

Bill No. 94 of 2025

THE ENVIRONMENT (PROTECTION) AMENDMENT
BILL, 2025

By

SHRI DARSHAN SINGH CHOUDHARY, M.P.

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BILL

further to amend the Environment (Protection) Act, 1986.

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

1. (1) This Act may be called the Environment (Protection) Amendment Act, 2025.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

29 of 1986

2. In section 2 of the Environment (Protection) Act, 1986 (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely,—

Amendment of
section 2.

10 “(a) “environment” includes the natural heritage including water, air, land, vegetation, bio-diversity and the inter-relationship which exists between the

water, air and land vegetation and humans, other living creatures, plants and micro-organisms and the natural heritage and property;”.

Amendment of section 3.

3. In section 3 of the principal Act, in sub-section (2), after clause (xiii), the following clause shall be inserted, namely,—

“(xiiia) compulsory installation of real time emission monitoring system by all the “red” and “orange” category industries; 5

(xiiib) making data of real time emission by the industries under clause (xiiia) accessible to the general public or Environment Information System (ENVIS); and

(xiiic) recognition of drones, Artificial Intelligence (AI), Geographic Information System (GIS), Internet of Things (IoTs) based technologies as legal evidence in reporting of cause related to environmental pollution.”. 10

Insertion of new section 3A.

4. After section 3 of the principal Act, the following section shall be inserted, namely,—

Declaration of National Carbon Budget.

“3A. The Central Government shall, by notification in the Official Gazette, declare its National Carbon Budget indicating the net amount of carbon dioxide (CO₂) emitted by human activities per annum.”. 15

Insertion of new Chapter IIA.

5. After Chapter II of the principal Act, the following Chapter and sections thereunder shall be inserted, namely,—

“CHAPTER IIA 20

GENERAL POWER OF THE STATE GOVERNMENT

State Government to submit State Environment Risk Assessment Report to the Central Government.

6A. Every State Government shall submit State Environment Risk Assessment Report to the Central Government at the interval of every two years in such manner as may be prescribed.

Establishment of Local Environment Monetary Committee (LEMC).

6B. (1) The State Government shall establish Local Environment Monitoring Committee (LEMC) at every Gram Panchayat and Municipal Corporation under its jurisdiction. 25

(2) Every LEMC established under sub-section (1) shall monitor pollution, redress public grievance and conduct awareness programmes on risk of pollution in such manner as may be prescribed. 30

(3) Every LEMC established under sub-section (1) shall recommend the actions to be taken by the State Pollution Control Board established under the Water (Prevention and Control of Pollution) Act, 1974 or the Air (Prevention and Control of Pollution) Act, 1981.”.

Amendment of section 15.

6. In section 15 of the principal Act,— 35

(a) in sub-section (1), for the words, “or with fine which may extend to one lakh rupees, or with both, and in case of the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day”, the words, “or with fine which may extend to fifty lakh rupees, or with both and if failure or contravention continues, for a further fine which may extend to one lakh rupees for every day”, shall be substituted; and 40

(b) in sub-section (2), for the words, “shall be punishable with imprisonment for a term which may extend to seven years”, the words, shall be punishable with imprisonment for a term which may extend to seven years or with fine which may extend upto rupees two crores or with both”, shall be substituted. 45

STATEMENT OF OBJECTS AND REASONS

The Environment (Protection) Act, 1986 was enacted to provide for the protection and improvement of the environment. However, the said Act has not been able to achieve its goal due to the inadequate penal provisions prescribed under it. Currently, challenges such as increasing industrial pollution, climate change, and bio-diversity loss raise questions about the effectiveness of this Act.

This Act has not been relatively successful in protecting the environment and preventing pollution for many decades. The penal provisions under this Act have not been amended since its enactment and at present the environment is not being protected.

The major issues faced today are:—

- (i) Outdated standards and regulations: Most environmental regulations are no longer relevant.
- (ii) Weak system of implementation: The control boards of the States are suffering from lack of resources.
- (iii) Lack of public participation: Participation of local communities is only formal.
- (iv) Lack of strict punishment for polluters: Corporates or industries do not get serious punishment.
- (v) Lack of new technology: Lack of tools like AI, GIS, IoT.

Environment (Protection) Act, 1986 defines environment by referring only to water, air and land, whereas it is very important to include water, air, land, vegetation, biological diversity and natural heritage under the term 'environment' because environment has been defined by including water, air, land, vegetation, humans, other living creatures, plants and micro-organisms and natural heritage;

The provision of a five year imprisonment for violation of the Act is fine but it has not been very successful due to the imposition of a fine of up to one lakh rupees. Anyone can continue violating the rules by paying the fine. Therefore, a fine of at least fifty lakh rupees is absolutely necessary.

Hence this Bill.

NEW DELHI;
July 08, 2025.

DARSHAN SINGH CHOUDHARY

ANNEXURE

[THE ENVIRONMENT (PROTECTION) ACT, 1986]

(ACT NO. 29 OF 1986)

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Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “environment” includes water, air and land and the inter- relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property.

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Penalty for
Contravention
of the
Provisions of
and the Act
and the Rules,
Orders and
Directions.

15. (1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention 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 may extend to seven years.

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further to amend the Environment (Protection) Act, 1986

(Shri Darshan Singh Choudhary, M.P.)