

WILDLIFE AMENDMENTS TO 'SAVE ENTREPRENEURS FROM HARASSMENT'

Relevant for: Environment | Topic: Biodiversity, Ecology, and Wildlife Related Issues

The Centre's proposed amendments to decriminalise certain provisions of the Environment Protection Act (EPA), were to "save law abiding citizens/entrepreneurs from undue harassment in case of minor non-compliances," Minister of State (Environment), Ashwini Choubey, informed Rajya Sabha, on Thursday, in response to a question.

In the absence of such a provision, several court cases are filed, that "increase the burden on the judicial system," he noted.

Replacing a clause

Earlier this month, the Environment Ministry issued a notification proposing amendments to the Environment Protection Act (EPA), by replacing a clause that provides for imprisoning violators with one that only requires them to pay a fine. This however, did not apply to violations that caused grave injury or loss of life. The proposed fines, in lieu of imprisonment, are also up to 500 times greater than those currently levied.

Punishment for violators

Currently, the Act says that violators could be punished with five years imprisonment or a fine of up to Rs. 1 lakh, or with both. Were violations to continue, an additional fine of up to Rs. 5,000 would be levied every day. There is also a provision for jail terms to extend to seven years. Historically, however, no corporate offender has actually been imprisoned under the provisions of the Act.

The Environment Ministry said that it had received "suggestions" to decriminalise existing provisions of the EPA to weed out "fear of imprisonment for simple violations."

An analysis by the Centre for Science and Environment found that Indian courts took between nine to 33 years to clear a backlog of cases for environmental violations.

Beginning 2018, close to 45,000 cases were pending for trial, and another 35,000 cases were added in that year.

More than 90 per cent cases were pending for trial in five of the seven environment laws.

"The provisions are proposed to be decriminalised with heavier penalties in order to encourage self-regulation in law abiding citizens and entrepreneurs on the one hand, and imposition of heavier penalties, coupled with provisions of IPC, 1860, to act as deterrent for violators on the other hand," Mr. Choubey noted.

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