p>(i) the form of the report of the State Board analyst under sub-section (3) of section 22;</p> <p>(j) the form of the report of the Government analyst under sub-section (3) of section 22;</p> <p>(k) the form of application for the consent of the State Board under sub-section (2) of section 25 and the particular it may contain;</p> <p>(l) the manner in which inquiry under sub-section (3) of section 25 may be made in respect of an application for obtaining consent of the State Board and the matters to be taken in to account in granting</p>		



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	<p>or refusing such consent;</p> <p>(m) the form and manner in which appeals may be filed, the fees payable in respect of such appeals and the procedure to be allowed by the appellate authority in disposing of the appeals under sub-section (3) of section 28;</p> <p>(n) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under section 38;</p> <p>(nn) the form in which the annual report of the State Board may be prepared under section 39;]</p> <p>(o) the form in which the accounts of the State Board may be maintained under sub-section (1) of section 40;</p>		

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	<p>(oo) the manner in which notice of intention to make a complaint shall be given to the State Board or officer authorized by it under section 49;]</p> <p>(p) any other matter which has to be, or may be, prescribed.</p>		



## **STATEMENT OF OBJECTS AND REASONS**

The Bill proposes for rationalising criminal provisions and ensuring that citizens, business and the companies operate without fear of imprisonment for minor, technical or procedural defaults. Also the nature of penal consequence of an offence committed must be commensurate with the seriousness of offence. This Bill seeks to establish a balance between the severity of the offence and the gravity of the punishment provided in this regard.

### 2. The Water (Prevention and Control of Pollution)

Amendment Bill, 2024, *inter alia*, seeks to provide—

(a) the manner of nomination of the chairman of the State Pollution Control Board is to be prescribed by the Central Government;

(b) that the Central Government may exempt certain categories of industrial plants from the application of section 25 relating to restriction on new outlets and new discharges;

(c) that the Central Government may issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board for establishment of any industry, operation or process, or treatment and disposal system or bringing into use of new or altered outlets, etc.;

(d) for decriminalising of minor offences and replacing it with monetary penalty in case of continuation of contravention;

(e) the manner of adjudication of penalties by the adjudicating officer who shall be an officer of not less than the rank of Joint Secretary to the Government of India or Secretary to the State Government;

(f) punishment for failure to comply with the provisions of section 25 relating to restrictions on new outlets and new discharges and section 26 relating to existing discharge of sewage or trade effluent, etc.;

(g) the amount of penalty imposed is to be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act, 1986.

3. The Bill seeks to achieve the above objectives.

## **FINANCIAL MEMORANDUM**

No financial implication are involved in this Bill

## MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is involved in this Bill.

Porvorim, Goa  
9th February, 2024

**(Aleixo Sequeira)**  
Minister for Environment &  
Climate Change

Assembly Hall  
Porvorim, Goa  
9th February, 2024

**(Namrata Ulman)**  
Secretary to the Legislative  
Assembly of Goa