



Pollution Control Legislation

TAMIL NADU
POLLUTION
CONTROL
BOARD

POLLUTION PREVENTION PAYS



POLLUTION CONTROL LEGISLATION

**TAMIL NADU POLLUTION CONTROL BOARD
MADRAS**

**TAMIL NADU POLLUTION CONTROL BOARD,
MADRAS**

- I The Water (Prevention and Control of Pollution) Act, 1974
(Act No. 6 of 1974).

The Water (Prevention and Control of Pollution) Amendment
Act, 1978 (Act No. 44 of 1978).

The Tamil Nadu Water (Prevention of Control of Pollution)
Rules, 1983.

- II The Water (Prevention and Control of Pollution) Cess Act,
1977 (Act No. 36 of 1977).

The Water (Prevention and Control of Pollution) Cess Rules,
1978.

- III The Air (Prevention and Control of Pollution) Act, 1981
(Act No. 14 of 1981).

The Air (Prevention and Control of Pollution) Amendment
Act, 1987 (Act No. 47 of 1987).

The Tamil Nadu Air (Prevention and Control of Pollution)
Rules, 1983.

- IV The Environment (Protection) Act, 1986 (Act No.29 of 1986).

The Environment (Protection) Rules, 1986.

The Environment (Protection) Amendment Rules, 1987.

The Environment (Protection) Second Amendment Rules, 1987.

The Environment (Protection) Third Amendment Rules, 1987.

The Environment (Protection) Fourth Amendment Rules, 1987.

- V The Hazardous Wastes (Management and Handling)
Rules, 1989.

* Indicates Amendments



FOREWORD

I have great pleasure in presenting this volume, which is an upto-date compilation of all the legislation in the field of Pollution Control.

Legislation in the field of Pollution Control, particularly those relating to Environmental Protection and Management of Hazardous Wastes, are of recent origin. They are symptomatic of the increasing concern over the use and induction of sophisticated technologies into the country. While the legislation gives the Pollution Control Board, authority to regulate various activities, with a view to securing a more environmentally congenial and pollution free surrounding, all those involved in the task of implementing and administering the legislation, have constantly to bear in mind, the fact that, in our country one is dealing with a society, that is still very traditional and at different levels of socio-economic and cultural consciousness. This fact requires environmental administrators to function with a great degree of pragmatism and understanding of the ground situation, and to display a deft touch.

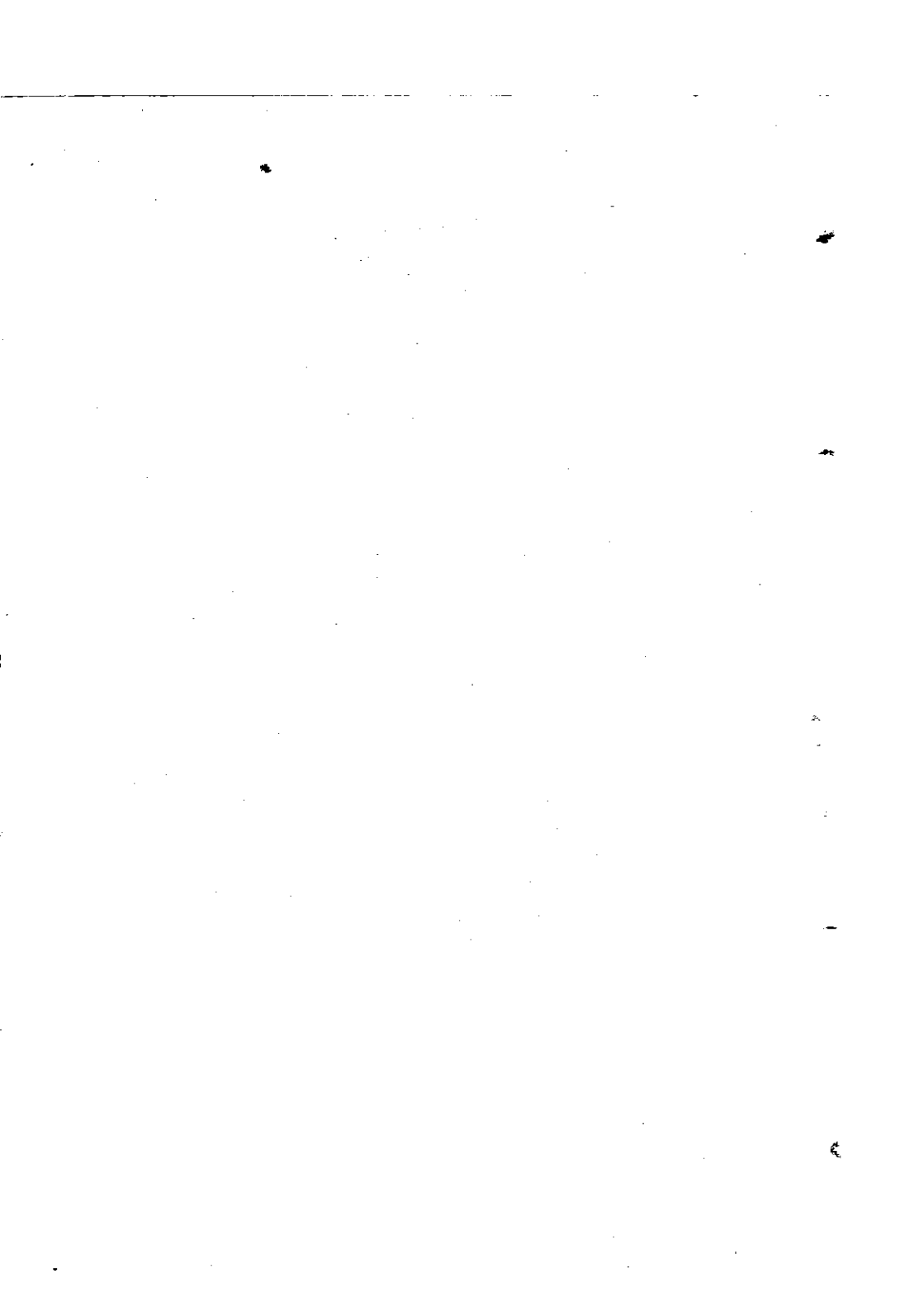
There have been numerous requests to the Board for copies of the Legislation. In response to such requests this compilation has been brought out, which I am sure will prove convenient and useful to all those concerned and interested.

A handwritten signature in black ink, appearing to read 'P. M. Belliappa'.

CHAIRMAN

TAMILNADU POLLUTION CONTROL BOARD

Madras
9.11.1989.



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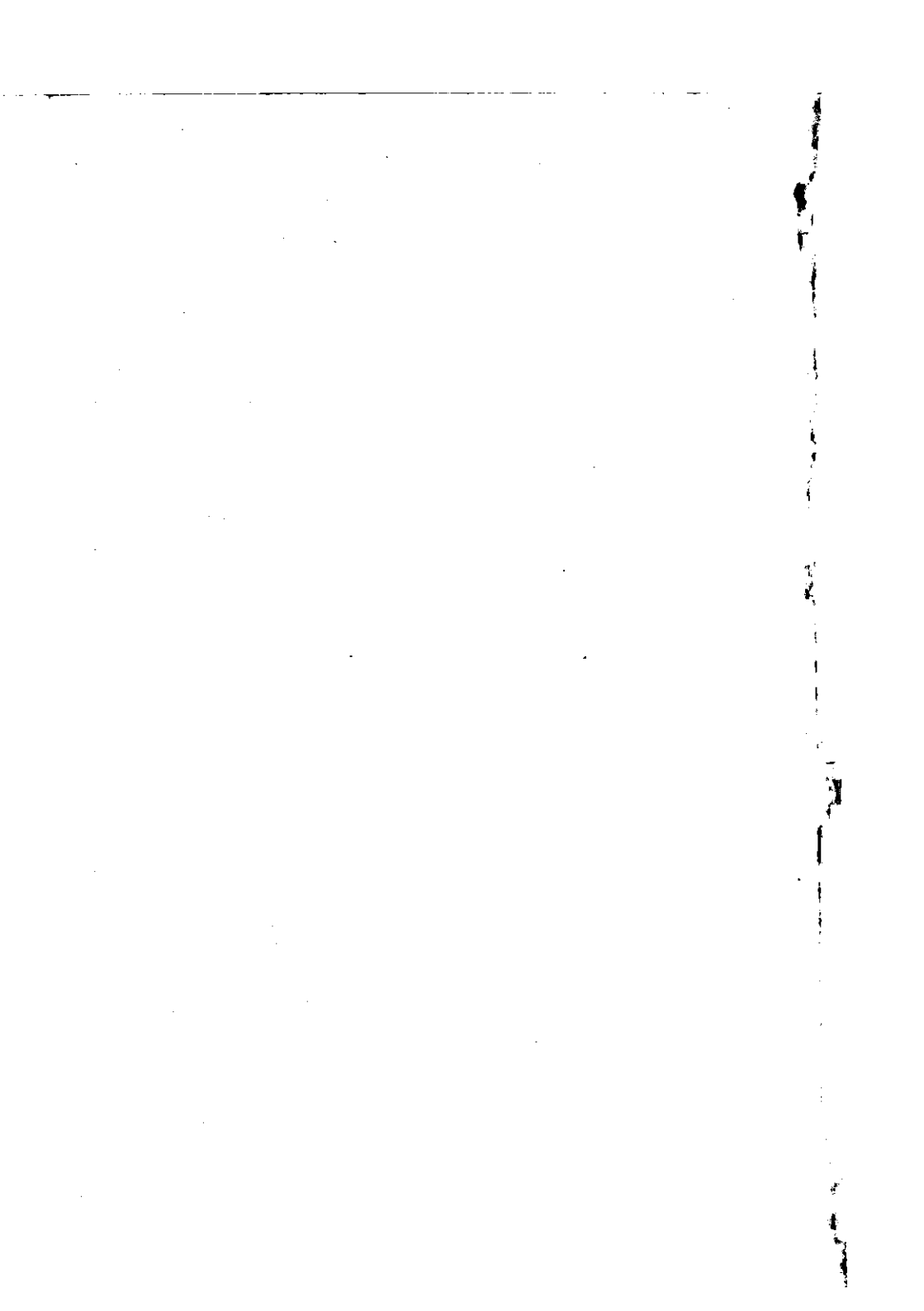
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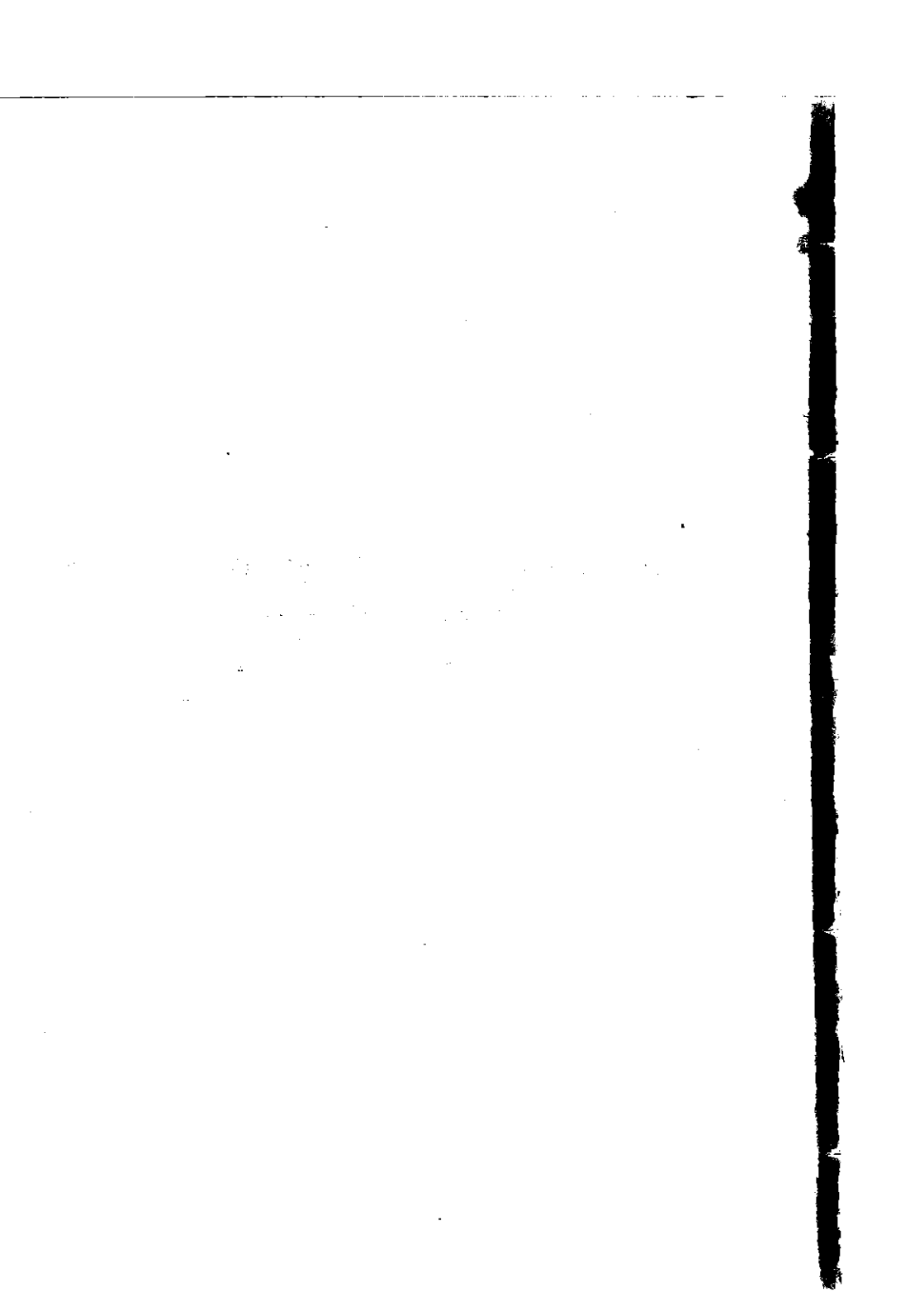
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**The Water (Prevention and Control of
Pollution) Act, 1974**

(Act No. 6 of 1974)



THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

(ACT NO.6 OF 1974)

[23rd March, 1974.]

An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

Whereas it is expedient to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution and for conferring on and assigning to such Boards powers and functions relating thereto;

And whereas Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in Articles 249 and 250 of the Constitution;

And whereas in pursuance of clause (1) of Article 252 of the Constitution resolutions have been passed by all the Houses of the Legislatures of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal to the effect that the matters aforesaid should be regulated in those States by Parliament by law;

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows :-

CHAPTER I
PRELIMINARY

1. Short title, application and commencement.—

(1) This Act may be called the Water (Prevention and Control of Pollution) Act, 1974.

(2) It applies in the first instance to the whole of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal 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.

(3) It shall come into force, at once in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union territories, and in any other State which adopts this Act under clause (1) of Article 252 of the Constitution on the date of such adoption and any reference in this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which the Act comes into force in such State or Union territory.

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

- (a) "Board" means the Central Board or State Board;
- (b) "Central Board" means the Central Board for the Prevention and Control of Water Pollution constituted under Section 3;
- (c) "member" means a member of a Board and includes the chairman thereof;
- (d) "occupier" in relation to any factory or premises means the person who has control over the affairs of the factory or the premises and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory of the premises;

(dd)*

- (e) "pollution" means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms;
- (f) "prescribed" means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;
- (g) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sullage from open drains;
- (gg)*
- (h) "State Board" means a State Board for the Prevention and Control of Water Pollution constituted under Section 4;
- (i) "State Government" in relation to a Union territory means the Administrator thereof appointed under Article 239 of the Constitution;
- (j) "stream" includes —
- (i) river;
 - (ii) water course (whether flowing or for the time being dry);
 - (iii) Inland water (whether natural or artificial);
 - (iv) sub-terranean waters;
 - (v) sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;
- (k) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any trade or industry, other than domestic sewage.

CHAPTER II
THE CENTRAL AND STATE BOARDS FOR PREVENTION
AND CONTROL OF WATER POLLUTION

3. Constitution of Central Board.—(1) The Central Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union territories) as it may, by notification in the Official Gazette, appoint, constitute a Central Board to be called the Central Board for the Prevention and Control of Water Pollution to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

(2) The Central Board shall consist of the following members, namely:—

- (a) a full-time chairman, being a person having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources or the prevention and control of water pollution or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;
- (b) five* officials to be nominated by the Central Government to represent that Government;
- (c) such number of persons, not exceeding five, to be nominated by the Central Government, from amongst the members of the State Boards, of whom not exceeding two shall be from those referred to in clause (c) of sub-section (2) of Section 4;
- (d) three non-* officials to be nominated by the Central Government, to represent the interests of agriculture, fishery or industry or trade or any other interest which, in the opinion of the Central Government, ought to be represented;

- (e) two persons to represent the companies or corporations owned, controlled or managed by the Central Government, to be nominated by that Government;
- (f) a full-time member-secretary qualified in public health engineering and *having administrative experience, to be appointed by the Central Government.

(3) The Central Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by the aforesaid name, sue or be sued.

4. Constitution of State Boards.— (1) The State Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the State) as it may, by notification in the Official Gazette, appoint, constitute a State Board, under such name as may be specified in the notification, to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

(2) A State Board shall consist of the following members, namely:—

- (a) a full-time* chairman, being a person having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources or the prevention and control of water pollution or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government;

* * *

- (b) five* officials to be* nominated by the State Government to represent that Government;
- (c) five* persons to be nominated by the State Government from amongst the members of the local authorities functioning within the State;
- (d) three* non-officials to be nominated by the State Government to represent the interests of agriculture, fishery or

industry or trade or any other interests which, in the opinion of the State Government, ought to be represented;

- (e) two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by that Government;
- (f) a full-time member-secretary qualified in public health engineering and having administrative experience, to be appointed by the State Government.

(3) Every State Board shall be a body corporate with the name specified by the State Government in the notification under sub-section (1), having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by the said name, sue or be sued.

(4) Notwithstanding anything contained in this section, no State Board shall be constituted for a Union territory and in relation to a Union territory, the Central Board shall exercise the powers and perform the functions of a State Board for that Union territory:

Provided that in relation to any Union territory the Central Board may delegate all or any of its powers and functions under this sub-section to such person or body of persons as the Central Government may specify.

5. Terms and conditions of service of members.— (1) Save as otherwise provided by or under this Act, a member of a Board, other than a member-secretary, shall hold office for a term of three years from the date of his nomination:

Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) *The term of office of a member of a Board nominated under clause (b) of sub-section (2) of Section 3 or clause (b) of sub-section (2) of Section 4 shall come to an end as soon as he ceases to hold the office under the Central Government or, as the case may be, the State Government, by virtue of which he was nominated.

(3) The Central Government or, as the case may be, the State Government may, if it thinks fit, remove any member of a Board before the expiry of his term of office, after giving him a reasonable opportunity of showing cause against the same.

(4) A member of a Board, other than the member-secretary, may at any time resign his office by writing under his hand addressed—

(a) In the case of the chairman, to the Central Government or, as the case may be, the State Government; and

(b) In any other case, to the chairman of the Board;

and the seat of the chairman or such other member shall thereupon become vacant.

(5) A member of a Board, other than the member-secretary, shall be deemed to have vacated his seat if he is absent without reason, sufficient in the opinion of the Board, from three consecutive meetings of the Board, or where he is nominated under clause (c) of sub-section (2) of Section 3, or under clause (c) of sub-section (2) of Section 4, if he ceases to be a member of the State Board, or as the case may be, of the local authority.

(6) A casual vacancy in a Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member in whose place he was nominated.

(7) A member of a Board shall not be eligible for renomination for more than two terms.

(8) The other terms and conditions of service of a member of a Board, other than the chairman and member-secretary, shall be such as may be prescribed.

(9) The other terms and conditions of service of the chairman shall be such as may be prescribed.

6. Disqualifications.— (1) No person shall be a member of a Board, who—

(a) is, or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

- (b) is of unsound mind and stands so declared by a competent court, or
- (c) is, or has been, convicted of an offence which, in the opinion of the Central Government or, as the case may be, of the State Government, involves moral turpitude, or
- (d) is, or at any time has been, convicted of an offence under this Act, or
- (e) has directly or indirectly by himself or by any partner, any share or interest in any firm or company carrying on the business of manufacture, sale or hire of machinery, plant, equipment, apparatus or fittings for the treatment of sewage or trade effluents, or
- (f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board, or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of sewage schemes or for the installation of plants for the treatment of sewage or trade effluents, or
- (g) has so abused, in the opinion of the Central Government or as the case may be, of the State Government, his position as a member, as to render his continuance on the Board detrimental to the interest of the general public.

(2) No order of removal shall be made by the Central Government or the State Government, as the case may be, under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-sections (1) and (7) of Section 5, a member who has been removed under this section shall not be eligible for renomination as a member.

7. Vacation of seats by members.— If a member of a Board becomes subject to any of the disqualification specified in Section 6, his seat shall become vacant.

8. Meetings of Board.— A Board shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

Provided that if, in the opinion of the chairman, any business of an urgent nature is to be transacted, he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.

9. Constitution of committees.— (1) A Board may constitute as many committees consisting wholly of members or wholly of other persons or partly of members and partly of other persons, and for such purpose or purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and at such place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(3) The members of a committee (other than the members of the Board) shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board as may be prescribed.

10. Temporary association of persons with Board for particular purposes.— (1) A Board may associate with itself in such manner, and for such purposes, as may be prescribed, any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

* * *

11. Vacancy in Board not to invalidate acts or proceedings.— No act or proceeding of a Board or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board or such committee, as the case may be.

* * *

12. Member-secretary and officers and other employees of Board.— (1) The terms and conditions of service of the member-secretary shall be such as may be prescribed.

(2) The member-secretary shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board or its chairman.

(3) Subject to such rules as may be made by the Central Government or, as the case may be, the State Government in this behalf, a Board may appoint such officers and employees as it considers necessary for the efficient performance of its functions and the rules so made may provide for the salaries and allowances and other terms and conditions of service of such officers and employees.

* * *

(4) Subject to such conditions as may be prescribed, a Board may from time to time appoint any qualified person to be a consulting engineer to the Board and pay him such salaries and allowances and subject him to such other terms and conditions of service as it thinks fit.

CHAPTER III JOINT BOARDS

13. Constitution of Joint Boards.- (1) Notwithstanding anything contained in this Act, an agreement may be entered into —

- (a) by two or more Governments of contiguous States, or
- (b) by the Central Government (in respect of one or more Union territories) and one or more Governments of States contiguous to such Union territory or Union territories,

to be in force for such period and to be subject to renewal for such further period, if any, as may be specified in the agreement to provide for the constitution of a Joint Board, —

- (i) in a case referred in clause (a), for all the participating States, and
- (ii) in a case referred to in clause (b) for the participating Union territory or Union territories and the State or States.

(2) An agreement under this section may –

- (a) provide, in a case referred to in clause (a) of sub-section (1), for the apportionment between the participating States and in a case referred to in clause (b) of that sub-section, for the apportionments between the Central Government and the participating State Government or State Governments, of the expenditure in connection with the Joint Board;
- (b) determine, in a case referred to in clause (a) of sub-section (1), which of the participating State Governments and in a case referred to in clause (b) of that sub-section, whether the Central Government or the participating State Government (if there are more than one participating State, also which of the participating State Governments) shall exercise and perform the several powers and functions of the State Government under this Act and the references in this Act to the State Government shall be construed accordingly;
- (c) provide for consultation, in a case referred to in clause (a) of sub-section (1), between the participating State Governments and in a case referred to in clause (b) of that sub-section, between the Central Government and the participating State Government or State Governments either generally or with reference to particular matters arising under this Act;
- (d) make such incidental and ancillary provisions, not inconsistent with this Act, as may be deemed necessary or expedient for giving effect to the agreement.

(3) An agreement under this section shall be published, in a case referred to in clause (a) of sub-section (1), in the Official Gazette of the participating States and in a case referred to in clause (b) of that sub-section, in the Official Gazette of the participating Union territory or Union territories and the participating State or States.

14. Composition of Joint Boards.— (1) A Joint Board constituted in pursuance of an agreement entered into under clause (a) of sub-

section (1) of Section 13 shall consist of the following members, namely :—

- (a) a full-time chairman, being a person having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources or the prevention and control of water pollution or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;
- (b) two officials from each of the participating States to be nominated by the concerned participating State Government to represent that Government;
- (c) one person to be nominated by each of the participating State Governments from amongst the members of the local authorities functioning within the State concerned;
- (d) one non-official to be nominated by each of the participating State Governments to represent the interests of agriculture, fishery or industry or trade in the State concerned or any other interest which, in the opinion of the participating State Government, is to be represented;
- (e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;
- (f) a full-time member-secretary qualified in public health engineering and having administrative experience, to be appointed by the Central Government.

(2) A Joint Board constituted in pursuance of an agreement entered into under clause (b) of sub-section (1) of Section 13 shall consist of the following members, namely :—

- (a) a full-time chairman, being a person having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources

or the prevention and control of water pollution or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

- (b) two officials to be nominated by the Central Government from the participating Union territory or each of the participating Union territories, as the case may be, and two officials to be nominated, from the participating State or each of the participating States, as the case may be, by the concerned participating State Government;
- (c) one person to be nominated by the Central Government from amongst the members of the local authorities functioning within the participating Union territory or each of the participating Union territories, as the case may be, and one person to be nominated, from amongst the members of the local authorities functioning within the participating State or each of the participating States, as the case may be, by the concerned participating State Government;
- (d) one non-official to be nominated by the Central Government and one person to be nominated by the participating State Government or State Governments to represent the interests of agriculture, fishery or industry or trade in the Union territory or in each of the Union territories or the State or in each of the States, as the case may be, or any other interest which in the opinion of the Central Government or, as the case may be, of the State Government is to be represented;
- (e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the Central Government and situate in the participating Union territory or territories and two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;

- (f) a full-time member-secretary qualified in public health engineering and having administrative experience, to be appointed by the Central Government.

(3) When a Joint Board is constituted in pursuance of an agreement under clause (b) of sub-section (1) of Section 13, the provisions of sub-section (4) of Section 4 shall cease to apply in relation to the Union territory for which the Joint Board is constituted.

(4) Subject to the provisions of sub-section (3), the provisions of sub-section (3) of Section 4 and Sections 5 to 12 (inclusive) shall apply in relation to the Joint Board and its member-secretary as they apply in relation to a State Board and its member-secretary.

(5) Any reference in this Act to the State Board shall, unless the context otherwise requires, be construed as including a Joint Board.

15. Special provision relating to giving of directions.— Notwithstanding anything contained in this Act where any Joint Board is constituted under Section 13,—

- (a) the Government of the State for which the Joint Board is constituted shall be competent to give any direction under this Act only in cases where such direction relates to a matter within the exclusive territorial jurisdiction of the State;
- (b) the Central Government alone shall be competent to give any direction under this Act where such direction relates to a matter within the territorial jurisdiction of two or more States or pertaining to a Union territory.

CHAPTER IV POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board.— (1) Subject to the provisions of this Act, the main function of the Central Board shall be to promote cleanliness of streams and wells in different areas of the States.

(2) In particular and without prejudice to the generality of the foregoing function, the Central Board may perform all or any of the following functions, namely :—

- (a) advise the Central Government on any matter concerning the prevention and control of water pollution;
- (b) co-ordinate the activities of the State Boards and resolve disputes among them;
- (c) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
- (d) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of water pollution on such terms and conditions as the Central Board may specify;
- (e) organise through mass media a comprehensive programme regarding the prevention and control of water pollution;
- (f) collect, compile and publish technical and statistical data relating to water pollution and the measures devised for its effective prevention and control and prepare manuals, codes or guides relating to treatment and disposal of sewage and trade effluents and disseminate information connected therewith;
- (g) lay down, modify or annul, in consultation with the State Government concerned, the standards for a stream or well :

Provided that different standards may be laid down for the same stream or well or for different streams or wells, having regard to the quality of water, flow characteristics of the stream or well and the nature of the use of the water in such stream or well or streams or wells;

- (h) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of water pollution;
- (i) perform such other functions as may be prescribed.

(3) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.

17. Functions of State Board.- (1) Subject to the provisions of this Act, the functions of a State Board shall be--

- (a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;
- (b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;
- (c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;
- (d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
- (e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;
- (f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;

- (g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;
- (h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;
- (i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;
- (j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;
- (k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;
- (l) to make, vary or revoke any order—
 - (i) for the prevention, control or abatement of discharges of waste into streams or wells;
 - (ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution;

- (m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;
- (n) to advise the State Government with respect to the location of any industry, the carrying on of which is likely to pollute a stream or well;
- (o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

(2) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.

18. Power to give directions.— In the performance of its functions under this Act —

- (a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and
- (b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.

CHAPTER V

PREVENTION AND CONTROL OF WATER POLLUTION

19. Power of State Government to restrict the application of the Act to certain areas.—(1) Notwithstanding anything contained in this Act, if the State Government, after consultation with, or on the recommendation of, the State Board, is of opinion that the provisions of this Act need not apply to the entire State, it may, by notification in the Official Gazette, restrict the application of this Act

to such area or areas as may be declared therein as water pollution, prevention and control area or areas and thereupon the provisions of this Act shall apply only to such area or areas.

(2) Each water pollution, prevention and control area may be declared either by reference to a map or by reference to the line of any water-shed or the boundary of any district or partly by one method and partly by another.

(3) The State Government may, by notification in the Official Gazette,—

- (a) alter any water pollution, prevention and control area whether by way of extension or reduction; or
- (b) define a new water pollution, prevention and control area in which may be merged one or more water Pollution, prevention and control areas, or any part or parts thereof.

20. Power to obtain information.— (1) For the purpose of enabling a State Board to perform the functions conferred on it by or under this Act, the State Board or any officer empowered by it in that behalf, may make surveys of any area and gauge and keep records of the flow or volume and other characteristics of any stream or well in such area, and may take steps for the measurement and recording of the rainfall in such area or any part thereof and for the installation and maintenance for those purposes of gauges or other apparatus and works connected therewith, and carry out stream surveys and may take such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.

(2) A State Board may give directions requiring any person who in its opinion is abstracting water from any such stream or well in the area in quantities which are substantial in relation to the flow or volume of that stream or well or is discharging sewage or trade effluent into any such stream or well, to give such information as to the abstraction or the discharge at such times and in such form as may be specified in the directions.

(3) Without prejudice to the provisions of sub-section (2), a State Board may, with a view to preventing or controlling pollution of water, give directions requiring any person in charge of any establishment where any industry or trade is carried on, to furnish to it information regarding the construction, installation or operation of such establishment or of any disposal system or of any extension or addition thereto in such establishment and such other particulars as may be prescribed.

21. Power to take samples of effluents and procedure to be followed in connection therewith.— (1) A State Board or any officer empowered by it in this behalf shall have power to take for the purpose of analysis samples of water from any stream or well or samples of any sewage or trade effluent which is passing from any plant or vessel or from or over any place into any such stream or well.

(2) The result of any analysis of a sample of any sewage or trade effluent taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3), (4) and (5) are complied with.

(3) Subject to the provisions of sub-sections (4) and (5), when a sample (composite or otherwise as may be warranted by the process used) of any sewage or trade effluent is taken for analysis under sub-section (1), the person taking the sample shall—

- (a) serve on the person in charge of, or having control over, the plant or vessel or in occupation of the place (which person is hereinafter referred to as the occupier) or any agent of such occupier, a notice, then and there in such form as may be prescribed of his intention to have it so analysed;
- (b) in the presence of the occupier or his agent, divide the sample into two parts;
- (c) cause each part to be placed in a container which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;

(d) send one container forthwith,——

- (i) in a case where such sample is taken from any area situated in a Union territory, to the laboratory established or recognised by the Central Board under Section 16; and
- (ii) in any other case, to the laboratory established or recognised by the State Board under Section 17;

(e) on the request of the occupier or his agent, send the second container,——

- (i) in a case where such sample is taken from any area situated in a Union territory, to the laboratory established or specified under sub-section (1) of Section 51; and
- (ii) in any other case, to the laboratory established or specified under sub-section (1) of Section 52.

(4) *When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3) and the occupier or his agent wilfully absents himself, then, the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (e) of sub-section (3) and such person shall inform the Government analyst appointed under sub-section (1) or sub-section (2), as the case may be, of Section 53, in writing about the wilful absence of the occupier or his agent.

(5) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent a notice under clause (a) of sub-section (3) and the occupier or his agent who is present at the time of taking the sample does not make a request for dividing the sample into two parts as provided in clause (b) of sub-section (3),

then, the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (d) of sub-section (3).

22. Reports of the result of analysis on samples taken under Section 21.— (1) Where a sample of any sewage or trade effluent has been sent for analysis to the laboratory established or recognised by the Central Board or, as the case may be, the State Board, the concerned Board analyst appointed under sub-section (3) of Section 53 shall analyse the sample and submit a report in the prescribed form of the result of such analysis in triplicate to the Central Board or the State Board, as the case may be.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the Central Board or the State Board, as the case may be, to the occupier or his agent referred to in Section 21, another copy shall be preserved for production before the court in case any legal proceedings are taken against him and the other copy shall be kept by the concerned Board.

(3) Where a sample has been sent for analysis under clause (e) of sub-section (3) or sub-section (4) of Section 21 to any laboratory mentioned therein, the Government analyst referred to in that sub-section shall analyse the sample and submit a report in the prescribed form of the result of the analysis in triplicate to the Central Board or, as the case may be, the State Board which shall comply with the provisions of sub-section (2).

(4) If there is any inconsistency or discrepancy between, or variation in the results of, the analysis carried out by the laboratory established or recognised by the Central Board or the State Board, as the case may be, and that of the laboratory established or specified under Section 51 or Section 52, as the case may be, the report of the latter shall prevail.

(5) Any cost incurred in getting any sample analysed at the request of the occupier or his agent shall be payable by such occupier or his agent and in case of default the same shall be recoverable from him as arrears of land revenue or of public demand.

23. Power of entry and inspection.— (1) Subject to the provisions of this section, any person empowered by a State Board in this behalf shall have a right at any time to enter, with such assistance as he considers necessary, any place---

- (a) for the purpose of performing any of the functions of the Board entrusted to him;
- (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given, or granted under this Act is being or has been complied with;
- (c) for the purpose of examining any plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such plant, record, register, document or other material object, if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder:

Provided that the right to enter under this sub-section for the inspection of a well shall be exercised only at reasonable hours in a case where such well is situated in any premises used for residential purposes and the water thereof is used exclusively for domestic purposes.

(2) The Provisions of the *Code of Criminal Procedure, 1898 (5 of 1898), or, in relation to the State of Jammu and Kashmir, the provisions of any corresponding law in force in that State, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under *Section 98 of the said Code, or, as the case may be, under the corresponding provisions of the said law.

Explanation.— For the purposes of this section, "place" includes vessel.

24. Prohibition on use of stream or well for disposal of polluting matter, etc.— (1) Subject to the provisions of this section, —

- (a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any stream or well; or
- (b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

(2) A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely :—

- (a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;
- (b) depositing any materials on the bank or in the bed of any stream for the purpose of reclaiming land or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream;
- (c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream;
- (d) causing or permitting, with the consent of the State Board, the deposit accumulated in a well, pond or reservoir to enter into any stream.

(3) The State Government may, after consultation with, or on the recommendation of, the State Board, exempt, by notification in the Official Gazette, any person from the operation of sub-section (1)

subject to such conditions, if any, as may be specified in the notification and any condition so specified may by a like notification be altered, varied or amended.

25. Restrictions on new outlets and new discharges--(1) Subject to the provisions of this section no person shall, without the previous consent of the State Board, bring into use any new or altered outlet for the discharge of sewage or trade effluent into a stream or well or begin to make any new discharge of sewage or trade effluent into a stream or well.

(2) An application for consent of the State Board under sub-section (1) shall be made in the prescribed form and shall contain particulars regarding the proposed construction, installation or operation of the industrial or commercial establishment or of any treatment and disposal system or of any extension or addition thereto and such other particulars as may be prescribed.

(3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry shall follow such procedure as may be prescribed.

(4) The State Board may grant its consent referred to in sub-section (1), subject to such conditions as it may impose, being--

- (a) in the case of a new or altered outlet, conditions as to the point of discharge into the stream or well or the construction of the outlet, or as to the use of that outlet or any other outlet for sewage or trade effluent from the same land or premises; and
- (b) in the case of new discharge, conditions as to the nature and composition, temperature, volume or rate of discharge of the effluent from the land or premises from which the new discharge is to be made,

and any such conditions imposed shall be binding on any person using the outlet, or discharging the effluent from the land or premises aforesaid.

(5) Where, without the consent of the State Board, a new or altered outlet is brought into use for the discharge of sewage or trade

effluent into a stream or well or a new discharge of sewage or trade effluent is made, the State Board may serve on the person using the outlet or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent in respect to such outlet or discharge.

(6) Every State Board shall maintain a register containing such particulars of the conditions imposed under this section in relation to outlets or in relation to effluent from land or premises in its jurisdiction and as are for the time being in force (other than the conditions to be satisfied before an outlet is brought into use or a new discharge is made) and so much of the register as relates to any outlet, or to any effluent from such land or premises shall be open to inspection at all reasonable hours by any person interested in, or affected by, the outlet, or in the land or premises, as the case may be, or by any person authorised by him in this behalf and the conditions so contained in such register shall be conclusive proof that the consent was granted subject to such conditions.

(7) The consent referred to in sub-section (1) shall, unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the State Board.

(8) For the purposes of this section and Sections 27 and 30,-----

- (a) the expression "new or altered outlet" means any outlet which is wholly or partly constructed on or after the commencement of this Act or which (whether so constructed or not) is substantially altered after such commencement;
- (b) the expression "new discharge" means a discharge which is not, as respects the nature and composition, temperature, volume and rate of discharge of the effluent substantially a continuation of a discharge made within the preceding twelve months (whether by the same or a different outlet), so however that a discharge which is in other respects a continuation of previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

26. Provision regarding existing discharge of sewage or trade effluent.— Where immediately before the commencement of this Act any person was discharging any sewage or trade effluent into a stream or well, the provisions of Section 25 shall, so far as may be, apply in relation to such person as they apply in relation to the person referred to in that section subject to the modification that the application for consent to be made under sub-section (2) of that section shall be made within a period of three months of the constitution of the State Board.

27. Refusal or withdrawal of consent by State Board.— (1) A State Board shall not grant its consent to the bringing into use of a new or altered outlet unless the outlet is so constructed as to comply with any conditions imposed by the Board to enable it to exercise its right to take samples of the effluent.

(2)* A State Board may from time to time review any condition imposed under Section 25 (other than a condition to be satisfied before an outlet is brought into use or a new discharge is made), or under Section 26 and may serve on the person using the outlet or making the discharge, as the case may be, a notice, making any reasonable variation of or revoking any such condition.

(3) Any condition 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.

28. Appeals.— (1) Any person aggrieved by an order made by the State Board under Section 25, Section 26 or Section 27 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the appellate authority) as the State Government may think fit to constitute;

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2)* An appellate authority shall consist of three persons.

(3) The form and manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the appellate authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the appellate authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(5) If the appellate authority determines that any condition imposed, or the variation of any condition, as the case may be, was unreasonable, then,—

- (a) where the appeal is in respect of the unreasonableness of any condition imposed, such authority may direct either that the condition shall be treated as annulled or that there shall be substituted for it such condition as appears to it to be reasonable;
- (b) where the appeal is in respect of the unreasonableness of any variation of a condition, such authority may direct either that the condition shall be treated as continuing in force unvaried or that it shall be varied in such manner as appears to it to be reasonable.

29. Revision.— (1) The State Government may at any time either of its own motion or on an application made to it in this behalf, call for the records of any case where an order has been made by the State Board under Section 25, Section 26 or Section 27 for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it may think fit:

Provided that the State Government shall not pass any order under this sub-section without affording the State Board and the person who may be affected by such order a reasonable opportunity of being heard in the matter.

(2) The State Government shall not revise any order made under Section 25, Section 26 or Section 27 where an appeal against that order lies to the appellate authority, but has not been preferred or

where an appeal has been preferred such appeal is pending before the appellate authority.

30. Power of State Board to carry out certain works.— (1) Where under this Act any conditions have been imposed on any person for bringing into use any new or altered outlet for the discharge of sewage or trade effluent into a stream or well or for making any new discharge of sewage or trade effluent into a stream or well or on any person who, immediately before the commencement of this Act, was discharging any sewage or trade effluent in a stream or well and such conditions require such person to execute any work in connection therewith and such work has not been executed within such time as may be specified in this behalf, the State Board may serve on the person concerned a notice requiring him within such time (not being less than thirty days) as may be specified in the notice to execute the work specified therein.

(2) If the person concerned fails to execute the work as required in the notice referred to in sub-section (1), then, after the expiration of the time specified in the said notice, the State Board may itself execute or cause to be executed such work.

(3) All expenses incurred by the State Board for the execution of the aforesaid work, together with interest, at such rate as the State Government may, by order, fix, from the date when a demand for the expenses is made until it is paid, may be recovered by that Board from the person concerned, as arrears of land revenue, or of public demand.

31. Furnishing of information to State Board and other agencies in certain cases.— (1) If at any place where any industry or trade is being carried on, due to accident or other unforeseen act or event, any poisonous, noxious or polluting matter is being discharged, or is likely to be discharged into a stream or well and, as a result of such discharge, the water in such stream or well is being polluted, or is likely to be polluted, then, the person in charge of such place shall forthwith intimate the occurrence of such accident, act or event to the State Board and to such other authorities or agencies as may be prescribed.

(2) Where any local authority operates any sewerage system or sewage works, the provisions of sub-section (1) shall apply to such

local authority as they apply in relation to the person in charge of the place where any industry or trade is being carried on.

32. Emergency measures in case of pollution of stream or well.—(1) Where it appears to the State Board that any poisonous, noxious or polluting matter is present in any stream or well or has entered into that stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations as it may consider necessary for all or any of the following purposes, that is to say,—

- (a) removing that matter from the stream or well and disposing it of in such manner as the Board considers appropriate;
- (b) remedying or mitigating any pollution caused by its presence in the stream or well;
- (c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter into the stream or well, or from making insanitary use of the stream or well.

(2) The power conferred by sub-section (1) does not include the power to construct any works other than works of a temporary character which are removed on or before the completion of the operations.

33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells.—

(1) Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal of any matter therein or of any likely disposal of any matter therein, or otherwise, the Board may make an application to a court, not inferior to that of a Presidency Magistrate or a Magistrate of the first class, for restraining the person who is likely to cause such pollution from so causing.

(2) On receipt of an application under sub-section (1) the court may make such order as it deems fit.

(3) Where under sub-section (2) the court makes an order restraining any person from polluting the water in any stream or well, it may in that order—

- (i) direct the person who is likely to cause or has caused the pollution of the water in the stream or well, to desist from taking such action as is likely to cause pollution or, as the case may be, to remove from such stream or well, such matter, and
- (ii) authorise the Board, if the direction under clause (i) (being a direction for the removal of any matter from such stream or well) is not complied with by the person to whom such direction is issued, to undertake the removal and disposal of the matter in such manner as may be specified by the court.

(4) All expenses incurred by the Board in removing any matter in pursuance of the authorisation under clause (ii) of sub-section (3) or in the disposal of any such matter may be defrayed out of any money obtained by the Board from such disposal and any balance outstanding shall be recoverable from the person concerned as arrears of land revenue or of public demand.

CHAPTER VI FUNDS, ACCOUNTS AND AUDIT

34. Contributions by Central Government.— The Central Government may, after due appropriation made by Parliament by law in this behalf, make in each financial year such contributions to the Central Board as it may think necessary to enable the Board to perform its functions under this Act.

35. Contributions by State Government.— The State Government may, after due appropriation made by the Legislature of the State by law in this behalf, make in each financial year such contributions to the State Board as it may think necessary to enable that Board to perform its functions under this Act.

36. Fund of Central Board.— (1) The Central Board shall have its own fund, and all sums which may, from time to time, be paid to it

by the Central Government and all other receipts (by way of gifts, grants, donations, benefactions or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The Central Board may expend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of that Board.

37. Fund of State Board.— (1) The State Board shall have its own fund, and the sums which may, from time to time, be paid to it by the State Government and all other receipts (by way of gifts, grants, donations, benefactions or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The State Board may expend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of that Board.

38. Budget.— The Central Board or, as the case may be, the State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure, and copies thereof shall be forwarded to the Central Government or, as the case may be, the State Government.

39. Annual report.— (1) The Central Board shall during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and copies thereof shall be forwarded to the Central Government and that Government shall cause every such report to be laid before both Houses of Parliament within six months of the date on which it is received by that Government.

(2) The State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and copies thereof shall be forwarded to the State Government and that Government shall cause every such report to

be laid before the State Legislature within a period of six months of the date on which it is received by that Government.

40. Accounts and audit.— (1) Every Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government or, as the case may be, the State Government.

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under Section 226 of the Companies Act, 1956 (1 of 1956).

(3) The said auditor shall be appointed by the Central Government as the case may be, the State Government on the advice of the Comptroller and Auditor General of India.

(4) Every auditor appointed to audit the accounts of the Board under this Act shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(5) Every such auditor shall send a copy of his report together with an audited copy of the accounts to the Central Government or, as the case may be, the State Government.

(6) The Central Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before both Houses of Parliament.

(7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before the State Legislature.

CHAPTER VII PENALTIES AND PROCEDURE

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 Section 32.— (1) Whoever fails to comply with any direction given under sub-section (2) or sub-section (3) of Section 20 within such time as may be specified in the direction or fails to comply with any orders issued under clause (c) of sub-sec-

tion (1) of Section 32 shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both and in case the failure continues, with an additional fine which may extend to one thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) Whoever fails to comply with any direction issued by a court under sub-section (2) of Section 33 shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both and in case the failure continues, with an additional fine which may extend to one thousand rupees for every day during which such failure continues after the conviction for the first such failure.

42. Penalty for certain acts.— (1) Whoever—

- (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
- (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or
- (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
- (e) fails to intimate the occurrence of any accident or other unforeseen act or event under Section 31 to the Board and other authorities or agencies as required by that section, or
- (f) in giving any information which he is required to give under this Act, knowingly or wilfully makes a statement which is false in any material particular, or

- (g) for the purpose of obtaining any consent under Section 25 or Section 26, knowingly or wilfully makes a statement which is false in any material particular,

shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

(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 provisions, any person who knowingly or wilfully 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 one thousand rupees or with both.

43. Penalty for contravention of provisions of Section 24.— Whoever contravenes the provisions of Section 24 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to six years and with fine.

44. Penalty for contravention of Section 25 or Section 26.— Whoever contravenes the provisions of Section 25 or Section 26 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to six years and with fine.

45. Enhanced penalty after previous conviction.— If any person who has been convicted of any offence under Section 24 or Section 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 one year but which may extend to seven years and with fine:

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.

46. Publication of names of offenders.— If any person convicted of an offence under this Act commits a like offence afterwards it shall

be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

47. Offences by companies.— (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:

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 or that he exercised all due diligence to prevent the commission of such offence.

(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 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.

Explanation. — For the purposes of this section,—

- (a) "company" means any body corporate, and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

48. Offences by Government Departments.— Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any 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.

49. Cognizance of offences.— (1) No court shall take cognizance of any offence under this Act except on a complaint made by, or with previous sanction in writing of the State Board, and no court inferior to that of a *Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

(2) Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898 (5 of 1898) it shall be lawful for any *Magistrate of the first class or for any Presidency 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.

50. Members, officers and servants of Board to be public servants.— All members, officers and servants of a Board when acting or purporting to act in pursuance of any of the provisions of this Act and the rules made thereunder shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

CHAPTER VIII MISCELLANEOUS

51. Central Water Laboratory .— (1) The Central Government may, by notification in the Official Gazette, —

- (a) establish a Central Water Laboratory; or
- (b) specify any laboratory or institute as a Central Water Laboratory, to carry out the functions entrusted to the Central Water Laboratory under this Act.

(2) The Central Government may, after consultation with the Central Board, make rules prescribing—

- (a) the functions of the Central Water Laboratory;

- (b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or tests, the form of the laboratory's report thereunder and the fees payable in respect of such report;
- (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

52. State Water Laboratory.— (1) The State Government may, by notification in the Official Gazette, —

- (a) establish a State Water Laboratory; or
- (b) specify any laboratory or institute as a State Water Laboratory, to carry out the functions entrusted to the State Water Laboratory under this Act.

(2) The State Government may, after consultation with the State Board, make rules prescribing —

- (a) the functions of the State Water Laboratory;
- (b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or test, the form of the laboratory's report thereon and the fees payable in respect of such report;
- (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

53. Analysts.— (1) The Central Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be Government analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or specified under sub-section (1) of Section 51.

(2) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be Government analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or specified under sub-section (1) of Section 52.

(3) Without prejudice to the provisions of sub-section (3) of Section 12, the Central Board or, as the case may be, the State Board may, by notification in the Official Gazette, and with the approval of the Central Government or the State Government, as the case may be, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or recognised under Section 16, or, as the case may be, under Section 17.

54. Reports of analysts.— Any document purporting to be a report signed by a Government analyst or, as the case may be, a Board analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

55. Local authorities to assist.— All local authorities shall render such help and assistance and furnish such information to the Board as it may require for the discharge of its functions, and shall make available to the Board for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.

56. Compulsory acquisition of land for the State Board.— Any land required by a State Board for the efficient performance of its functions under this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the State Board under the provisions of the Land Acquisition Act, 1894 (1 of 1894), or under any other corresponding law for the time being in force.

57. Returns and reports.— The Central Board shall furnish to the Central Government, and a State Board shall furnish to the State Government and to the Central Board such reports, returns, statistics, accounts and other information with respect to its fund or activities as that Government, or, as the case may be, the Central Board may, from time to time, require.

58. Bar of jurisdiction.— No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an appellate authority constituted under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

59. Protection of action taken in good faith.— No suit or other legal proceedings shall lie against the Government or any officer of Government or any member or officer of a Board in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

60. Overriding effect.— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

61. Power of Central Government to supersede the Central Board and Joint Boards.— (1) If at any time the Central Government is of opinion—

- (a) that the Central Board or any Joint Board has persistently made default in the performance of the functions imposed on it by or under this Act; or
- (b) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Central Board or such Joint Board, as the case may be, for such period, not exceeding one year, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the Central Government shall give a reasonable opportunity to the Central Board or such Joint Board, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Central Board or such Joint Board, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Central Board or any Joint Board, —

- (a) all the members shall, as from the date of supersession vacate their offices as such;
- (b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the Central Board or such Joint Board shall, until the

Central Board or the Joint Board, as the case may be, is reconstituted under sub-section (3) be exercised, performed or discharged by such person or persons as the Central Government may direct;

- (c) all property owned or controlled by the Central Board or such Joint Board, shall until the Central Board or the Joint Board, as the case may be, is reconstituted under sub-section (3) vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

- (a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or
- (b) reconstitute the Central Board or the Joint Board, as the case may be, by fresh nomination or appointment, as the case may be, and in such case any person who vacated his office under clause (a) of sub-section (2) shall not be deemed disqualified for nomination or appointment:

Provided that the Central Government may at any time before the expiration of the period of supersession, whether originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

62. Power of State Government to supersede State Board.—

(1) If at any time the State Government is of opinion—

- (a) that the State Board has persistently made default in the performance of the functions imposed on it by or under this Act; or
- (b) that circumstances exist which render it necessary in the public interest so to do,

the State Government may, by notification in the Official Gazette, supersede the State Board for such period, not exceeding one year, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the State Government shall give a reasonable opportunity to the State Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the State Board.

(2) Upon the publication of a notification under sub-section (1) superseding the State Board, the provisions of sub-sections (2) and (3) of Section 61 shall apply in relation to the supersession of the State Board as they apply in relation to the supersession of the Central Board or a Joint Board by the Central Government.

63. Power of Central Government to make rules.— (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):

Provided that when the Central Board has been constituted, no such rule shall be made, varied, amended or repealed without consulting the Board.

(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:—

- (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;
- (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;
- (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;
- (d) the manner in which and the purposes for which persons may be associated with a Board under sub-section (1) of Section 10;

- (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;
- (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;
- (g) the powers and duties to be exercised and performed by the chairman and the member-secretary of the Central Board;
- * (h) the prohibition or regulation of bathing in any stream or well or the washing or cleaning therein of things of any class or description, or the putting of litter or other objectionable matter, whether poisonous, noxious or polluting or not into any stream or well;
- * (i) the prohibition or regulation of the keeping or use, on any stream, of vessels provided with sanitary appliances from which polluting matter passes into the stream;
- (j) the form of the report of the Central Board analyst under sub-section (1) of Section 22;
- (k) the form of the report of the Government analyst under sub-section (3) of Section 22;
- (l) the form in which, and the time within which, the budget and annual report of the Central Board may be prepared and forwarded to the Central Government under Sections 38 and 39;
- (m) the form in which the accounts of the Central Board may be maintained under Section 40;
- (n) any other matter relating to the Central Board, including the powers and functions of that Board in relation to Union territories;
- (o) any other matter which has to be, or may be, prescribed.

(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 in which it is so laid or the successive sessions 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 validity of anything previously done under that rule.

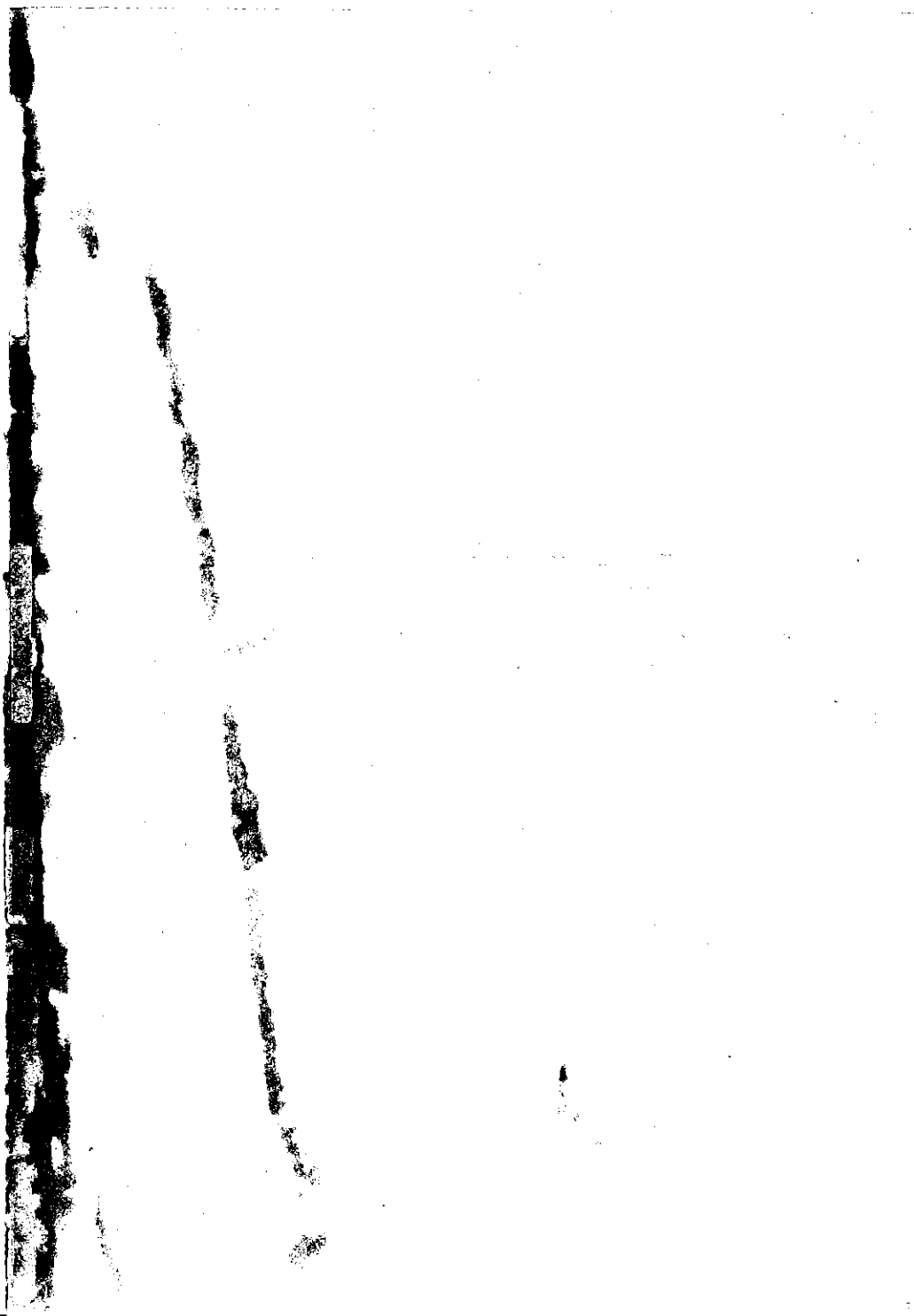
64. Power of State Government to make rules.— (1) The State Government may, simultaneously with the constitution of the State Board, make rules to carry out the purposes of this Act in respect of matters not falling within the purview of Section 63:

Provided that when, the State Board has been constituted, no such rule shall be made, varied, amended or repealed without consulting that Board.

(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:—

- (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;
- (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 the quorum necessary for the transaction of business under Section 8 and under sub-section (2) of Section 9;
- (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;
- (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;*

- (e) the terms and conditions of service of the chairman and the member-secretary of the State Board under sub-section (9) of Section 5 and under sub-section (1) of Section 12;
- (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;
- (g) the powers and duties to be exercised and discharged by the chairman and the member-secretary of the State Board;
- (h) the form of the notice referred to in Section 21;
- (i) the form of the report of the State Board analyst under sub-section (1) of Section 22;
- (j) the form of the report of the Government analyst under sub-section (3) of Section 22;
- (k) the form of application for the consent of the State Board under sub-section (2) of Section 25, and the particulars it may contain;
- (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 into account in granting or refusing such consent;
- (m) the form and manner in which appeals may be filed, the fees payable in respect of such appeals and the procedure to be followed by the appellate authority in disposing of the appeals under sub-section (3) of Section 28;
- (n) the form in which, and the time within which, the budget and annual report of the State Board may be prepared and forwarded to the State Government under Sections 38 and 39;
- (o) the form in which the accounts of the State Board may be maintained under sub-section (1) of Section 40;
- (p) any other matter which has to be, or may be, prescribed.



THE WATER (PREVENTION AND CONTROL OF POLLUTION) AMENDMENT ACT, 1978¹

[Act No. 44 OF 1978]

[12th December, 1978]

An Act to Amend the Water (Prevention and Control of Pollution) Act, 1974

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

And whereas from the practical experience gained in the working of the aforesaid Act it is considered necessary to make certain amendments thereto;

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 States of Assam, Haryana and West Bengal 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 Twenty-ninth Year of the Republic of India as follows:—

1. Short title, application and commencement.— (1) This Act may be called the Water (Prevention and Control of Pollution) Amendment Act, 1978.

(2) It applies, in the first instance, to the whole of the States of Assam, Haryana and West Bengal 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.

1. Received the assent of the President on December 12, 1978, published in the Gazette of India, Extra., Part II, Section 1, dated 13th December, 1978, p.p.561-567

(3) It shall come into force, at once in the States of Assam, Haryana and West Bengal 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 and any reference in Section 22 of this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory.

2. Amendment of Section 2.— In Section 2 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) (hereinafter referred to as the principal Act),—

(a) after clause (d), the following clause shall be inserted, namely:—

"(dd) 'outlet' includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes, or is likely to cause, pollution;"

(b) after clause (g), the following clause shall be inserted, namely:—

"(gg) 'sewer' means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;"

3. Amendment of Section 3.— In Section 3 of the principal Act, in sub-section (2), —

(a) in clause (a), for the words "matters relating to the use and conservation of water resources or the prevention and control of water pollution", the words "matters relating to environmental protection" shall be substituted;

(b) in clause (b), for the words, "five officials" the words "such number of officials, not exceeding five," shall be substituted;

(c) in clause (d), for the words "three non-officials", the words "such number of non-officials, not exceeding three," shall be substituted;

(d) in clause (f), for the words "and having administrative experience", the words "and having practical experience in respect of matters relating to environmental protection" shall be substituted;

4. Amendment of Section 4.— In Section 4 of the principal Act,—

(a) in sub-section (1), the brackets and words "(being a date not later than six months of the commencement of this Act in the State)" shall be omitted and shall be deemed always to have been omitted;

(b) in sub-section (2), —

(i) in clause (a), —

(1) the word "full-time" shall be omitted;

(2) for the words "matters relating to the use and conservation of water resources or the prevention and control of water pollution", the words "matters relating to environmental protection" shall be substituted;

(3) the following proviso shall be inserted at the end, namely:—

"Provided that the chairman may be either whole-time or part-time as the State Government may think fit;";

(ii) in clause (b), for the words "five officials", the words "such number of officials, not exceeding five," shall be substituted;

(iii) in clause (c), for the words "five persons", the words "such number of persons, not exceeding five," shall be substituted;

(iv) in clause (d), for the words "three non-officials", the words "such number of non-officials, not exceeding three," shall be substituted;

(v) in clause (f), for the words "and having administrative experience", the words "and having practical experience in matters relating to environmental protection" shall be substituted.

5. Amendment of Section 5.-- In Section 5 of the principal Act,

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

"(2) The term of office of a member of a Board nominated under clause (b) or clause (e) of sub-section (2) of Section 3 or clause (b) or clause (e) of sub-section (2) of Section 4 shall come to an end as soon as he ceases to hold the office under the Central Government or the State Government or, as the case may be, the company or corporation owned, controlled or managed by the Central Government or the State Government, by virtue of which he was nominated.";

- (b) in sub-section (5), for the words, brackets, letters and figures "or where he is nominated under clause (c) of sub-section (2) of Section 3 or under clause (c) of sub-section (2) of Section 4, if he ceases to be a member of the State Board, or as the case may be, of the local authority", the following shall be substituted, namely:—

"or where he is nominated under clause (c) or clause (e) of sub-section (2) of Section 3 or under clause (c) or clause (e) of sub-section (2) of Section 4, if he ceases to be a member of the State Board or of the local authority or, as the case may be, of the company or corporation owned, controlled or managed by the Central Government or the State Government and such vacation of seat shall, in either case, take effect from such date as the Central Government or, as the case may be, the State Government may, by notification in the Official Gazette, specify".

6. Amendment of Section 10.— In Section 10 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) A person associated with the Board under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board, as may be prescribed."

7. Insertion of new Section 11-A. — after Section 11 of the principal Act, the following section shall be inserted, namely :—

"11-A. Delegation of powers to Chairman.— The Chairman of a Board shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board."

8. Amendment of Section 12.— In Section 12 of the principal Act,—

- (a) in sub-section (3), the words "and the rules so made may provide for the salaries and allowances and other terms and conditions of service of such officers and employees" shall be omitted;
- (b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) The method of recruitment and the terms and conditions of service (including the scales of pay) of the officers (other than the member-secretary) and other employees of the Central Board or a State Board shall be such as may be determined by regulations made by the Central Board or, as the case may be, by State Board:

Provided that no regulation made under this sub-section shall take effect unless,—

- (a) in the case of a regulation made by the Central Board, it is approved by the Central Government; and
- (b) in the case of a regulation made by a State Board, it is approved by the State Government."

9. Amendment of Section 14.— In Section 14 of the principal Act,—

(a) in sub-section (1),—

- (i) In clause (a), for the words "matters relating to the use and conservation of water resources or the prevention and control of water pollution", the words "matters relating to environmental protection" shall be substituted;

(ii) in clause (f), for the words "and having administrative experience", the words "and having practical experience in respect of matters relating to environmental protection" shall be substituted;

(b) in sub-section (2), -

(i) in clause (a), for the words "matters relating to the use and conservation of water resources or the prevention and control of water pollution", the words "matters relating to environmental protection" shall be substituted;

(ii) in clause (f), for the words "and having administrative experience", the words "and having practical experience in respect of matters relating to environmental protection" shall be substituted.

10. Amendment of Section 21. — In Section 21 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3) and the occupier or his agent wilfully absents himself, then,—

- (a) the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for any analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (e) of sub-section (3) and such person shall inform the Government analyst appointed under sub-section (1) or sub-section (2), as the case may be, of Section 53, in writing about the wilful absence of the occupier or his agent; and
- (b) the cost incurred in getting such sample analysed shall be payable by the occupier or his agent and in case of

default of such payment, the same shall be recoverable from the occupier or his agent, as the case may be, as an arrear of land revenue or of public demand:

Provided that no such recovery shall be made unless the occupier or, as the case may be, his agent has been given a reasonable opportunity of being heard in the matter."

11. Amendment of Section 23.-- In Section 23 of the principal Act, in sub-section (2),--

- (a) for the words and figures "the Code of Criminal Procedure, 1898 (5 of 1898)", the words and figures "the Code of Criminal Procedure, 1973 (2 of 1974)", shall be substituted;
- (b) for the word and figures "Section 98", the word and figures "Section 94" shall be substituted.

12. Amendment of Section 25.-- In Section 25 of the principal Act,--

- (a) in sub-section (1), for the words "stream or well", at both the places where they occur, the words "stream or well or sewer or on land" shall be substituted;
- (b) in sub-section (2), after the words, brackets and figure "under sub-section (1)", the words "shall be accompanied with such fees as may be prescribed and" shall be inserted;
- (c) in sub-section (4), in clause (a), for the words "stream or well", the words "stream or well or sewer or on land" shall be substituted;
- (d) in sub-section (5), for the words "stream or well", the words "stream or well or sewer or on land" shall be substituted.

13. Amendment of Section 26.-- In Section 26 of the principal Act,--

- (a) for the words "stream or well", the words "stream or well or sewer or on land" shall be substituted;

- (b) for the words "shall be made within a period of three months of the constitution of the State Board", the words "shall be made on or before such date as may be specified by the State Government by notification in this behalf in the official Gazette" shall be substituted.

14. Amendment of Section 27.—In Section 27 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) A State Board may from time to time review-

- (a) any condition imposed under Section 25 (other than a condition to be satisfied before an outlet is brought into use or a new discharge is made), or Section 26 and may serve on the person using the outlet or making the discharge, as the case may be, a notice, making any reasonable variation of or revoking any such condition;
- (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."

15. Amendment of Section 28.—In Section 28 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) An appellate authority shall consist of a single person or three persons, as the State Government may think fit, to be appointed by that Government."

16. Amendment of Section 36.—In Section 36 of the principal Act,—

- (a) in sub-section (1), after the word "benefactions", the word "fees" shall be inserted;
- (b) in sub-section (2), after the words "under this Act", the words "and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the Central Board, also for performing its functions under such law" shall be inserted.

17. Amendment of Section 37.— In Section 37 of the principal Act,—

- (a) in sub-section (1), after the word "benefactions", the word "fees" shall be inserted;
- (b) in sub-section (2), after the words "under this Act", the words "and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the State Board, also for performing its functions under such law" shall be substituted.

18. Amendment of Section 39.— In Section 39 of the principal Act, in sub-section (1), for the words "six months", the words "nine months" shall be substituted.

19. Amendment of Section 49.— In Section 49 of the principal Act,—

- (a) in sub-section (1), for the words "Presidency Magistrate or a Magistrate", the words "Metropolitan Magistrate or a Judicial Magistrate" shall be substituted;
- (b) in sub-section (2),—
 - (i) *for the words and figures "Section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)", the words and figures "Section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)" shall be substituted;*
 - (ii) *for the words "Magistrate of the first class or for any Presidency Magistrate", the words "Judicial Magistrate of the first class or for any Metropolitan Magistrate" shall be substituted.*

20. Amendment of Section 63.— In Section 63 of the principal Act,—

- (a) in sub-section (2),—
 - (i) *for clause (d), the following clause shall be substituted, namely:—*

"(d) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of Section 10 and the fees and allowances payable to such persons;"

(ii) clauses (h) and (i) shall be omitted;

(b) in sub-section (3), for the words "before the expiry of the session in which it is so laid or the successive sessions aforesaid", the words "before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

21. Amendment of Section 64.— In Section 64 of the principal Act, in clause (d) of sub-section (2), the words "and the fees and allowances payable to such persons" shall be inserted at the end.

22. Validation.— Notwithstanding anything contained in Section 4 of the principal Act, as it stood immediately before the commencement of this Act, every State Board for the prevention and control of water pollution constituted under that section after the expiry of a period of six months of the commencement of the principal Act in the State concerned, shall be deemed to have been validly constituted and accordingly anything done or any action taken by such State Board before the commencement of this Act shall be deemed to have been validly done or taken and no such thing or action shall be called in question in any court merely on the ground that such State Board was constituted after the expiry of the period specified therefor under the said Section 4.

★ THE TAMIL NADU WATER (PREVENTION AND CONTROL OF POLLUTION) RULES, 1983.

(C.O.Ms. No.2, Environment Control, 26th September 1983.)

No. SRO A-236(a)/83.

I exercise of the powers conferred by section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Governor of Tamil Nadu, after consultation with the Tamil Nadu Pollution Control Board, hereby makes the following rules, namely :—

RULES.

CHAPTER I.

PRELIMINARY.

1. Short title and commencement.— (1) These rules may be called the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires—

- (a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974);
- (b) "Board" means the Tamil Nadu Pollution Control Board constituted under section 4;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Committee" means a committee constituted under subsection (1) of section 9;
- (e) "Form" means a Form set out in Schedule I;
- (f) "Government" means the Government of Tamil Nadu;

- (g) "meeting" means a meeting of the Board;
- (h) "member" means a member of the Board and includes the Chairman thereof;
- (i) "member-secretary" means the member-secretary of the Board;
- (j) "Schedule" means a Schedule appended to these rules;
- (k) "section" means a section of the Act;
- (l) "State Board Laboratory" means a laboratory established or recognised as such under sub-section (2) of section 17;
- (m) "State Water Laboratory" means a laboratory established or specified as such under sub-section (1) of section 52;
- (n) "Year" means the financial year.

CHAPTER II.

PROCEDURE FOR TRANSACTION OF BUSINESS OF THE BOARD.

3. Meetings of the Board.— (1) The time, date and place of the meeting shall be fixed by the member-secretary with the approval of the Chairman.

(2) Seven clear days' notice of an ordinary meeting and three clear days' notice of a special meeting along with the agenda notes, if any, shall be given by the member-secretary to the members. The notice shall specify the time, date and place of the meeting with a statement of business to be transacted thereat.

(3) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to their last known places of residence or business or in such other manner as the member-secretary may, in the circumstances of each case, think fit.

(4) Every meeting shall be presided over by the Chairman, and in his absence by any person chosen by the members present from among themselves.

(5) The Board may adjourn from day to day or to any particular day and no fresh notice shall be required for an adjourned meeting.

(6) Every question before a meeting shall be decided by a majority of votes of the members present and voting. Voting shall be by raising of hands in favour of the proposal. In case of equality of votes the presiding officer shall have a second or casting vote.

4. Quorum at the meeting.— (1) Five members shall form the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting, a quorum is not present, the presiding officer shall postpone the meeting and if the quorum is not present on the expiration of fifteen minutes from such postponement, the presiding officer shall adjourn the meeting to such hour on the following or or some other future date as he may fix. No quorum shall be necessary for such adjourned meeting.

(3) No matter which was not on the agenda of the original meeting shall be discussed at such adjourned meeting.

(4) No fresh notice shall be required for such adjourned meeting.

5. Minutes of the meeting.— (1) Record shall be kept of the names of members who attend the meeting and of the proceedings of the meeting in a book to be maintained for the purpose by the member - secretary.

(2) The minutes of the previous meeting shall be circulated at the beginning of every succeeding meeting and shall be confirmed and signed by the presiding officer at such meeting.

(3) The proceedings of the meeting shall be open to inspection by any member at the office of the Board during office hours.

6. Copies of agenda and minutes to be forwarded to Government.— The member-secretary shall send two copies of the agenda for each meeting to the Government. He shall also send two

copies of the minutes of the meeting to the Government within seven days from the date on which they are confirmed by the Board.

7. Maintaining order at the meetings.— The presiding officer shall preserve order at a meeting and shall have all the powers necessary for the purpose of enforcing his decision.

8. Order of business.— Except with the permission of the presiding officer, no business shall be transacted at any meeting otherwise than in the order in which it is entered in the agenda:

Provided that, if any member disputes the priority accorded for transacting any business, the presiding officer shall be guided by the majority of votes for or against according such priority.

9. Decisions by circulation.— In case of an urgency where there may not be sufficient time to convene a meeting, the chairman may obtain orders of the Board by circulation of papers among the members present at the headquarters of the Board. Such decisions arrived at by circulation shall be placed before the next meeting of the Board for its ratification. Should a difference of opinion arise in the course of such circulation the matter shall not be decided by circulation but shall be placed before the next meeting of the Board.

10. Implementation of decision.— In any matter, but not involving any order or decision under sections 25, 26 and 27, which call for any approval, concurrence or clearance by the Government, the mere fact that the Board has passed any resolution would not entitle the chief executive or any other officer or servant or agent of the Board to execute the same except after getting such approval, concurrence or clearance by the Government. In all such matters the Board shall be bound by the decision or order of the Government.

11. Proceedings of the committees.— (1) The chairman of the committee or committees shall be nominated by the Board.

(2) A committee shall meet as often as may be necessary and at such place and time as may be fixed by its chairman.

(3) Meetings of the committees shall be convened and presided over by the Chairman of the committee. In his absence, the meet-

ing shall be presided over by any person chosen by the members present from among themselves.

(4) Three members including the chairman shall form the quorum, for any meeting of the committee.

(5) In the absence of a quorum in any meeting of the committee the next meeting convened shall transact business even without the quorum, provided the chairman remains present, and the decisions thereat shall be treated as duly taken by the committee.

(6) Decisions of committees shall be incorporated in the agenda for the next meeting of the Board.

(7) A committee shall neither pass any resolution nor draw out any minutes but shall submit to the Board its recommendations or report pertaining to the subject or area for which the committee is appointed by the Board.

CHAPTER III.

TERMS AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE BOARD AND OF THE COMMITTEES OF THE BOARD.

12. Salaries, allowances and other conditions of service of the chairman.— The salaries, allowances and other conditions of service of the chairman shall be such as may be specified by the Government in the order of his appointment or, as the case may be, in the terms of his deputation.

13. Salaries, allowances and other conditions of service of the member-secretary.— The salaries, allowances and other conditions of service of the member-secretary shall be such as may be specified by the Government in the order of his appointment or, as the case may be, in the terms of his deputation.

14. Terms and conditions of service of members of the Board.— (1) Non-official members of the Board residing in Madras shall be paid an allowance of Rs. 50 (Rupees fifty only) per day for each day of the meetings actually attended by them.

(2) Non-official members of the Board not residing in Madras shall be paid an allowance of Rs. 50 (Rupees fifty only) per day for each

day of the meetings actually attended by them. They are also eligible for travelling and daily allowance at such rates as are admissible to Grade I officers of a State public sector undertaking in accordance with the rules or orders issued by the Government from time to time.

Provided that in the case of a member of the Tamil Nadu Legislature who is also a member of the Board, the daily and travelling allowance will be admissible to him only when the Legislature is not in session or on production of a certificate by such member that he has not drawn any such allowance for the same journey and halts from any Government source.

(3) The official members of the Board whether residing in Madras or not shall be paid travelling and daily allowance admissible to them in accordance with the travelling allowance rules of the Government.

CHAPTER IV.

POWERS AND DUTIES OF CHAIRMAN AND MEMBER-SECRETARY AND CREATION OF POSTS.

15. Powers and duties of the Chairman.— (1) The chairman shall have overall control over the functions of the Board.

(2) Subject to the general financial rules and service rules of the Government, the chairman shall have power in respect of the following matters, to the extent such power is not conferred on the member-secretary, namely:—

- (i) Appointment of employees of the Board to any post the maximum of the time scale of pay of which exceeds¹ [one thousand five hundred and forty five rupees but does not exceed two thousand three hundred and forty five rupees.]
- (ii) Initiation of confidential reports of the member-secretary.
- (iii) Awarding of punishment on any employee for whom he is the appointing authority under item (i) of this sub-rule.

1. The expression "one thousand rupees but does not exceed one thousand three hundred and fifty rupees" was substituted by vide G.O.Ms. 16 Environment Control Department dt.26-7-85.

(3) The chairman shall be competent to accord administrative sanction for all estimates relating to schemes which are not likely to cost more than rupees five lakhs.

(4) The chairman shall have power to accept tenders exceeding rupees three lakhs but not exceeding rupees five lakhs.

(5) The chairman may exercise such other powers as may be delegated to him, from time to time, by the Board.

(6) The chairman may undertake tours within India for carrying out the work of the Board or whenever occasioned in the interest of the work of the Board:

Provided that he shall keep the Government and the Board informed of his tours outside the State of Tamil Nadu.

16. Powers and duties of the member-secretary.-- Subject to the overall control of the chairman, the member-secretary shall exercise the following powers, namely:--

(1) The member-secretary shall be chief executive officer of the Board and shall be responsible for the day-to-day and orderly functioning of the offices of the Board and he shall have all powers necessary therefor.

(2) The member-secretary shall make all arrangements for holding meetings of the Board and its committees.

(3) All orders and instructions of the Board shall be over the signature of the member-secretary or any other officer duly authorised by him in that behalf.

(4) The member-secretary shall be the custodian of all movable and immovable properties and assets of the Board and shall be responsible for the proper upkeep and maintenance of all of them including vehicles, furniture, fittings and laboratory equipments. He shall also cause to duly maintain all registers, documents and records relating to all such properties and assets.

(5) Subject to the general financial rules and service rules of the Government, the member-secretary shall have power in respect of the following matters, namely:--

- (i) Appointment of employees of the Board to any post, the maximum of the time scale of pay of which does not exceed ¹[one thousand five hundred and forty five rupees.]
- (ii) Transfer and posting of all employees subordinate to him.
- (iii) Sanction of increments, leave including salary in lieu of leave surrendered, travelling allowance, medical expenses and loans and advances to all employees subordinate to him.
- (iv) Initiation of disciplinary proceedings against any employee subordinate to him.
- (v) Maintenance of confidential reports of employees subordinate to him.
- (vi) Awarding of any punishment on any employee for whom he is the appointing authority under item (i) of this sub-rule.
- (vii) Sanction of contingent expenditure.

(6) The member-secretary shall be competent to settle all bills relating to sanctioned schemes for which there is a provision in the budget:

Provided that any non-recurring expenditure in excess of rupees one lakh shall be incurred only with the prior approval of the chairman.

(7) The member-secretary shall be competent to accord technical sanction for all estimates.

(8) The member-secretary shall have power to accept tenders not exceeding rupees three lakhs.

(9) The member-secretary may exercise such other powers as may be delegated to him, from time to time, by the Board.

(10) With the approval of the Board, the member-secretary may delegate any of his powers to any officer subordinate to him and

1. The expression "one thousand rupees" was substituted by vide G.O.Ms.No.16 Environment Control Department dt.26-7-85.

may specify the conditions and limitations subject to which such delegated powers may be exercised:

Provided that powers relating to appointment of employees, awarding of punishments, according technical sanction for any estimate relating to any scheme likely to cost more than rupees twenty-five thousand and sanction of bills of non-recurring expenditure exceeding rupees five thousand shall not be delegated.

(11) The member-secretary may undertake tours within India for carrying out the work of the Board or whenever occasioned in the interest of the work of the Board:

Provided that he shall keep the chairman, the Board and the Government informed of his tours outside the State of Tamil Nadu.

17. Leave for chairman and member-secretary.— The power to grant leave to the chairman and member-secretary shall vest with the Government.

Provided that casual leave for the member-secretary may be sanctioned by the chairman.

18. Creation and abolition of posts.— The ^{Board} Board may create such posts as it may consider necessary for the efficient performance of its functions and may likewise abolish any post:]

¹[Provided that the Board shall not, without the previous approval of the Government, sanction the creation of any post or appoint any person to, any post if the maximum of the time scale of pay of the post exceeds four thousand and fifty rupees:]

Provided further that consultancy on remuneration basis shall not be treated as appointment:

Provided also that in cases where the cost of consultancy exceeds rupees five thousand, the Board shall report the matter of such consultancy to the Government.

1. The first proviso in rule 18 shall be substituted by vide G.O.Ms.No.331 Environment and Forests Department dt.5.12.88.

CHAPTER V.**TEMPORARY ASSOCIATION OF PERSONS WITH THE BOARD.**

19. Manner and purpose of association of persons with the Board.— (1) The Board may invite any person, whose assistance or advice it considers useful to obtain in performing any of its functions, to participate in the deliberations of any of its meetings. Such person shall not have the right to vote.

(2) The person associated with the Board under sub-rule(1) shall be entitled to draw such travelling and daily allowance as applicable to a member of the Board of his official or non- official status, as the case may be.

CHAPTER VI.**APPOINTMENT OF CONSULTING ENGINEER.**

20. Appointment of consulting engineer.— For the purpose of assisting the Board in the performance of its functions, the Board may appoint any qualified person to be a consulting engineer for a period not exceeding four months, and assign him such duties as are necessary for the purpose:

Provided that the Board may, with the prior approval of the Government, extend the period of such appointment from time to time:

Provided further that if, at the time of initial appointment, the Board had reason to believe that the services of the consulting engineer would be required for a period of more than four months, the Board shall not make the appointment without the prior approval of the Government.

21. Power to terminate appointment of consulting engineer.— Notwithstanding anything contained in rule 20, the Board shall have the right to terminate the services of the consulting engineer before the expiry of the specified period, if, in its opinion, the consulting engineer is not discharging his duties properly or to the satisfaction of the Board or such a course of action is necessary in the public interest :

Provided that no order terminating the services of the consulting engineer shall be passed except after giving him one month's notice or one month's salary in lieu thereof.

22. Emoluments of the consulting engineer.— The Board may pay the consulting engineer such emoluments as the Board considers necessary depending upon the nature of the work, the qualifications and experience of the consulting engineer:

Provided that the Board shall not appoint any person to be a consulting engineer without the prior approval of the Government if the emoluments payable to him exceed rupees five thousand per month.

23. Tours by consulting engineer.— The consulting engineer may undertake tours within the State of Tamil Nadu for the performance of the duties entrusted to him by the Board and in respect of such tours he shall be entitled to such travelling and daily allowances as are admissible to a Grade-I officer of a State Public Sector Undertaking in accordance with the rules or orders issued by the Government from time to time. He shall get the prior approval of the member-secretary for his tours.

24. Consulting engineer not to disclose information.— The consulting engineer shall not disclose any information either given by the Board or obtained by him during the performance of the duties assigned to him to any person other than the Board without the written permission of the member-secretary.

CHAPTER VII.

PROCEDURE RELATING TO COLLECTION OF SAMPLES, INQUIRY AND INSPECTION.

25. Form of notice.— The notice of intention to analyse a sample under clause (a) of sub-section (3) of section 21 shall be in Form I.

26. Application under sections 25 and 26.— Every application for consent of the Board under sub-section (1) of section 25 or, as the case may be, under section 26, shall be in Form II in the case of any industry and in Form III in the case of a local body or any authority incharge of disposal of sewage effluent.

27. Procedure for making inquiry into application for consent.— (1) On receipt of an application under section 25 or section 26, the Board may depute any of its officers accompanied by as many assistants as may be necessary, to visit the premises of the applicant, to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as the Board or such officer may consider necessary. Such officer may, for that purpose, inspect places where water or sewage or trade effluent is discharged by the applicant and also treatment plants, purification works and disposal systems of the applicant and may require the applicant to furnish to him any plans, specification and other data relating to such treatment plants, purification works or disposal systems or any part thereof, that he considers necessary.

(2) Such officer shall, before visiting any premises of the applicant for the purpose of inspection under sub-rule (1) give notice to the applicant of his intention to do so in Form IV. The applicant shall provide to such officer all facilities that such officer may legitimately require for the purpose.

(3) Such officer may, before or after carrying out an inspection under sub-rule (1) require the applicant to furnish to him, such additional information or clarification, or to produce before him such documents, as he may consider necessary for the purpose of verifying the correctness or otherwise of the particulars furnished in the application and may for that purpose, summon the applicant or his authorised agent to the office of the Board.

CHAPTER VIII.

FURNISHING OF INFORMATION RELATING TO ACCIDENTS, ETC.

28. Furnishing of information under section 31 (1).— Every person in charge of any place where any industry or trade is being carried on shall, on the happening of any accident, unforeseen act or event as contemplated in sub-section (1) of section 31, forthwith intimate the occurrence thereof to the Board, the collector of the district, the Revenue Divisional Officer, the District Health Officer, the Executive Authority of the municipal or local body concerned and the nearest police station.

CHAPTER IX.
REPORT OF ANALYSIS.

29. (1) **Form of report of Government analyst.**— The report of the Government analyst under sub-section (2) of section 53 shall be in Form V in triplicate.

(2) **Form of report of Board Analyst.**—The report of the Board analyst under sub-section (3) of section 53 shall be in Form VI in triplicate.

CHAPTER X.
STATE WATER LABORATORY.

30. **Functions of the State Water Laboratory.**—The State Water Laboratory shall cause to be analysed any sample of water, sewage or trade effluent received by it from any officer authorised by the Board for the purpose and shall extend all possible assistance for the speedy analysis at all reasonable time.

CHAPTER XI.
BUDGET, ACCOUNTS AND ANNUAL REPORT OF THE BOARD.

31. **Form of Budget estimates.**—(1) The budget for the year next ensuing, showing the estimated receipts and expenditure of the Board shall be prepared in Forms VII, VIII, IX and X and submitted to the Government.

(2) The estimates of receipts and expenditure shall be accompanied by the revised budget estimates for the current year.

(3) The budget shall, as far as may be, based on the account heads specified in Schedule II.

32. **Submission of budget estimates.**— (1) The budget estimates as prepared in accordance with rule 31 shall be placed by the member-secretary before the Board on or before 1st day of September each year for approval.

(2) After approval of the budget estimates by the Board, four copies of the approved budget estimates shall be submitted to the Government on or before the 25th day of September each year.

33. Re-appropriations and emergent expenditure.—No expenditure which is not covered by a provision in the approved budget estimates, or which is likely to be in excess of the amount provided under any head of account, shall be incurred by the Board without provision being made by re-appropriation from some other head of account under which savings are firmly established and are available without detriment to the matter for which funds were originally provided under the latter head of account.

34. Power to incur expenditure.— The Board shall incur expenditure out of the funds received by it in accordance with the instructions laid down under the general financial rules of the Government and other instructions issued by the Government, from time to time.

35. Operation of the funds of the Board.— The funds of the Board shall be operated by the member-secretary or by any officer of the Board who may, subject to the approval of the Government, be so empowered by the Board.

36. Form of Annual Statement of Accounts of the Board.— The Annual Statement of Accounts of the Board shall be in Forms XI to XV.

37. Form of Annual Report.— The Annual Report for each year shall give a true and full account of the activities of the Board during that year, and shall contain the particulars in Schedule III. The Annual Report for each year shall be submitted to the Government before the 15th day of July of the following year.

SCHEDULE 1**FORM I.****Tamil Nadu Pollution Control Board.****(Notice of intention to have sample analysed.)***[See rule 25 of the Tamil Nadu Water**(Prevention and Control of Pollution) Rules, 1983.]***To**

Take notice as the person in charge or having control over the place from where the sample is taken that it is intended to have analysed the sample of water/sewage effluent/trade effluent which is being taken to day the day of 19 from (1)

Your attention is particularly invited to clause (e) of sub-section (3) of section 21 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) under which you have an option to request the person taking the sample to send one container containing the sample to the State Water Laboratory for analysis at your cost.

*Name and designation of the
person who takes the sample.*

(1) Here specify the stream, well, plant, vessel or place from where the sample is taken.

FORM II.
FORM FOR INDUSTRIES.
TAMIL NADU POLLUTION CONTROL BOARD.

**APPLICATION FOR CONSENT FOR
DISCHARGE/CONTINUATION OF DISCHARGE UNDER
SECTION 25/26 OF THE WATER (PREVENTION AND CONTROL
OF POLLUTION) ACT, 1974 (CENTRAL ACT 6 OF 1974).**

*[See Rule 26 of the Tamil Nadu Water
(Prevention and Control of Pollution) Rules, 1983.]*

(To be submitted in triplicate.)

From :

Date :

To

The Member-Secretary,
Tamil Nadu Pollution Control Board,
MADRAS.

Sir,

I/We apply for consent under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) to bring into use any new or altered * outlets for the discharge of * Sewage/trade effluent from land/premises * owned by (1) for a period up to (2)

as per details given in the Annexure.

2. The annexure, appendices, other particulars and plans are attached herewith in triplicate.

3. I/We further declare that the information furnished in the annexure, appendices, and plans is correct to the best of my/our knowledge.

4. I/We hereby submit that in case of change either of the point or the quantity of discharge or its quality, a fresh application for consent shall be made and until such consent is granted no change shall be made.

5. I/We hereby agree to submit to the Board an application for renewal of Consent one month in advance of the date of expiry of the consented period for outlet/discharge, if to be continued thereafter.

6. I/We undertake to furnish any other information within one month of its being called for by the Board.

7. I/We hereby agree to pay the prescribed consent fee as and when intimated by the Board.

Yours faithfully,

Signature :

Name of Applicant :

Address of Applicant :

ACCOMPANIMENTS.--

- (i) Index/site plan.
- (ii) Detailed lay out plan showing sources of water supply, rivers, water treatment works, storm drains, nallahs and sewage effluent treatment works, etc.
- (iii) Sewage/effluent treatment flow sheet.
- (iv) Process flow sheet.
- (v) Copy of latest analysis report of sewage/effluent.
- (vi) Plan of final outlet points.

NOTE.- * Strike out entries not relevant.

ANNEXURE TO FORM II.

	EXISTING

OUTLET/DISCHARGE	ALTERED

	NEW

NOTE.- Any applicant knowingly giving incorrect information or suppressing any relevant information shall be liable for action under section 42 of the Act.

While filling in this annexure the applicant shall, for such of the items not pertaining to his activity state "Not applicable" against the relevant one and not leave any blank.

1. Full name of the applicant with address.

Tel. No.

2. Full name of land/premises/institute/factory/industry with address.

Tel. No. :

Telegraphic Address.....

3. (a) Is the industry/factory registered. Yes/No.
- (b) If yes, give the number and date of registration.
- (c) Full address of the office in which the industry/factory is registered.
- (d) Classification of industry—

(i) Major	Yes/No.
(ii) Medium	Yes/No.
(iii) Small scale	Yes/No.

4. Give revenue/city survey number of land/premises for which the application is made—

District

Taluk

Town

Village

City Survey No.

Revenue Survey No.

Area in Hectares

5. State month and year in which the land/premises/institute/factory/industry was actually put into commission or is proposed to be put into commission.

6. Give details of the Civil/Military authority under whose administrative jurisdiction the applicant's land/premises is situated.

Collectorate

Corporation

Municipality

Town/Village Panchayat.

Panchayat Union

Cantonment

Defence Department

Port Trust

State Government

Prohibited Area

7 (a) State whether the land/premises/ industry/factory/has been declared as prohibited area.- Yes/No.

(b) If yes, state the name of the authority and furnish a certified copy of the order under which the area has been declared as prohibited area.

8. State working season per year Full Year.
for the industry/factory.
From to
From to
From to

9. (a) No. of workers attending the factory per day.

(b) No. of persons residing in the premises.

10 (a) Give the list of all materials such as Metals, Alloys, Chemicals, Oils, Fuels, etc., used per month in Metric Tonnes:

METALS AND ALLOYS.	Name/Weight.
CHEMICALS - (1) Inorganic	<u>Name</u>
	<u>Weight</u>
(2) Organic	<u>Name</u>
	<u>Weight</u>
(3) Dyes	<u>Name</u>
	<u>Weight</u>
(4) Pesticides	<u>Name</u>
	<u>Weight</u>

OILS AND GREASE Name
Weight

FUELS - (1) Wood Name
Weight

(2) Coal Name
Weight

(3) Oil Name
Weight

(4) Gases Name
Weight

OTHER MATERIALS USED IN THE FACTORY. Name
Weight

- (b) Give the list of name of products and by-products manufactured per month.
- | <i>Serial number.</i> | <i>Name of products.</i> | <i>Quantity in Metric Tonnes per month.</i> |
|-----------------------|--------------------------|---|
|-----------------------|--------------------------|---|
- (c) Give the list of intermediate products.

USES.

11. State daily quantity of water utilised (in Kilo litre).
- | <i>Domestic.</i> | <i>Industrial.</i> | <i>Agriculture and Gardening</i> | <i>others.</i> |
|------------------|--------------------|----------------------------------|----------------|
|------------------|--------------------|----------------------------------|----------------|

12. State the daily maximum quantity of effluents arising from land/premises for which the application is made (in Kilo Litres)

- (a) Sewage
 (b) Industrial
 (c) Other
 (d) Total quantity of effluent

13. State whether storm water drains are kept separate from industrial/sewage effluents. Yes/No

14. Is sewage effluent allowed to get mixed with Industrial effluents? Yes/No

15. State if treatment for industrial or sewage effluent or one for combined effluent is made.

If yes, state the process of treatment in brief (separately for each treatment plant):

16. Is there any provision for disposal of— *Already made.* *Proposed to be made.*

(a) Sewage effluents in public underground sewer. Yes/No Yes/No

(b) Industrial effluent in public underground sewer. Yes/No Yes/No

(c) Give the name of the authority owning the sewer:

17. Is there any provision for disposal of — *Already made.* *Proposed to be made.*

(a) Sewage effluent over land for Irrigation. Yes/No Yes/No

(b) Industrial effluent over land for irrigation. Yes/No Yes/No

(c) Sewage effluent in the under-ground strata. Yes/No Yes/No

(d) Industrial effluent in the under-ground strata. Yes/No Yes/No

(e) State the area of Land used for (a) and (b) above in hectares with details of ownership of the land.

18. Give quantitative disposal of effluent in Kilo litres into the place mentioned below :-

	Sewage.	Industrial.	Mixed.
(i) Stream/River		
(ii) On land for irrigation		
(iii) Lake/Pond		
(iv) Tidal waters		
(v) Open sea		
(vi) Estuarine waters		
(vii) Public underground sewer	..		
(viii) On land for open percolation			

19. Is there any provision for equalizing or holding lagoons or tanks to store the effluent during unfavourable streams or tidal conditions. *Already made.* *Proposed to be made.*

(i) Sewage effluent	.. ..
(ii) Industrial effluent	.. ..
(iii) Combined effluent	.. ..

20. Details of land available/can be made available in case disposal of effluent on land has to be considered. ..

21. Give details of composition of sewage/ ..
 industrial combined effluent in
 respect of the following :—

<i>Parameters.</i>	<i>Effluent before treatment.</i>	<i>Effluent after treatment.</i>
(1)	(2)	(3)
(A) GENERAL PARAMETERS.—		
(i) PH.	
(ii) Colour Units	
(iii) Temperature °C	
(iv) Suspended solids		
(a) Total mg/l	
(b) Fixed mg/l	
(c) Volatile mg/l	
(v) Dissolved solids		
(a) Total mg/l	
(b) Fixed mg/l	
(c) Volatile mg/l	
(vi) Total volatile solids mg/l	
(vii) Dissolved Oxygen mg/l	
(viii) B.O.D. 5 days 20°C mg/l	
(xi) C.O.D. mg/l	
(x) Oil and Grease mg/l	

(B) CHEMICAL PARAMETERS—

(i) Ammonical Nitrogen, mg/l (as N)..	
(ii) Nitrates, mg/l (as N)	
(iii) Chlorides, mg/l (as Cl)	
(iv) Phosphates, mg/l (as P)	
(v) Phenolic Compounds, mg/l (as Phenol).	
(vi) Cyanides, mg/l (as CN)	
(vii) Sulphides, mg/l (as S)	
(viii) Sulphates, mg/l (as SO ₄)	
(ix) Insecticides, mg/l	
(x) Total residual chlorine, mg/l (as Cl ₂).	.. ..
(xi) Flourides, mg/l (as F)	
(xii) Percent Sodium	
(xiii) Pesticides, mg/l	

(C) HEAVY METALS.—

(i)	Boron, mg/l (as B)	..
(ii)	Arsenic, mg/l (as As)	..
(iii)	Barium, mg/l (as Ba)	..
(iv)	Cadmium, mg/l (as Cd)	..
(v)	Copper, mg/l (as Cu)	..
(vi)	Lead, mg/l (as Pb)	..
(vii)	Chromium .. .. .	..
	(a) mg/l (as Cr) .. ..	..
	(b) Hexa-valency, mg/l (as Cr)	..
(viii)	Mercury, mg/l (as Hg)	..
(ix)	Nickel, mg/l (as Ni)	..
(x)	Selenium, mg/l (as Se)	..
(xi)	Silver, mg/l (as Ag)	..
(xii)	Zinc, mg/l (as Zn)	..
(xiii)	Any other metals, mg/l	..

NOTE - (1) Furnish a copy of the analysis report of representative samples carried out by any of the laboratories recognised by the Board.

(2) Methods of determination as approved by the Board will have to be followed or determination of above mentioned parameters.

22. Indicate the facilities available for testing waste waters.

23. State details of solid waste :-

	<i>Descrip- tion.</i>	<i>Quantity (M.T./Kg.)</i>	<i>Method of collection.</i>	<i>Method of disposal.</i>
	(1)	(2)	(3)	(4)
(i)	Process waste			
(ii)	Seasonal waste			
(iii)	Spillage			
(iv)	Rejected materials			

24 (a) Total gross fixed assets of the industry.

(b) Estimated expenditure for implementing the Schemes to control Water Pollution.

- (c) Expenditure incurred to date and progress achieved (Physical) for treatment of effluent, if any and the year/years of investments along with physical progress achieved.

The firm should give details of action taken to date and the expenditure incurred and the time required for the completion of the same.

- (d) Annual operation and maintenance cost of effluent treatment plants if any.
- (e) Further action that is being taken by the firm to control water pollution.

25. Furnish the names, designation and full address of Partners/Directors.

26. Any other relevant information

Signature :

Name and Address of the applicant.

On behalf of:

Name and address of the firm:

NOTE.- (1) The applicant is advised to make himself familiar with the Water (Prevention and Control of Pollution) Act, 1974 before attempting to fill up the form.

(2) If the space provided for any item is not sufficient, the information may be furnished in separate sheets.

EXPLANATORY NOTE FOR FILLING IN THE FORM AND ANNEXURE.

The notes are given only for those items for which explanation is considered desirable.

FORM - (1) Here mention the name of the owner of the land premises if other than the applicant industry or factory. If the land/premises belongs to the factory/industry, say 'self'.

(2) Here mention the date up to which the consent is sought for.

"outlet". -means the arrangement for discharge of the effluent for which the consent is sought for.

"Discharge"- means the effluent going out of the outlet.

"Existing"-means that which is in operation at the time of applying for consent.

"New" -means that which will be brought into operation in future.

"Altered"-means that which has been modified due to change in quantity and/or quality of discharge, arrangement and/or point of discharge, etc.

ANNEXURE TO FORM :***Item No. 1.***

Here give the name of occupier of the Institution/Factory/Industry etc., as defined in the Water (Prevention and Control of Pollution Act, 1974).

Item No.2.

Here give the registered name of the Institution/Factory/Industry etc., under which the business is carried out.

Item No.7:

Applicable only in those areas which are prohibited areas such as the Ordinance factories, Mint etc.

Item No.10(a).

Here give the complete list of all raw materials used in the industry. If proprietary names are given, every effort should be made to give the chemical composition of the same.

Item No.18:

Here give the quantities of effluent of different types such as sewage, industrial or mixed, etc., proposed to be or is let into the stream/river, lands, sea, etc., as may be applicable.

Item No.21:

Analysis shall cover as many parameters as are expected to be found in the effluent. If some of the parameters are not expected to be found, say "not applicable". If some other parameters than those listed under the items are expected, the same may be mentioned at the end. The report of analysis shall be separately furnished for sewage, industrial and combined effluents.

FORM III.
FORM FOR LOCAL BODIES.
TAMIL NADU POLLUTION CONTROL BOARD.

*Application for consent for Discharge/Continuation of Discharge under Section
25/26 of the Water (Prevention and Control of Pollution) Act, 1974.*
(Central Act 6 of 1974)

[See rule 26 of the Tamil Nadu Water
(Prevention and Control of Pollution) Rules, 1983.]
(To be furnished in triplicate.)

From:

Date:

To

The Member-Secretary,
Tamil Nadu Pollution Control Board,
Madras.

Sir,

I/We hereby apply for consent under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) to bring into use any new or altered *outlets for the discharge of sewage from land/premises* owned by

for a period up to

as per details given in the Annexure.

2. The annexure, appendices, other particulars and plans are attached herewith in triplicate.

3. I/We further declare that the information furnished in the annexure, appendices and plans is correct to the best of my/our knowledge. . .

4. I/We hereby assure that in case of change either of the point or the quantity of discharge or its quality, a fresh application for consent shall be made and until such consent is granted, no change shall be made.

5. I/We hereby agree to send to the Board, an application for renewal of consent one month in advance of the date of expiry of the consented period for outlet/discharge, if to be continued thereafter.

6. I/We undertake to furnish any other information within one month of its being called for by the Board.

7. I/We hereby agree to pay the prescribed consent fee as and when intimated by the Board.

Yours faithfully,

Signature :

Name of applicant :

Address of applicant :

Accompaniments

- (i) Index/site plan.
- (ii) Detailed lay out plan showing sources of water supply, rivers, water treatment works, storm drains, nallahs and sewage/effluent treatment works etc.
- (iii) Sewage treatment flow sheet.
- (iv) Copy of latest analysis report of sewage/effluent.

NOTE.- * Strike out entries not relevant.

ANNEXURE TO FORM III.

OUTLET/DISCHARGE	<u>EXISTING</u> <u>ALTERED</u> <u>NEW</u>
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NOTE-Any applicant knowingly giving incorrect information or suppressing any relevant information shall be liable for action under section 42 of the Act.

While filling in this annexure the applicant shall, for such of the items not pertaining to his activity state "Not applicable" against the relevant one and not leave any blank.

1. Full name of the applicant with address.

Telephone No.	..	..	..
Telegraphic address	..	..	..

2. Full name of local body with address

Telephone No. ..	..	..	..
Telegraphic address	..	..	..

3. Location of the local body

District	..	..	..
Taluk	..	..	..
Area (in Sq.Kms.)	..	..	..

4. Month and year from which local body is functioning.

5. Status of the local body

..
----	----	----	----

Corporation/
Municipality/
Special Grade-
Selection Grade-
Grade I/Grade II-
Grade III/Contonment-
Board/Town/Village
Panchayat/any other
Local Authority.

- 6 (a) Population. —
- (i) As per latest census records
- (ii) Present population
- (b) Population covered under regular sewerage facilities.
- 7 (a) Number of industries within the jurisdiction of the local body.
- (b) Number of industries discharging effluents into sewers/gutters.
- 8 (a) Source of water supply for the following uses.—
- (i) Domestic
- (ii) Industrial
- (iii) Other uses (Specify):
- (b) Whether the water supplied is treated? Yes/No
- (c) If yes, give details
- (d) Is the drinking water supplied to the public regularly analysed and declared safe by a competent authority? Yes/No
- (e) Give details of the Chemical and Bacteriological Analysis of the water supplied to the public (attach analysis report).
9. State daily quantity of water utilised for the following uses (in Kilo litres).
- (a) Domestic
- (b) Industrial
- (c) Other uses (Specify)
- (d) Total
10. State the daily maximum quantity of effluents arising from the local body for which the application is made: (in Kilo litres.)-
- (a) Sewage
- (b) Sullage
- (c) Industrial effluents
- (d) Total

11. State whether storm water drains are kept separate from sewage. Yes/No.
12. (a) Is industrial effluent allowed to get mixed with domestic effluent? Yes/No.
 (b) If yes, state the ratio ... Domestic : Industrial.
13. State, if any treatment for sewage is made Yes/No.
 (i) If yes, state the process of treatment in brief (separately).
 (ii) If no, give proposals and time bound programme.
14. Is there any proposal for disposal of .. Already made. Proposed to be made.
 (a) Sewage over land for irrigation ... Yes/No Yes/No
 (b) State area of land used in hectares for (a) above.
15. Give quantitative disposal of sewage per day into places mentioned below: (in Kilo litres).-
Domestic. Industrial. Combined.
- (i) Stream/River
 (ii) On land for irrigation
 (iii) Lake/Pond
 (iv) Tidal waters
 (v) Estuarine water
 (vi) Ocean/Sea
16. (a) Is sufficient land available/can be made available in case using of sewage on land for irrigation has to be considered? Yes/No
 (b) If yes, area of land available (in hectares).
17. Give details of composition of sewage before treatment and after treatment. Before treatment. After treatment.
 (i) B.O.D. 5 days 20°C mg/l ..
 (ii) Total suspended solids mg/l ..

NOTE: (1) Furnish a copy of analysis report of representative sample carried out by any one of the laboratories recognised by the Board.

(2) Methods of determination as approved by the Board will have to be followed for determination of above mentioned parameters.

(3) In case of local bodies accepting industrial effluents into municipal sewerage system the Board may prescribe additional parameters for submission of analysis reports.

18. State the details of solid waste in MT/Kg./day.—

	<i>Description.</i>	<i>Carbage/Refuse.</i>	<i>Night soil, septic tank sludge.</i>	<i>Industrial solid waste.</i>	<i>Sludge from water/waste treatment plants.</i>
(a) Quantity				
(b) Method of collection :					
1. Mechanical/Manual					
2. Number of lorries, tankers used per day.					
3. Number of persons employed					
(c) Method of disposal:—					
1. Sanitary land filling reclamation.					
2. Composting				
3. Incineration				
4. Any other				
(d) Area used/available for handling/ disposal of solid wastes (in hectares).					

Signature:

Name and address of the applicant:

(On behalf of)

Name and address of the local body :

EXPLANATORY NOTES FOR FILLING IN THE FORM AND THE ANNEXURE :

The notes are given only for those items for which explanation is considered desirable.

Form :

"Outlet" means the arrangement for discharge of the effluent for which the consent is sought for.

"Discharge" means the effluent going out of the outlet.

"Existing" means that which is in operation at the time of applying for consent.

"New" means that which will be brought into operation in future.

"Altered" means that which has been modified due to change in quantity and/or quality of discharge and/or point of discharge, etc.

Annexure to Form:

Item No. 15:

Here give the quantities of sewage or effluent types such as domestic, industrial or mixed, etc., proposed to be or is let into the stream/river, lands, sea, etc., as may be applicable.

Item No. 17:

Analysis shall cover as many parameters as are expected to be found in the sewage. If some other parameters than those listed under the items are expected, the same may be mentioned at the end. The report of analysis shall be separately furnished for sewage, industrial and combined effluents.

**FORM IV.
TAMIL NADU POLLUTION CONTROL BOARD.
NOTICE OF INSPECTION.**

[See Rule 27(2) of the Tamil Nadu Water
(Prevention and Control of Pollution) Rules, 1983.]

No.

Dated :

To

Take notice that for the purpose of enquiry under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, (Central Act 6 of 1974) the following officers of the Board namely:—

- (i) Thiru
- (ii) Thiru
- (iii) Thiru

and the persons authorised by the Board to assist them shall inspect the—

- (a) Water works
- (b) Sewage works
- (c) Waste treatment Plant
- (d) Factory
- (e) Disposal system
- (f) Any other parts thereof or pertaining thereto under your management/control on date(s) between _____ hours, _____ when all facilities requested by them for such inspection should be made available to them on the site. Take notice that refusal or denial to the above stated demand shall amount to obstruction punishable under section 42 of the said Act.

(By order of the Board)

Member-Secretary.

Copy to :

- 1.
- 2.
- 3.

FORM V.
TAMIL NADU POLLUTION CONTROL BOARD.
REPORT BY THE GOVERNMENT ANALYST.

[See rule 29(1) of the Tamil Nadu Water
(Prevention and Control of Pollution) Rules, 1983.]

Report No.

Dated the 19

I hereby certify that I, 1

Government analyst duly appointed under sub-section (2) of section 53 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) received on the 2

day of 19

from 3 a sample of

for analysis. The sample was in a condition fit for the analysis reported below:—

The condition of the seals, fastening and container on receipt was as follows:—

4

I further certify that I have analysed the aforementioned sample on 5 and declare the result of the analysis to be as follows :

6

Signed this day of 19

(Signature)

Government Analyst.

Address:

To

The Member-Secretary,
Tamil Nadu Pollution Control Board,
Madras.

-
- 1 Here write the full name of the Government analyst.
 - 2 Here write the date of receipt of the sample.
 - 3 Here write the name of the Board or person or body of the persons or Officer from whom the sample was received.
 - 4 Here write the conditions of the seals, fastenings and container.
 - 5 Here write the date of analysis.
 - 6 Here write details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM VI.
TAMIL NADU POLLUTION CONTROL BOARD.
REPORT OF THE BOARD ANALYST.

[See Rule 29(2) of the Tamil Nadu Water
(Prevention and Control of Pollution) Rules, 1983.]

Report No.

Dated the 19

I hereby certify that I, 1

Board analyst duly appointed under sub-section (3) of section 53 of the Water
(Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) received on
the 2

day of 19

from 3 a sample of

for analysis. The sample was in a condition fit for the analysis reported below:—

The condition of the seals, fastening and container on receipt was as follows:—

4

I further certify that I have analysed the aforementioned sample on 5 and declare
the result of the analysis to be as follows:

6

Signed this day of 19

(Signature)
Board Analyst.

Address :

To

The Member-Secretary,
Tamil Nadu Pollution Control Board,
Madras.

-
- (1) Here write the full name of the Board analyst.
 - (2) Here write the date of receipt of the sample.
 - (3) Here write the name of the Board or person or body of persons or officer from whom the sample was received.
 - (4) Here write the condition of the seals, fastening and container.
 - (5) Here write the date of analysis.
 - (6) Here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM VII

**TAMIL NADU POLLUTION CONTROL BOARD.
ADMINISTRATION**

*Detailed Budget estimates for the year 19 19
[See rule 31 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.]
(Expenditure)*

	19	19	19	19	19	
(1) Head of account.	(2)	(3)	(4)	(5)	(6)	(7)
	19	19	19	19	19	19
	Actuals for the past three years.			Sanctioned estimate for the current year.	Actuals of last six months i.e. year.	Actuals of six months of the current year.
(8) Revised estimate for the current year.	(9) Budget estimate for the next year.			(10) Variations between columns (5) and (8)	(11) Variations between columns (8) and (9).	(12) Explanation for column (10).
(13)	(14) Explanation for column (11).			(15) Explanation for column (11).		

FORM IX.
TAMIL NADU POLLUTION CONTROL BOARD.
NOMINAL ROLLS.

[See Rule 31 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983]

Serial number.	Name and designation.	R.E. 19		B.E. 19		-19		Leave Travel Concession	Other Allowances.	Total.
		Pay.	Dearness Allowance.	City Compensatory Allowance.	House Rent Allowance.	Overtime Allowance.	Children's Educational Allowance.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.

Total

FORM X.
TAMIL NADU POLLUTION CONTROL BOARD.
ABSTRACT OF NOMINAL ROLLS,

[See Rule 31 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.]

Actual sanctioned strength as on 1st March 19	Particulars of post.	Sanctioned budget grant.		Revised Estimates.		Budget Estimates.		Explanation for the difference between sanctioned budget grant and revised estimates and budget estimates.
		19 Number of posts Included.	19 Pay and Allowances.	19 Number of posts Included.	19 Pay and Allowances.	19 Number of posts Included.	19 Pay and Allowances.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(a)
	I. Officers----							
	(a) Posts filled	..	..	..	..	..	..	..
	(b) Posts vacant	..	..	..	..	..	..	..
	Total - I Officers	..	..	..	..	..	..	..

Actual sanctioned strength as on 1st March 19	Particulars of post.	Sanctioned budget grant.		Revised Estimates.		Budget Estimates.		Explanation for the difference between sanctioned budget grant revised estimates and budget estimates.	
		19 Number of posts included.	19 Pay and Allowances.	19 Number of posts included.	19 Pay and Allowances.	19 Number of posts included.	19 Pay and Allowances.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
II. Establishment :---									
	(a) Posts filled	..	..	..	..	..	..	..
	(b) Posts vacant	..	..	..	..	..	..	..
Total - II. Establishment									
III. Class IV---									
	(a) Posts filled	..	..	..	..	..	..	..
	(b) Posts vacant	..	..	..	..	..	..	..
Total - III. Class IV									
Grand total-I, II and III									
		

FORM XI.

TAMIL NADU POLLUTION CONTROL BOARD.

Receipts and Payments for the year ended 31st March 19 .

[See Rule 36 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.]

Previous year.	Receipts.	Previous year.	Payments.
(1)	(2)	(3)	(4)
Opening Balance:		I. Capital Expenditure	
I. Grants received:		(i) Works	.....
(a) from Government		(ii) Fixed Assets	.....
(b) from other agencies		(iii) Other Assets	.....
II. Fees:		(a) Laboratory Equip- ment	.....
		(b) Vehicles	.....
		(c) Furniture and Fixtures	.....
		(d) Scientific Instru- ments and Office appliances.	.....
		(e) Tools and Plant	.....
III. Fines and Forefeitures : ..		II. Revenue Expenditure	
		A. Administrative :	
IV. Interest on investments		(i) Pay of Officers	.....
V. Miscellaneous receipts		(ii) Pay of Establishment	.....
VI. Miscellaneous Advances		(iii) Allowances and Honoraria	.....
VII. Deposits		(iv) Leave Salary and Pen- sion contributions	.....
		(v) Contingent Expenditure	.....
		Deduct Recoveries ..	.....
Total ..	_____		

Previous year.	Receipts.	Previous year.	Payments.
(1)	(2)	(3)	(4)
	B.	(i) Board Laboratory	..
		(ii) Charges to be paid to the State Water Laboratory .....	..
	C.	Running and Maintenance of vehicles .....	..
	D.	Maintenance and Repairs :	
		(i) Buildings and land including rents, if any ...	..
		(ii) Works .. .. .	..
		(iii) Furniture and Fixtures ...	..
		(iv) Scientific instruments and office appliances.....	..
		(v) Tools and Plant ...	..
		(vi) Temporary works (in- cluding maintenance and repairs) .....	..
	E.	Fees to Consultants and Specialists .. .. .	..
	F.	Law charges .. .. .	..
	G.	Miscellaneous .. .. .	..
	H.	Fees for Audit .. .. .	..
	III.	Purchases .. .. .	..
	IV.	Miscellaneous .. .. .	..
	V.	Advances .. .. .	..
	VI.	Deposits .. .. .	..
		Closing balance .. .. .	..
		Total ..	_____

Accounts Officer.

Member-Secretary.

Chairman.

FORM XII.

TAMIL NADU POLLUTION CONTROL BOARD.

ANNUAL STATEMENT OF ACCOUNTS.

Income and Expenditure Account for the year ended 31st March, 19 ..

[See Rule 36 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.]

Previous year.	Details of Expenditure.	Total of sub-head.	Total of major head.	Previous year.	Details of Income.	Total of sub-head.	Total of major head.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		Rs.	Rs.	Rs.		Rs.	Rs.
To	REVENUE EXPENDITURE—						
	(A) ADMINISTRATIVE:						
	(i) Pay of Officers ..	..	..			..	..
	(ii) Pay of establishment ..	..	..			..	..
	(iii) Allowances and Honoraria.	..	..			..	..
	(iv) Leave salary and Pension Contribution.	..	..			..	..
	(v) Board's contribution to the staff Provident Fund.	..	..			..	..
					By		
					(i) GRANTS RECEIVED:		
					(a) From Government ..	..	..
					(b) From other agencies ..	..	..
					Total ..	..	..
					LESS:		
					Amount utilised for Capital Expenditure.	..	..

Previous year.	Details of Expenditure.	Total of sub-head.	Total of major head.	Previous year.	Details of Income.	Total of sub-head.	Total of major head.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		Rs.	Rs.	Rs.		Rs.	Rs.
	(vi) Contingent expenditure Deduct Receipts.	..	..	..	Net grant available for Revenue expenditure.	..	..
	(B) Running expenses of Laboratories.	..	..	..	(i) Fees	..	..
	(i) Main Laboratory	..	..	..	(ii) Services, Rental Charges	..	..
	(ii) Payments to be made to State Water Laboratory.	..	..	..	(iv) Fines and Forfeitures	..	..
	(C) Running and Maintenance of vehicles.	..	..	..	(v) Interest on Investments	..	..
		..	..	..	(vi) Miscellaneous Receipts	..	..
		..	..	..	(vii) Excess of expenditure over income.	..	..
		..	..	..	Total	..	..
	(D) Maintenance and Repairs	..	..	..		..	..
	(i) Buildings and Land	..	..	..		..	..
	(ii) Works	..	..	..		..	..
	(iii) Furniture and Fixtures	..	..	..		..	..
	(iv) Scientific Instruments and Office appliances.	..	..	..		..	..
	(v) Tools and plant ...	..	..	..		..	..
	(E) Temporary Works (including Maintenance and repairs).	..	..	..		..	..
	(F) Fees to Consultants and Specialists.	..	..	..		..	..

Previous year.	Details of Expenditure.	Total of sub-head.	Total of major head.	Previous year.	Details of Income.	Total of sub-head.	Total of major head.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Rs.	Rs.	Rs.	Rs.		Rs.	Rs.
	(G) Law charges						
	(H) Depreciation :						
	(i) Buildings						
	(ii) Laboratory Equipment ..						
	(iii) Vehicles						
	(iv) Furniture and fixtures ..						
	(v) Scientific Instruments and Office appliances ..						
	(vi) Tools and Plant						
	(I) Miscellaneous :						
	(i) Write-off of losses						
	(as per details in the statement attached).						
	(ii) Other Miscellaneous .. expenditure.						
	(J) Fees for Audit						
	(K) Excess of Income over expenditure						
	Total ..						

Accounts Officer. Member-Secretary.

Chairman.

FORM XIII.
TAMIL NADU POLLUTION CONTROL BOARD.
ANNUAL STATEMENT OF ACCOUNTS.

Balance Sheet as at 31st March, 19
[See Rule 36 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1963.]

Capital and Liabilities.		Property and assets.			
Previous year.	Total of sub-head.	Total of major head.	Previous year.	Total of sub-head.	Total of major head.
(1)	(2)	(3)	(5)	(7)	(8)
Details.	(2)	(3)	(5)	(7)	(8)
A. Capital Fund—					
(i) Grants received from Government for capital-expenditure.					
(a) Amount utilised up to 31st March 19					
(b) Unutilised balance on 31st March 19					
(ii) Grant from other agencies for capital expenditure.					
(a) Amount utilised up to 31st March 19					
			1. Works— (As per Form XIV)		
			2. Fixed Assets (As per Form XV)		
			(a) Value of land provided by Government (at cost).		
			(b) Buildings— Balance as per last Balance sheet.—		
			Additions during the year		

Capital and Liabilities.		Property and assets.		
Previous year.	Total of sub-head.	Details.	Total of sub-head.	Total of major head.
(1)	(3)	(6)	(7)	(8)
(2) Unutilised balance on 31st March 19 ..	(4) ..	(5) Total ..	(6) ..	(9) ..
(iii) Value of land provided by Government (per contra)	Less:- Depreciation during the year ..	..	..
B. Capital Receipts—	Total ..	..	..
C. (i) Deposit received for works from outside bodies— Deposits : .. Less Expenditure—	3. Other Assets (As per Form XV). (a) Laboratory Equipment as per last Balance Sheet.. Additions during the year.. ..	..	..
(ii) Other deposits :	Total ..	..	..
D. Amounts due— (i) Purchases : (ii) Other	Less: Depreciation during the year. .. ..	..	..
E. Excess of income over expenditure—	Total ..	..	..

Capital and Liabilities.

Previous year.	Details.	Total of sub-head.	Total of major head.
(1)	(2)	(3)	(4)
	(i) Up to 31st March 19 ..		
	(ii) Add for the year ..		
	(iii) Deduct— Excess of Expenditure over income		
	Total ..		

Property and assets.

Previous year.	Details.	Total of sub-head.	Total of major head.
(5)	(6)	(7)	(8)
	(b) Vehicles—		
	As per last balance Sheet ..		
	Additions during the year ..		
	Total ..		
	Less:		
	Depreciation during the year ..		
	Total ..		
	(c) Furniture and Fixtures—		
	As per last Balance Sheet..		
	Additions during the year ..		
	Total ..		
	Less :		
	Depreciation during the year ..		
	Total ..		
	(d) Scientific Instruments and others.—		
	As per last Balance Sheet ..		
	Additions during the year ..		
	Total ..		

Capital and Liabilities.

Previous year.	Details.	Total of sub-head.	Total of major head.
(1)	(2)	(3)	(4)

Property and assets.

Previous year.	Details.	Total of sub-head.	Total of major head.
(5)	(6)	(7)	(8)

3. Other Assets (As per Form XV)-cont.
(e) Tools and Plant--

As per last Balance Sheet ..
Additions during the year ..

Total ..	_____	_____
----------	-------	-------

Less :

Depreciation during the year ..

Total ..	_____	_____
----------	-------	-------

4. Sundry Debtors--

(i) Amounts due from outside bodies for expenditure incurred--

Expenditure
Less Amount received

(ii) Other sundry debtors

Property and assets.

Capital and Liabilities.		Property and assets.					
Previous year.	Details.	Total of sub-head.	Total of major head.	Previous year.	Details.	Total of sub-head.	Total of major head.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

5. Advances—

- (a) Miscellaneous Advance.
- (b) Other amount recoverable.

6. Cash—

- (a) Notice/Short Term Deposits
- (b) Cash at Bank
- (c) Cash in hand
- (d) Cash in transit

Total ..

Accounts Officer.

Member-Secretary.

Chairman.

FORM XIV.
TAMIL NADU POLLUTION CONTROL BOARD.
ANNUAL STATEMENT OF ACCOUNTS.

Expenditure on works as on 31st March 19 . . .
 (Item I ---- Assets of the Balance Sheet)

(See Rule 36 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.)

Serial number and name of work.	Up to 31st March 19 . . .		During the year 19 19 . . .	
	Direct Expenditure.	Over head charges.	Direct Expenditure.	Over head charges.
(1)	(2)	(3)	(5)	(6)
		(4)		(7)

Total _____

Accounts Officer.

Member-Secretary.

Chairman.

FORM XV.
TAMIL NADU POLLUTION CONTROL BOARD.
ANNUAL STATEMENT OF ACCOUNTS.

Fixed Assets as on 31st March, 19 . . .
 (Item 2 - Assets of the Balance Sheet)
 Other Assets as on 31st March, 19 . . .
 (Item 3 - Assets of the Balance Sheet).

[See Rule 36 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.]

Serial number.	Particulars of assets.	Balance as on 31st March 19 . . .	Additions during the year.	Total	Depreciation during the year.	Sales or write off during the year.	Balance as on 31st March 19 . . .	Cumulative Depreciation as on 31st March 19 . . .
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Accounts Officer.

Member-Secretary.

Chairman.

SCHEDULE II.
TAMIL NADU POLLUTION CONTROL BOARD.

BUDGET AND ACCOUNT HEADS.

[See Rule 31(3) of the Tamil Nadu Water (Prevention and Control of Pollution Rules, 1983.)]

ADMINISTRATION

Heads of Account (Expenditure).

1. Salaries	..	..	..	..
2. Wages	..	..	..	..
3. Travel Expenses	..	..	..	..
4. Office Expenses—				
(a) Furniture	..	..	..	..
(b) Postage	..	..	..	..
(c) Office machines/Equipment	..	..	..	..
(d) Liveries	..	..	..	..
(e) Hot and cold weather charges	..	..	..	..
(f) Telephones	..	..	..	..
(g) Electricity and Water charges	..	..	..	..
(h) Stationery	..	..	..	..
(i) Printing	..	..	..	..
(j) Staff cars and other vehicles	..	..	..	..
(k) Other items	..	..	..	..
5. Fee and Honoraria	..	..	..	..
6. Payment for professional and special services.				
7. Rents, Rates and Taxes/Royalty	..	..	..	..
8. Publications	..	..	..	..
9. Advertising, Sales and Publicity Expenses.				
10. Grants in aid/Contributions/Subsidies.				
11. Hospitality Expenses/ Sumptuary Allowances, etc.				
12. Pension/Gratuities	..	..	..	..
13. Write off/Losses	..	..	..	..

14. Suspenses
15. Expenses in connection with the setting up and maintenance of the Board Laboratory.
16. Other charges (A residuary head, this will also include rewards and prizes.)

Head of Accounts (Receipts)

- (1) Payment by Government.
- (2) Fees.
- (3) Fines and other receipts.

SCHEDULE III.

TAMIL NADU POLLUTION CONTROL BOARD.

ANNUAL REPORT FOR THE FINANCIAL

YEAR APRIL 19 TO MARCH 19

[See Rule 37 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.]

1. Introductory
2. Constitution of the Board including changes therein.
3. Constitution of the Committees by the Board and meetings of the Committees constituted by it.
4. Meetings of the Board
5. Activities of the Board including the various functions performed under Section 17 of the Act.
6. Prosecutions launched and convictions secured.
7. Finance and Accounts of the Board
8. Visits to the Board by experts, important persons, etc.
9. Any other important matter dealt with by the Board.

(BY ORDER OF THE GOVERNOR.)

GOVERNMENT OF TAMIL NADU

ABSTRACT

WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 (CENTRAL ACT 6 OF 1974) - ENHANCEMENT OF RATES OF CONSENT FEES - AMENDMENT TO TAMIL NADU WATER (PREVENTION AND CONTROL OF POLLUTION) RULES, 1983 - ISSUED.

ENVIRONMENT & FORESTS DEPARTMENT

G.O.Ms.No: 262

Dated the 26th April 1989.

Read :-

1. G.O.Ms.No:15, E.C., dated 24.7.84.
2. From the Chairman, Tamil Nadu Pollution Control Board Lr.No:BMS(3)/1429/88, dated 12.1.89.

ORDER:

The appended notification will be published in the next issue of the Tamil Nadu Government Gazette.

2. The revised rates of consent fee payable by the industries, shall come into force from the date of publication of the notification.

D. SUNDARESAN,
COMMISSIONER & SECRETARY TO GOVERNMENT.

To.

The Works Manager, Government Central Press,
Madras-79, (for publication in the Tamil Nadu Government
Gazette).

The Chairman, Tamil Nadu Pollution Control Board,
32, Santhome High Road, Madras-4.

The Member Secretary, Tamil Nadu Pollution Control Board,
32, Santhome High Road, Madras-4.

NOTIFICATION

In exercise of the powers conferred by section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Governor of Tamil Nadu after consultation with the Tamil Nadu Pollution Control Board, hereby makes the following amendment to the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.

AMENDMENT

In the said Rules, in Chapter VII for the table under rule 26A, the following Table shall be substituted, namely :—

THE TABLE

SL. NO.	INDUSTRIES WITH A CAPITAL INVESTMENT OF	AMOUNT OF CONSENT FEE
1.	More than Rupees ten crores.	Rs. 15,000/-
2.	More than Rupees five crores and upto ten crores.	Rs. 10,000/-
3.	More than Rupees one crore and upto Rupees five crores.	Rs. 5,000/-
4.	More than Rupees fifty lakhs and upto Rupees one crore.	Rs. 3,000/-
5.	More than Rupees twenty five lakhs and upto Rupees fifty lakhs.	Rs. 2,000/-
6.	More than Rupees ten lakhs and upto Rupees Twenty five lakhs.	Rs. 1,500/-
7.	More than Rupees five lakhs and upto Rupees ten lakhs.	Rs. 1,000/-
8.	More than Rupees one lakh and upto Rupees five lakhs.	Rs. 250/-
9.	Rupees one lakh or less.	Rs. 100/-

LOCAL BODIES :—

Sl. No.	Type of Local Body	Amount of Consent fee.
1.	Municipal Corporation	Rs.3,000/-
2.	Special-Grade Municipality	Rs.2,750/-
3.	Grade-I Municipality	Rs.2,500/-
4.	Grade-II Municipality	Rs.2,000/-
5.	Grade-III Municipality	Rs.1,500/-
6.	Town Panchayat	Rs. 750/-
7.	Village Panchayat	Rs. 100/-

D.SUNDARESAN,
COMMISSIONER & SECRETARY TO GOVERNMENT.

SD/-
SECTION OFFICER.

GOVERNMENT OF TAMIL NADU**Abstract**

The Water (Prevention and Control of Pollution) Act, 1974 - (Central Act 6 of 1974) Sub-section (3) of section 28 - Rules for the Appellate authority - Issued.

ENVIRONMENT CONTROL (A) DEPARTMENT

G.O.Ms.No.38

Dated the 27th August, 1984

Read:—

From the Member-Secretary, Tamil Nadu Pollution Control Board letter No.A1/1898/84, dated 21.2.1984.

ORDER :

In Government Order (Ms).No.5, Environment Control Department, dated 15-2-1984, the Government created an Appellate authority consisting of the Chief Secretary to Government as Chairman and the Secretaries to Government in the Industries and the Health and Family Welfare Departments as members to hear appeals under section 28 (1) of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) and under section 31 (1) of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981). The address of the Appellate authority has also been prescribed in that Order, namely, "Appellate authority (Prevention and Control of Pollution Acts), Environment Control Department, Fort St.George, Madras - 600 009".

2. The appended Notification, containing amendments to the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983 published in the next issue of the **Tamil Nadu Government Gazette**.

(BY ORDER OF THE GOVERNOR)**M. AHMED,****COMMISSIONER & SECRETARY TO GOVERNMENT**

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To

The Works Manager, Government Central Press,
Madras - 600 001 (for publication in Tamil Nadu Govt. Gazette),
The Chairman, Tamil Nadu Pollution Control Board,
III & IV Floors, No.32, Santhome High Road, Madras-600 004.
The Accountant General, Madras-600 018.
The Accountant General, Madras-600 035.

Copy to: The Law Department, Madras-600 009.
The Chairman, Central Board for Prevention and
Control of Pollution, Skylark Building,
Nehru Place, New Delhi.

/Forwarded :: By Order/

Sd/-
Section officer

ENVIRONMENT CONTROL DEPARTMENT

APPENDIX

NOTIFICATION

In exercise of the powers conferred by section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Governor of Tamil Nadu, after consultation with the Tamil Nadu Pollution Control Board, hereby makes the following amendments to the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983.

AMENDMENTS

In the said Rules,——

1. after Chapter VII and the rules thereunder, the following Chapter and rule shall be inserted, namely:——

"CHAPTER VII-A

APPEALS

27-A. Form and manner in which appeal may be preferred under section 28 and the procedure to be followed by the appellate authority.——

(1) Every appeal under section 28 against an order passed by the Board under section 25, section 26 or section 27 shall be made in Form IV-A.

(2) Every appellant shall prefer the appeal separately. No joint appeal preferred on behalf of more than one person shall be entertained by the appellate authority.

(3) (a) Every appeal shall —

- (i) be in writing;
- (ii) be signed and verified by the appellant or by an agent duly authorised by the appellant in writing in this behalf; and
- (iii) bear court-fee stamp to the value of rupees two.

(b) Every appeal shall be accompanied by —

- (i) an authenticated copy of the order against which the appeal is preferred; and
- (ii) any document relevant to the appeal.

(c) Every appeal shall be in quadruplicate and shall be presented to the appellate authority by the appellant or his authorised agent in person or sent to such authority by registered post. When the appeal is presented by an authorised agent, it shall be accompanied by a due power of attorney,

(d) On receipt of the appeal, the appellate authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

(4) The appellate authority shall, as soon as may be after the appeal is preferred before it, fix a date, time and place for hearing of the appeal and give intimation of the same to the appellant and the member-secretary in Form IV-B by registered post with acknowledgement due or by personal delivery of a copy of the notice to the addressee along with the copy of the appeal memo or of the application after taking his signature on the original. While giving such

intimation to the member-secretary, a copy of the appeal together with its enclosures shall also be sent to the member-secretary and he shall also be called upon to send to the appellate authority all the relevant records connected with the matter relating to the appeal.

(5) Where the particulars on record are insufficient to enable the appellate authority to come to a definite decision it may take additional evidence and call for such further particulars from the appellant or the member-secretary as it may deem fit. Such additional evidence or particulars shall form part of the record.

(6) Where, on the date fixed for hearing or any date to which the hearing of the appeal is adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed.

(7) Where an appeal is dismissed under sub-rule (6), the appellant may, within thirty days from the date of receipt of the order of dismissal of the appeal, apply to the appellate authority for restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received the intimation of the date of hearing or the adjourned date of hearing, as the case may be, of the appeal or was prevented by any cause sufficient, in the opinion of the appellate authority, from appearing when the appeal was called for hearing, the appellate authority may restore the appeal on such terms as it may think fit.

(8) The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon and the reasons for the decision.

(9) A copy of the order passed on every appeal shall be supplied by the appellate authority, free of cost, to the appellant and a copy thereof shall also be sent to the member-secretary";

2. In Schedule I, after form IV, the following forms shall be inserted, namely:—

"FORM IV - A

Form of appeal under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) (See rule 27-A (1) of the Tamil Nadu Water (Prevention and Control of Pollu-

tion) Rules, 1983). Before (Here mention the name and designation of the Appellate Authority constituted under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974)

Thiru.....

.....
(Appellant)

Vs.

The Tamil Nadu Pollution Control Board
(Respondent)

The appeal of Thiru resident of.....District.....against the order..... dated passed by the Tamil Nadu Pollution Control Board under section 25/section 26/ section 27 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) showeth as follows:—

(1) Under section 25/ section 26/ section 27 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the appellant has been refused/granted consent subject to the conditions mentioned in the consent order in respect of the company/Corporation/ Municipality /Notified area committee etc., noted below:—

- (a) Name of company/corporation/municipality/notified area committee etc., with exact address:—
- (b) Place :
- (c) District :

A copy of the refusal/consent order in question is attached hereto. The refusal/consent order was received on

(2) The facts of the case are as under: (here briefly mention the facts of the case).

(3) The grounds on which the appellant relies for the purpose of this appeal are as below : (here mention the grounds on which appeal is made).

- 1.
- 2.
- 3.

(4) In the light of what is stated above, the appellant respectfully prayeth that.....
(here mention specific relief asked for).

Signature of the Appellant/
Authorised agent

(Name in block letters)

Occupation:

Address :

Dated :

VERIFICATION

I (appellant's or authorised agent's name) as appellant/duly authorised agent do hereby declare that what is stated in this memorandum of appeal is true to the best of my knowledge and belief and nothing has been hidden therefrom.

Signature :
(Name in block letters)

Occupation :

Address :

Dated :

FORM IV - B**FORM OF NOTICE**

(See rule 27-A(4) of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983). Before (Here mention the name and designation of the Appellate Authority constituted under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974). In the matter of appeal No.19..... filed under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) by Thiru (here mention the name and address of the appellant).

WHEREAS Thiru (here mention the name and address of the appellant) has filed before this authority a memorandum of appeal against the order dated passed by the Tamil Nadu Pollution Control Board under section 25/ section 26/ section 27 of the Act;

AND WHEREAS under sub-section (4) of section 28 of Act, this authority is required to give to the parties an opportunity of being heard;

NOW THEREFORE, take notice that this Authority has fixed..... as the date of hearing of the aforesaid appeal. The hearing shall take place at a.m./p.m. on that date at..... You are hereby called upon to appear before this Authority at the appointed time, date and place, either in person or through a duly authorised agent, and explain your case. Take notice that failure on your part to appear on the said date, time and place of hearing either in person or through a duly authorised agent, without showing sufficient cause to the satisfaction of this authority, shall make your appeal liable to be dismissed.

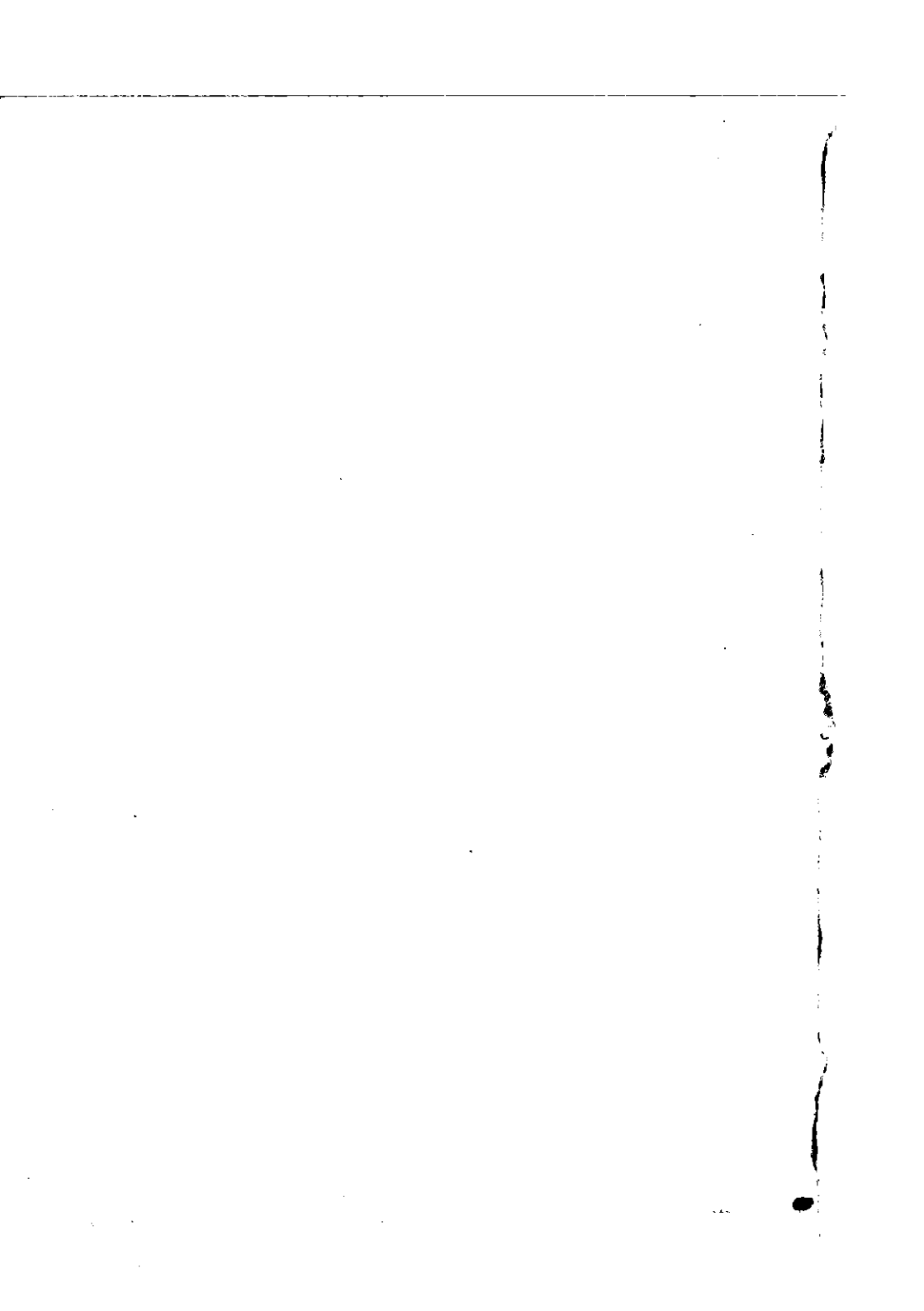
Given by order of the Appellate Authority at.....
this.....day of 19

To
The appellant.

(Seal)

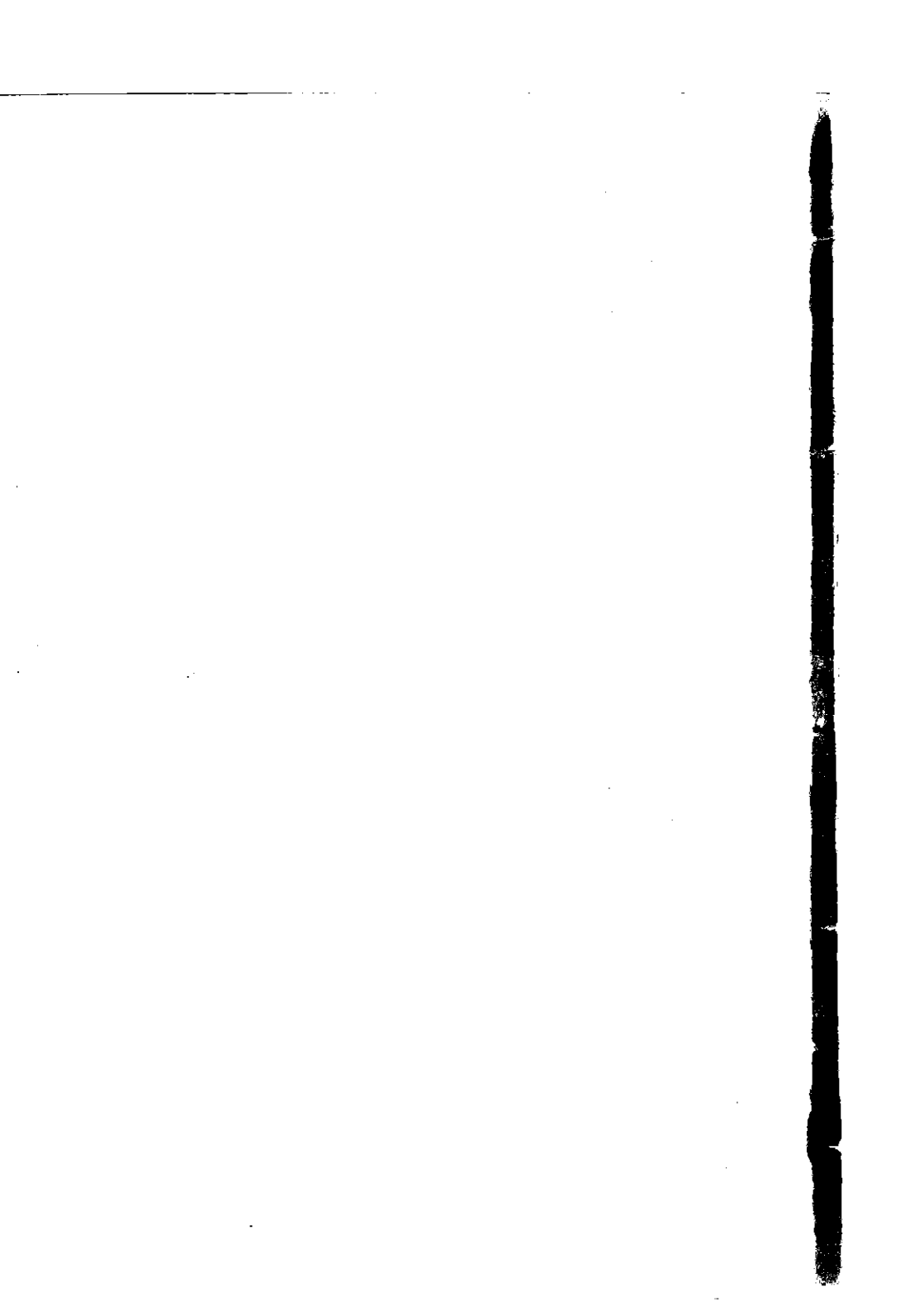
M. AHMED,
COMMISSIONER & SECRETARY TO GOVERNMENT

Sd/-
Section officer



**The Water (Prevention and Control of
Pollution) Cess Act, 1977**

(Act No. 36 of 1977)



THE WATER (PREVENTION AND CONTROL OF POLLUTION) CESS ACT, 1977¹

(ACT NO.36 OF 1977)

[7th December, 1977]

An Act to provide for the levy and collection of a cess on water consumed by persons carrying on certain industries and by local authorities, with a view to augment the resources of the Central Board and the State Boards for the prevention and control of water pollution constituted under the Water (Prevention and Control of pollution) Act, 1974.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows :—

1. Short title, extent, application and commencement. —

(1) This Act may be called the Water (Prevention and Control of Pollution) Cess Act, 1977.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) Subject to the provisions of sub-section (2), it applies to all the States to which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), applies and the Union territories.

(4) * It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

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

(a) "local authority" means a municipal corporation or a municipal council (by whatever name called) or a cantonment board or any other body, entrusted with the duty of sup-

1. Received the assent of the President on December 7, 1977, published in Gazette of India, Extra., Part II, Section 1, pp. 427-34 - New Delhi.

* Came into force on the 1st day of April 1978.

plying water under the law by or under which it is constituted;

- (b) "prescribed" means prescribed by rules made under this Act;
- (c) "specified industry" means any industry specified in Schedule I;
- (d) words and expressions used but not defined in this Act and defined in the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall have the meanings respectively assigned to them in that Act.

3. Levy and collection of cess.—(1) There shall be levied and collected a cess for the purposes of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and utilisation thereunder.

- (2) The cess under sub-section (1) shall be payable by--
 - (a) every person carrying on any specified industry; and
 - (b) every local authority,

and shall be calculated on the basis of the water consumed by such person or local authority, as the case may be, for any of the purposes specified in column (1) of Schedule II, at such rate, not exceeding the rate specified in the corresponding entry in column (2) thereof, as the Central Government may, by notification in the Official Gazette, from time to time, specify.

(3) Where any local authority supplies water to any person carrying on any specified industry or to any other local authority and such person or other local authority is liable to pay cess under sub-section (2) in respect of the water so supplied, then, notwithstanding anything contained in that sub-section, the local authority first mentioned shall not be liable to pay such cess in respect of such water.

Explanation.— For the purpose of this section and Section 4, "consumption of water" includes supply of water.

4. Affixing of meters.— (1) For the purpose of measuring and recording the quantity of water consumed, every person carrying

on any specified industry and every local authority shall affix meters of such standards and at such places as may be prescribed and it shall be presumed that the quantity indicated by the meter has been consumed by such person or authority, as the case may be, until the contrary is proved.

(2) Where any person or local authority fails to affix any meter as required by sub-section (1), the Central Government shall, after notice to such person or local authority, as the case may be, cause such meter to be affixed and the cost of such meter together with the cost for affixing the meter may be recovered from such person or local authority by the Central Government in the same manner as an arrear of land revenue.

5. Furnishing of returns.— Every person carrying on any specified industry and every local authority, liable to pay the cess under Section 3, shall furnish such returns, in such form, at such intervals and containing such particulars to such officer or authority, as may be prescribed.

6. Assessment of cess.— (1) The Officer or authority to whom or which the return has been furnished under Section 5 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the concerned person carrying on any specified industry or local authority, as the case may be.

(2) An order of assessment made under sub-section (1) shall specify the date within which the cess shall be paid to the State Government.

(3) A copy each of the order of assessment made under sub-section (1) shall be sent to the person or, as the case may be, to the local authority concerned and to the State Government.

(4) The State Government shall, through such of its officers or authorities as may be specified by it in this behalf by notification in the Official Gazette, collect the cess from the person or local authority liable to pay the same and pay the amount so collected to the Central Government in such manner and within such time as may be prescribed.

7. Rebate.— Where any person or local authority, liable to pay the cess under this Act, instals any plant for the treatment of sewage or trade effluent, such person or local authority shall, from such date as may be prescribed, be entitled to a rebate of seventy per cent of the cess payable by such person or, as the case may be, local authority.

8. Crediting proceeds of cess to Consolidated Fund of India and application thereof.— The proceeds of the cess levied under Section 3 shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament, by appropriation made by law in this behalf, so provides, pay to the Central Board and every State Board, from time to time, from out of such proceeds, after deducting the expenses on collection, such sums of money as it may think fit, for being utilised under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974):

Provided that while determining the sum of money to be paid to any State Board under this section, the Central Government shall have regard to the amount of cess collected by the State Government concerned under sub-section (4) of Section 6.

Explanation— For the purposes of this section, "State Board" includes a Joint Board, if any, constituted under Section 13 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974).

9. Power of entry. — Any officer or authority of the State Government specially empowered in this behalf by that Government may,—

- (a) with such assistance, if any, as he or it may think fit, enter at any reasonable time any place which he or it considers necessary to enter for carrying out the purposes of this Act including the testing of the correctness of the meters affixed under Section 4;
- (b) do within such place anything necessary for the proper discharge of his or its duties under this Act; and
- (c) exercise such other powers as may be prescribed.

10. Interest payable for delay in payment of cess.— If any person carrying on any specified industry or any local authority fails

to pay any amount of cess payable under Section 3 to the State Government within the date specified in the order of assessment made under Section 6, such person or local authority, as the case may be, shall be liable to pay interest at twelve per cent per annum on the amount to be paid from the date on which such payment is due till such amount is actually paid.

11. Penalty for non-payment of cess within the specified time.—If any amount of cess payable by any person carrying on any specified industry or any local authority under Section 3 is not paid to the State Government within the date specified in the order of assessment made under Section 6, it shall be deemed to be in arrears and the authority prescribed in this behalf may, after such inquiry as it deems fit, impose on such person or, as the case may be, local authority, a penalty not exceeding the amount of cess in arrears:

Provided that before imposing any such penalty, such person or, as the case may be, the local authority shall be given a reasonable opportunity of being heard and if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.

12. Recovery of amount due under the Act.— Any amount due under this Act (including any interest or penalty payable under Section 10 or Section 11, as the case may be) from any person carrying on any specified industry or from any local authority may be recovered by the Central Government in the same manner as an arrear of land revenue.

13. Appeals.— (1) Any person or local authority aggrieved by an order of assessment made under Section 6 or by an order imposing penalty made under Section 11 may, within such time as may be prescribed, appeal to such authority in such form and in such manner as may be prescribed.

(2) Every appeal preferred under sub-section (1) shall be accompanied by such fees as may be prescribed.

(3) After the receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

(4) Every order passed in appeal under this section shall be final and shall not be called in question in any court of law.

14. Penalty.— (1) Whoever, being under an obligation to furnish a return under this Act, furnishes any return knowing, or having reason to believe, the same to be false shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) Whoever, being liable to pay cess under this Act, wilfully or intentionally evades or attempts to evade the payment of such cess shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) No court shall take cognizance of an offence punishable under this section save on a complaint made by or under the authority of the Central Government.

15. Offences by companies.— (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:

Provided that nothing contained in this sub-section shall render any such person liable to any 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.

(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 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.

Explanation.— For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

16. Power to amend Schedule I.— (1) The Central Government may, by notification in the Official Gazette, add to Schedule I any industry having regard to the consumption of water in the carrying on of such industry and the consequent discharge thereof resulting in pollution of any stream and thereupon Schedule I shall, subject to the provisions of sub-section (2), be deemed to be amended accordingly.

(2) Every such notification shall be laid before each House of Parliament, if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly and the Central Government shall seek the approval of Parliament to the notification by a resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before the House of the People, and if Parliament makes any modification in the notification or directs that the notification should cease to have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

17. Power to make rules.— (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the standards of the meters to be affixed and the places at which such meters are to be affixed under sub-section (1) of Section 4;
- (b) the returns to be furnished under Section 5, the form in which and the intervals at which such returns are to be furnished, the particulars which such returns shall contain and the officer or authority to whom or which such returns shall be furnished;

- (c) the manner in which and the time within which the cess collected shall be paid to the Central Government under sub-section (4) of Section 6;
- (d) the date from which any person or local authority liable to pay cess shall be entitled to the rebate under Section 7;
- (e) the powers which may be exercised by the officer or authority under Section 9;
- (f) the authority which may impose penalty under Section 11;
- (g) the authority to which an appeal may be filed under sub-section (1) of Section 13 and the time within which and the form and manner in which such appeal may be filed;
- (h) the fees which shall accompany an appeal under sub-section (2) of Section 13; and
- (i) any other matter which has to be or may be prescribed.

(3) Every rule made 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 sessions 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 validity of anything previously done under that rule.

SCHEDULE - I.

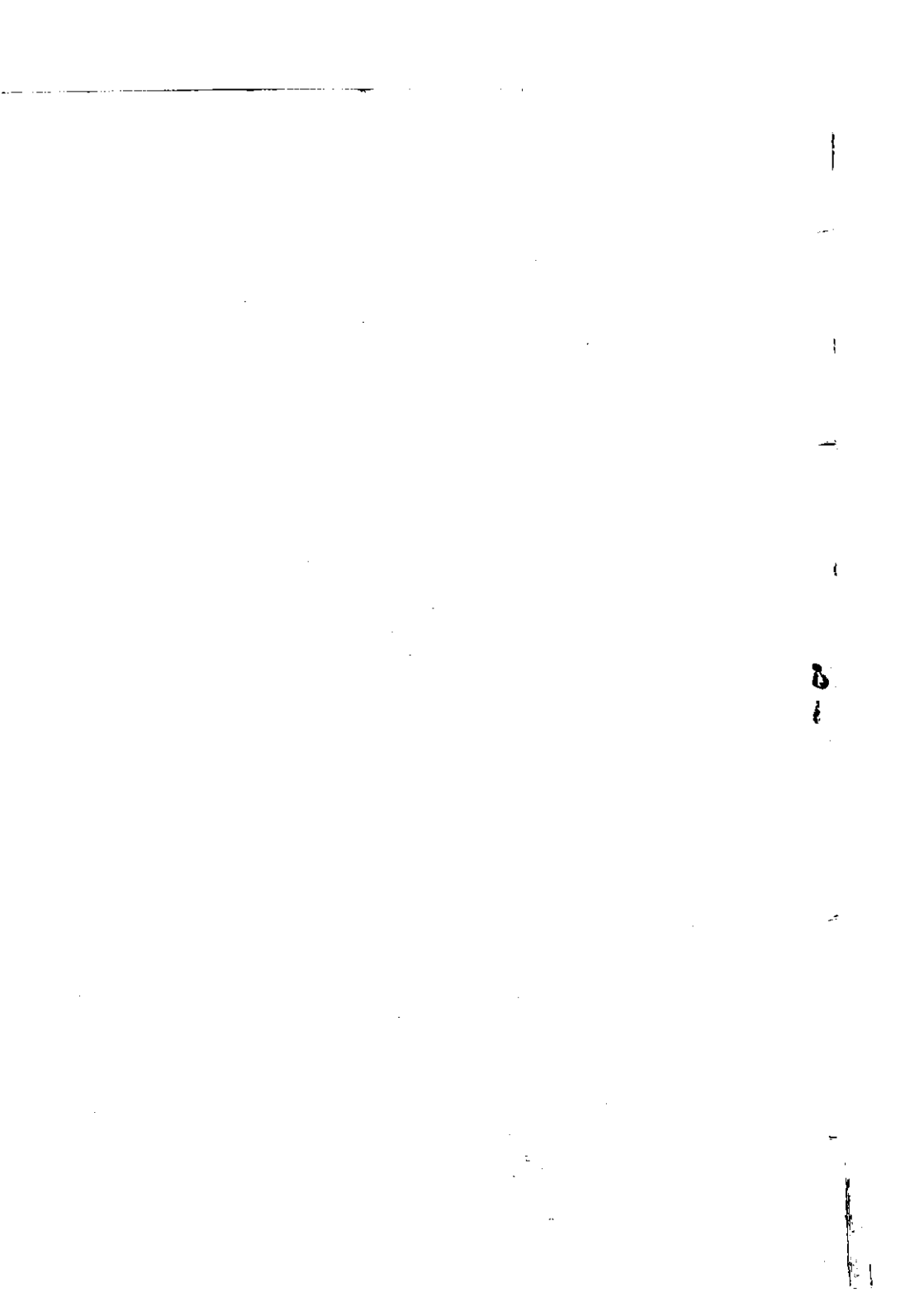
[See Section 2(c).]

1. Ferrous metallurgical industry.
2. Non-ferrous metallurgical industry.
3. Mining industry.
4. Ore processing industry.

5. Petroleum industry.
6. Petro-chemical industry.
7. Chemical industry.
8. Ceramic industry.
9. Cement industry.
10. Textile industry.
11. Paper industry.
12. Fertilizer industry.
13. Coal (including coke) industry.
14. Power (thermal and diesel) generating industry.
15. Processing of animal or vegetable products industry.

SCHEDULE - II.
(See Section 3.)

Purpose for which water is consumed.	Maximum rate.
(1)	(2)
1. Industrial cooling, spraying in mine pits or boiler feed.	Three-fourths of a paise, per kilo litre.
2. Domestic purpose.	One paise, per kilo litre.
3. Processing whereby water gets polluted and the pollutants are easily bio-degradable.	Two paise, per kilo litre.
4. Processing whereby water gets polluted and the pollutants are not easily bio-degradable and are toxic.	Two and a half paise, per kilo litre.



THE WATER (PREVENTION AND CONTROL OF POLLUTION) CESS RULES, 1978 .

NOTIFICATION.

New Delhi, the 24th July 1978.

G.S.R. 378(E). — In exercise of the powers conferred by section 17 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement.— (a) These rules may be called the Water (Prevention and Control of Pollution) Cess Rules, 1978:

(b) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.— In these rules, unless the context otherwise requires:—

- (a) "Act" means the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977);
- (b) "assessing authority" means-
 - (i) *in relation to Union Territory, the member-secretary of the Central Board; and*
 - (ii) *in relation to a State, the member-secretary of the State Board;*
- (c) "consumer" means a person or local authority by whom the cess under sub-section (1) of Section 3 is payable under sub-section (2) of that section;
- (d) "form" means a form annexed to these rules;
- (e) "section" means a section of the Act;
- (f) "State Government", in relation to a Union Territory, means the Administrator thereof appointed under Article 239 of the Constitution.

3. Standards of meters and places where they are to be affixed.— (1) For the purposes of measuring and recording the quantity of water consumed, every consumer shall affix water meters, venturi meters or Orifice meters with integrators and recorders in conformity with the standards laid down by the Indian Standards Institution in conformity with such standards as may be specified by the Board.

(2) Wherever the meters referred to in sub-rule (1) are not available, the consumer shall instal Vee notches or rectangular notches, with indicators and recorders or pressure gauges and pumping installations, after obtaining the permission of the assessing authority.

(3) Every consumer shall provide a separate meter for assessing the quantity of water used for each of the four purposes mentioned in column (1) of Schedule II to the Act.

(4) The meters shall be affixed at the entrance of the water supply connections within the premises of the consumer or at any other place to be approved by the assessing authority, so that such meters are easily accessible for inspection and maintenance and other purposes of the Act:

Provided that the place where the meter is affixed shall, in no case, be at a point before which water has been tapped by the consumer for utilisation for any purpose whatsoever.

4. Furnishing of returns.— Every consumer shall furnish on or before the 5th of every calender month, to the assessing authority, a return in Form I showing the quantity of water consumed in the previous month.

5. Manner of payment of the cess to the Central Government and the time within which it shall be paid.—(1) Every State Government shall remit to the Central Government, the amount of cess collected from the consumer before the 10th day of the calender month succeeding the month in which it is collected from the consumer.

(2) The amount of cess referred to in sub-rule (1) shall be remitted to the Central Government in the form of a bank draft drawn in favour of the Pay and Accounts Officer, Ministry of Works and Housing,

New Delhi, in whose books of accounts, the receipts would be adjusted finally.

(3) On receiving the bank draft, the Ministry of Works and Housing shall remit the same through a Chalan into the Reserve Bank of India, New Delhi, for the purpose of crediting under relevant Major Head.

6. Rebate.— Where a consumer instals any plant for the treatment of sewage or trade effluent, such consumer shall be entitled to the rebate under Section 7 on and from the expiry of fifteen days from the date on which such plant is successfully commissioned and so long as it functions successfully.

7. Powers to be exercised by the Officer or the Authority of the State Government under Section 9.— The officer or authority of the State Government specially empowered under Section 9 shall have, in addition to the powers referred to in clauses (a) and (b) of that section, the power to:—

- (i) inspect the manufacturing process or plant of the consumer;
- (ii) inspect the water supply systems and installations in the plant of the consumer;
- (iii) inspect waste treatment system and installations in the plant of the consumer;
- (iv) inspect the drainage system and installations, including storm water disposal in the plant of the consumer;
- (v) call for and inspect records relating to the use and consumption of materials and water, and those relating to production, in the plant of the consumer;
- (vi) call for and inspect the records relating to power consumption in the plant of the consumer; and
- (vii) call for any other information or records relating to the supply, consumption and treatment of water in the plant of the consumer.

8. Authority to impose penalty under Section 11.-- The Authority to impose penalty under Section 11 shall be the assessing authority.

9. Appeal.— (1) Any consumer aggrieved by an order of assessment made under Section 6 or by an order imposing penalty made under Section 11 may appeal in Form II annexed hereto, to a Committee (hereafter referred to as the appellate committee) consisting of :—

- (a) where the assessing authority is the member-secretary of the Central Board, the Chairman of that Board, who shall be the Chairman of the Committee, and two members of that Board, to be nominated by the Chairman thereof;
- (b) Where the assessing authority is the member-secretary of the State Board, the Chairman of that Board, who shall be the Chairman of the Committee, and two members of that Board, to be nominated by the Chairman thereof.

(2) Such appeal shall state the facts of the case and the grounds relied upon by the appellant for preferring the appeal and shall be accompanied by a copy of the order of assessment made under Section 6 or a copy of the order imposing penalty made under Section 11, as the case may be.

(3) Such appeal shall be preferred within a period of thirty days from the date of communication of the order of assessment or the order imposing penalty on the appellant:

Provided that if the Chairman of the appellate Committee is satisfied that there was good and sufficient reason for the delay in preferring the appeal, he may, for reasons to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of thirty days and before the expiry of forty-five days from the date of communication of the order of assessment, or the order imposing penalty, on the appellant.

(4) Every appeal shall be accompanied by a fees of rupees fifty.

FORM I
(See rule 4.)

Return regarding Water consumed during the month of.....

Name and Address of the consumer	Purpose for which water consumed	Reading at the beginning of the first day of the calendar month under report	Reading at the end of the last day of calendar month under report
(1)	(2)	(3)	(4)
	1. Industrial cooling spraying in mine pits or boiler feed.	(i) from Municipal water supply mains. (ii) from well/tube-well. (iii) from Canal. (iv) from river. (v) from any other source.	
	2. Domestic purpose.	(i) from Municipal water supply mains. (ii) from well/tube-well. (iii) from Canal. (iv) from river. (v) from any other source.	
	3. Processing whereby water gets polluted and the pollutants are easily bio-degra- dable.	(i) from Municipal water supply mains. (ii) from well/tube-well. (iii) from Canal. (iv) from river. (v) from any other source.	
	4. Processing whereby water gets polluted and the pollutants are not easily bio- degradable and are toxic.	(i) from Municipal water supply mains. (ii) from well/tube-well. (iii) from Canal. (iv) from river. (v) from any other source.	

Quantity of water consumed in Kilo litres.	If the meter was out of order the monthly average consumption of water for the previous three months of the working period.	Quantity of water qualifying for rebate according to the assessee.	Remarks *
(5)	(6)	(7)	(8)

* For claiming rebate under Column (7) the assessee shall indicate in this column the analytical and other reports annexed to this return in support of this claim.

Signature of the consumer

Name

Address

ANNEXURE TO FORM I

Report of analysis of treated effluent showing performance of the treatment plant — For the month of

Sample collected on
 Sample tested on
 By the laboratories

Sl. No.	Polluting parameters as mentioned in the conditions imposed under consent granted under Section 25/26 of the Water (Prevention and control of pollution) Act, 1974.	Maximum permissible limits or ranges allowed as per consent condition.	Concentration or range of parameters as per report.	Dates on which	
				There was break-down or failure of the plant	under performance was noticed
(1)	(2)	(3)	(4)	(5)	(6)

Enclosure : Original Analysis report of Laboratory.

Signature

Date

Name.....

Address.....

FORM II
(See rule 9.)
(Form of Memorandum of Appeal)

Before(**)
** (here mention the name and designation of the authority.

Memorandum of appeal under Section 13 of the Water (Prevention and Control of Pollution) Cess Act, 1977.

Appeal No..... of 19

.....
.....
.....

(here furnish complete postal address). Appellant.

Vs.

.....
.....
.....

(here mention the name and designation of assessing authority). Respondent.

The appellant named above, begs to prefer this memorandum of appeal against the order, dated.....passed by.....on the following facts and grounds:-

FACTS

(here briefly mention the facts of the case)

GROUND

(here mention the grounds on which the appeal is made)

- 1.
- 2.
- 3.
- 4.

PRAYER

In the light of what is stated above, the appellant respectfully prays that he/she/it may be exempted from the payment of Cess.

He/she/it may be allowed a rebate of 70 per cent as provided for in the Act and the amount of Cess reduced to Rs.....

The amount of Cess has not been correctly assessed and that it may be reduced to Rs.....

The penalty imposed on him/her/it has been wrongfully imposed and should be set aside.

The penalty imposed on him/her/it is excessive and should be suitably reduced on the basis of the facts as stated.

2. The amount of Rs.....(Rupees.....
.....) as fee for this appeal has been paid to.....
.....vide Receipt No.....dated.....

Signature of the Appellant

Place :

Name :

Date :

Address :

100

100

100

100

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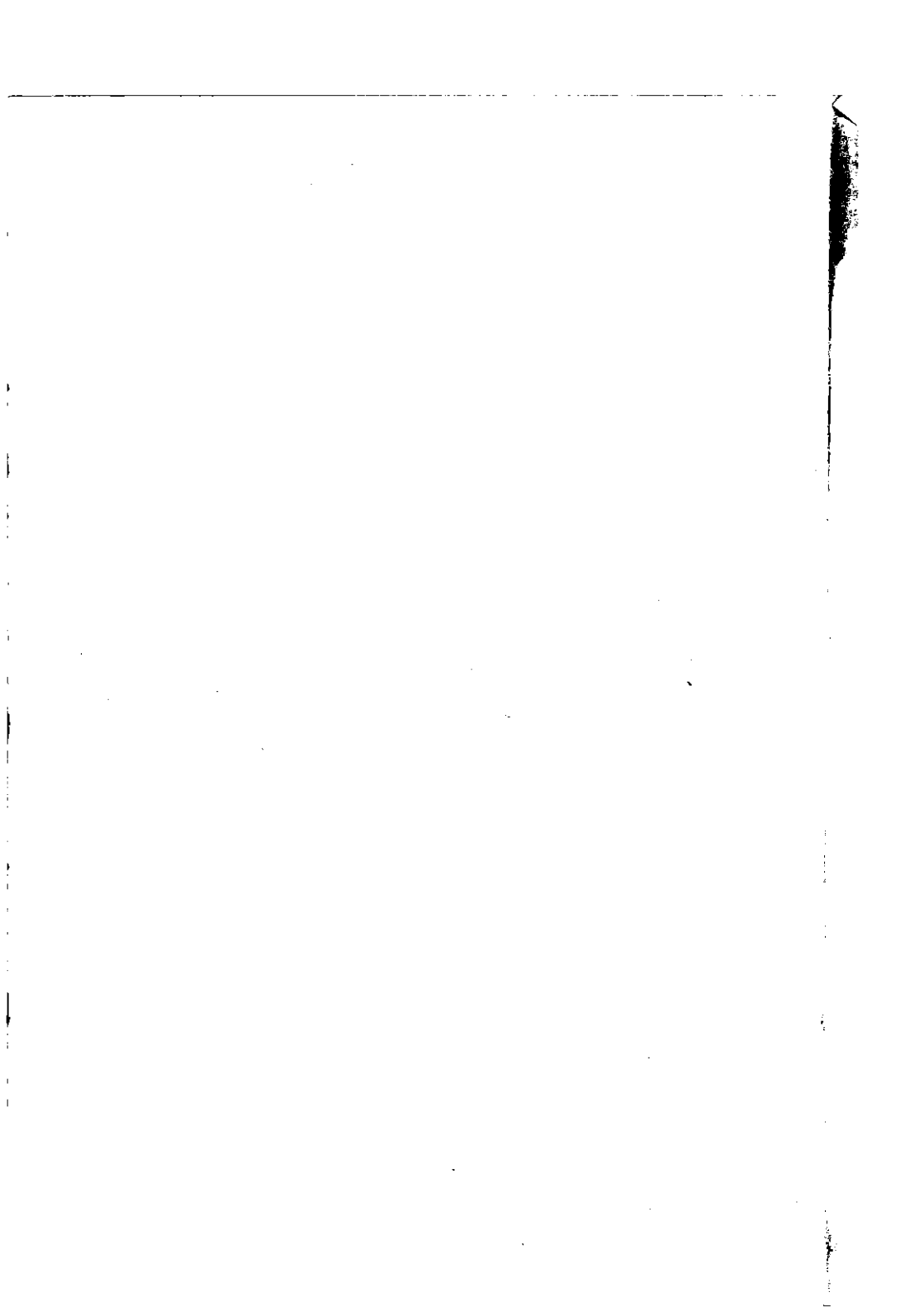
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**The Air (Prevention and Control of
Pollution) Act, 1981**

(Act No. 14 of 1981)



THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981¹

[Act No.14 of 1981]

[29th March, 1981]

An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

Whereas decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution;

And whereas it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution;

Be it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Air (Prevention and Control of Pollution) Act, 1981.

(2) It extends to the whole of India.

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

1. Received the assent of the President on March 29, 1981, published in the Gazette of India, Extra., Part II, Section 1, dated 30th March, 1981, pp. 55-80 (c) (P).

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

- (a) "air pollutant" means any solid, liquid or *gaseous substance present in the atmosphere in such concentration, as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;
- (b) "air pollution" means the presence in the atmosphere of any air pollutant;
- (c) "approved appliance" means any equipment or gadget used for the burning of any combustible material or for generating or consuming any fume, gas or particulate matter and approved by the State Board for the purposes of this Act;
- (d) "approved fuel" means any fuel approved by the State Board for the purposes of this Act;
- (e) "automobile" means any vehicle powered either by internal combustion engine or by any method of generating power to drive such vehicle by burning fuel;
- (f) "Board" means the Central Board or a State Board;
- (g) "Central Board" means the *Central Board for Prevention and Control of Water Pollution constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (h) "chimney" includes any structure with an opening or outlet from or through which any air pollutant may be emitted;
- (i) "control equipment" means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant;
- (j) "emission" means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet;

- (k) "industrial plant" means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;
- (l)- "member" means a member of the Central Board or a State Board, as the case may be, and includes the Chairman thereof;
- * (m) "occupier", in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory or the premises;
- (n) "prescribed" means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;
- (o) "State Board" means,—
- (i) in relation to a State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is in force and the State Government has constituted for that State a State Board for the Prevention and Control of Water Pollution under Section 4 of that Act, the said State Board; and
 - (ii) in relation to any other State, the State Board for the Prevention and Control of Air Pollution constituted by the State Government under Section 5 of this Act.

CHAPTER II

CENTRAL AND STATE BOARDS FOR THE PREVENTION AND CONTROL OF AIR POLLUTION

*** 3. Central Board for the Prevention and Control of Air Pollution.**— The Central Board for the prevention and Control of Water Pollution constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall, without prejudice to the exercise and performance of its powers and functions under

that Act, exercise the powers and perform the functions of the Central Board for the Prevention and Control of Air Pollution under this Act.

***4. State Boards for the Prevention and Control of Water Pollution to be State Boards for the Prevention and Control of Air Pollution.**—In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is in force and the State Government has constituted for that State, a State Board for the Prevention and Control of Water Pollution under Section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of Air Pollution constituted under Section 5 of this Act and accordingly that State Board for the Prevention and Control of Water Pollution shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the Prevention and Control of Air Pollution under this Act.

5. Constitution of State Boards. — (1) In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is not in force, or that Act is in force but the State Government has not constituted a State Board for the Prevention and Control of Water Pollution under that Act, the State Government shall, with effect from such date as it may, by notification in the Official Gazette, appoint, constitute a State Board for the Prevention and Control of Air Pollution under such name as may be specified in the notification, to exercise the powers conferred on, and perform the functions assigned to, that Board under this Act.

(2) A State Board constituted under this Act shall consist of the following members, namely:—

- (a) a Chairman, being a person having special knowledge or practical experience in respect of matters relating to environmental protection, to be nominated by the State Government:

Provided that the Chairman may be either whole-time or part-time as the State Government may think fit;

- (b) such number of officials, not exceeding five, as the State Government may think fit, to be nominated by the State Government to represent that Government;
- (c) such number of persons, not exceeding five, as the State Government may think fit, to be nominated by the State Government from amongst the members of the local authorities functioning within the State;
- (d) such number of non-officials, not exceeding three, as the State Government may think fit, to be nominated by the State Government to represent the interests of agriculture, fishery or industry or trade or labour or any other interest which, in the opinion of that Government, ought to be represented;
- (e) two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by that Government;
- * (f) a full-time member-secretary having practical experience in respect of matters relating to environmental protection and having administrative experience, to be appointed by the State Government:

Provided that the State Government shall ensure that not less than two of the members are persons having special knowledge or practical experience in respect of matters relating to the improvement of the quality of air or the prevention, control or abatement of air pollution.

(3) Every State Board constituted under this Act shall be a body corporate with the name specified by the State Government in the notification issued under sub-section (1), having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and dispose of property and to contract, and may by the said name sue or be sued.

6. Central Board to exercise the powers and perform the functions of a State Board in the Union Territories.— No State Board shall be constituted for a Union territory and in relation to a Union territory, the Central Board shall exercise the powers and perform the functions of a State Board under this Act for that Union Territory:

Provided that in relation to any Union territory, the Central Board may delegate all or any of its powers and functions under this section to such person or body of persons as the Central Government may specify.

7. Terms and conditions of service of members.— (1) Save as otherwise provided by or under this Act, a member of a State Board constituted under this Act, other than the member-secretary, shall hold office for a term of three years from the date on which his nomination is notified in the Official Gazette:

Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of a member of a State Board constituted under this Act and nominated under clause (b) or clause (e) of sub-section (2) of Section 5 shall come to an end as soon as he ceases to hold the office under the State Government or, as the case may be, the company or corporation owned, controlled or managed by the State Government, by virtue of which he was nominated.

(3) A member of a State Board constituted under this Act, other than the member-secretary, may at any time resign his office by writing under his hand addressed,—

- (a) in the case of the Chariman, to the State Government; and
- (b) in any other case, to the Chairman of the State Board, and the seat of the Chairman or such other member shall thereupon become vacant.

(4) A member of a State Board constituted under this Act, other than the member-secretary, shall be deemed to have vacated his seat, if he is absent without reason, sufficient in the opinion of the State Board, from three consecutive meetings of the State Board or where he is nominated under clause (c) of sub-section (2) of Section 5, he ceases to be a member of the local authority and such vacation of seat shall, in either case, take effect from such date as the State Government may, by notification in the Official Gazette, specify.

(5) A casual vacancy in a State Board constituted under this Act shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated.

(6) A member of a State Board constituted under this Act shall be eligible for re-nomination* but not for more than two terms.

(7) The other terms and conditions of service of the Chairman and other members (except the member-secretary) of a State Board constituted under this Act shall be such as may be prescribed.

8. Disqualifications.— (1) No person shall be a member of a State Board constituted under this Act, who—

- (a) is, or at any time has been, adjudged insolvent, or
- (b) is of unsound mind and has been so declared by a competent court, or
- (c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or
- (d) is, or at any time has been convicted of an offence under this Act, or
- (e) has directly or indirectly by himself or by any partner, any share or interest in any firm or company carrying on the business of manufacture, sale, or hire of machinery, industrial plant, control equipment or any other apparatus for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or
- (f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of programmes for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or

(g) has so abused, in the opinion of the State Government, his position as a member, as to render his continuance on the State Board detrimental to the interests of the general public.

(2) The State Government shall, by order in writing, remove any member who is, or has become, subject to any disqualification mentioned in sub-section (1):

Provided that no order of removal shall be made by the State Government under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of Section 7, a member who has been removed under this section shall not be eligible to continue to hold office until his successor enters upon his office, or, as the case may be, for re-nomination as a member.

9. Vacation of seats by members.— If a member of a State Board constituted under this Act becomes subject to any of the disqualifications specified in Section 8, his seat shall become vacant.

10. Meetings of Board.— (1) For the purposes of this Act, a Board shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

Provided that if, in the opinion of the Chairman, any business of an urgent nature is to be transacted, he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.

(2) Copies of the minutes of the meetings under sub-section (1) shall be forwarded to the Central Board and to the State Government concerned.

11. Constitution of Committees.— (1) A Board may constitute as many committees consisting wholly of members or partly of members and partly of other persons and for such purpose or purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and at such place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(3) The members of a committee other than the members of the Board shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board as may be prescribed.

12. Temporary association of persons with Board for particular purposes.— (1) A Board may associate with itself in such manner, and for such purposes, as may be prescribed, any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board and shall not be a member of the Board for any other purpose.

(3) A person associated with a Board under sub-section (1) shall be entitled to receive such fees and allowances as may be prescribed.

13. Vacancy in Board not to invalidate acts or proceedings.— No act or proceeding of a Board or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board or such committee, as the case may be.

14. Member-secretary and officers and other employees of State Boards.— (1) The terms and conditions of service of the member-secretary of a State Board constituted under this Act shall be such as may be prescribed.

(2) The member-secretary of a State Board, whether constituted under this Act or not, shall exercise such powers and perform such duties as may be prescribed.

(3) Subject to such rules as may be made by the State Government in this behalf, a State Board, whether constituted under this Act or not, may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under this Act.

(4) The method of appointment, the conditions of service and the scales of pay of the officers (other than the member-secretary) and other employees of a State Board appointed under sub-section (3) shall be such as may be determined by regulations made by the State Board under this Act.

(5) Subject to such conditions as may be prescribed, a State Board constituted under this Act may from time to time appoint any qualified person to be a consultant to the Board and pay him such salary and allowances or fees, as it thinks fit.

15. Delegation of powers.— A State Board may, by general or special order, delegate to the Chairman or the member-secretary or any other officer of the Board subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

CHAPTER III POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board.— (1) Subject to the provisions of this Act, and without prejudice to the performance of its functions under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the main functions of the Central Board shall be to improve the quality of air and to prevent, control or abate air pollution in the country.

(2) In particular and without prejudice to the generality of the foregoing functions, the Central Board may—

- (a) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;
- (b) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of air pollution;

- (c) co-ordinate the activities of the State Boards and resolve disputes among them;
- (d) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution;
- (e) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of air pollution on such terms and conditions as the Central Board may specify;
- (f) organise through mass media a comprehensive programme regarding the prevention, control or abatement of air pollution;
- (g) collect, compile and publish technical and statistical data relating to air pollution and the measures devised for its effective prevention, control or abatement and prepare manuals, codes or guides relating to prevention, control or abatement of air pollution;
- (h) lay down standards for the quality of air;
- (i) Collect and disseminate information in respect of matters relating to air pollution.
- (j) perform such other functions as may be prescribed.

(3) The Central Board may establish or recognise a laboratory or laboratories to enable the Central Board to perform its functions under this section efficiently.

(4) The Central Board may--

- (a) delegate any of its functions under this Act generally or specially to any of the committees appointed by it;
- (b) do such other things and perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

17. Functions of State Boards.— (1) Subject to the provision of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the functions of a State Board shall be—

- (a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof;
- (b) to advise the State Government on any matter concerning the prevention, control or abatement of air pollution;
- (c) to collect and disseminate information relating to air pollution;
- (d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise mass-education programme relating thereto;
- (e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;
- (f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;
- (g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft :

Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

- (h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;
- (i) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;
- (j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

18. Power to give directions.— In the performance of its functions under this Act—

- (a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and
- (b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with the directions given by the Central Board, the matter shall be referred to the Central Government for its decision.

* * *

CHAPTER IV

PREVENTION AND CONTROL OF AIR POLLUTION

19. Power to declare air pollution control areas.— (1) The State Government may, after consultation with the State Board, by notification in the Official Gazette, declare in such manner as may be prescribed, any area or areas within the State as air pollution control area or areas for the purposes of this Act.

(2) The State Government may, after consultation with the State Board, by notification in the Official Gazette,—

- (a) alter any air pollution control area whether by way of extension or reduction;
- (b) declare a new air pollution control area in which may be merged one or more existing air pollution control areas or any part or parts thereof.

(3) If the State Government, after consultation with the State Board, is of opinion that the use of any fuel, other than an approved fuel, in any air pollution control area or part thereof, may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.

(4) The State Government may, after consultation with the State Board, by notification in the Official Gazette, direct that with effect from such date as may be specified therein, no appliance, other than an approved appliance, shall be used in the premises situated in air pollution control area:

Provided that different dates may be specified for different parts of an air pollution control area or for the use of different appliances.

(5) If the State Government, after consultation with the State Board, is of opinion that the burning of any material (not being fuel) in any air pollution control area or part thereof may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the burning of such material in such area or part thereof.

20. Power to give instructions for ensuring standards for emission from automobiles.— With a view to ensuring that the standards for emission of air pollutants from automobiles laid down by the State Board under clause (g) of sub-section (1) of Section 17 are complied with, the State Government shall, in consultation with the State Board, give such instructions as may be deemed necessary to the concerned authority in charge of registration of

motor vehicles under the Motor Vehicles Act, 1939 (4 of 1939), and such authority shall, notwithstanding anything contained in that Act or the rules made thereunder be bound to comply with such instructions.

21. Restrictions on use of certain industrial plants.— * (1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, operate any industrial plant for the purpose of any industry specified in the Schedule in an air pollution control area.

(2) An application for consent of the State Board under sub-section (1) shall be accompanied by such fees as may be prescribed and shall be made in the prescribed form and shall contain the particulars of the industrial plant and such other particulars as may be prescribed:

Provided that where any person, immediately before the declaration of any area as an air pollution control area, operates in such area any industrial plant for the purpose of any industry specified in the Schedule, such person shall make the application under this sub-section within such period (being not less than three months from the date of such declaration) as may be prescribed and where such person makes such application, he shall be deemed to be operating such industrial plant with the consent of the State Board until the consent applied for has been refused.

(3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry, shall follow such procedure as may be prescribed.

(4) Within a period of four months after the receipt of the application for consent referred to in sub-section (1), the State Board shall, by order in writing, * either grant or refuse, for reasons to be recorded in the order, the consent applied for.

* * *

(5) Every person to whom consent has been granted by the State Board under sub-section (4), shall comply with the following conditions, namely:—

- (i) the control equipment of such specifications as the State Board may approve in this behalf shall be installed and

operated in the premises where the industry is carried on or proposed to be carried on;

- (ii) the existing control equipment, if any, shall be altered or replaced in accordance with the directions of the State Board;
- (iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;
- (iv) chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected or re-erected in such premises;
- (v) such other conditions as the State Board may specify in this behalf; and
- (vi) the conditions referred to in clauses (i), (ii) and (iv) shall be complied with within such period as the State Board may specify in this behalf:

* Provided that in the case of a person operating any industrial plant for the purpose of any industry specified in the Schedule in an air pollution control area immediately before the date of declaration of such area as an air pollution control area, the period so specified shall not be less than six months:

Provided further that—

- (a) after the installation of any control equipment in accordance with the specification under clause (i), or
- (b) after the alteration or replacement of any control equipment in accordance with the directions of the State Board under clause (ii), or
- (c) after the erection or re-erection of any chimney under clause (iv),

no control equipment or chimney shall be altered or replaced or, as the case may be, erected or re-erected except with the previous approval of the State Board.

(6) If due to any technological improvement or otherwise the State Board is of opinion that all or any of the conditions referred to in sub-section (5) require or requires variation (including the change of any control equipment, either in whole or in part), the State Board shall, after giving the person to whom consent has been granted an opportunity of being heard, vary all or any of such conditions and thereupon such person shall be bound to comply with the conditions as so varied.

(7) Where a person to whom consent has been granted by the State Board under sub-section (4), transfers his interest in the industry to any other person, such consent shall be deemed to have been granted to such other person and he shall be bound to comply with all the conditions subject to which it was granted as if the consent was granted to him originally.

22. Person carrying on industry, etc., not to allow emission of air pollutants in excess of the standards laid down by State Board.— No person carrying on any industry specified in the Schedule or operating any industrial plant, in any air pollution control area shall discharge or cause or permit to be discharged the emission of any air pollutant in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of Section 17.

* * *

23. Furnishing of information to State Board and other agencies in certain cases.—(1) Where in any air pollution control area the emission of any air pollutant into the atmosphere in excess of the standards laid down by the State Board occurs or is apprehended to occur due to accident or other unforeseen act or event, the person in charge of the premises from where such emission occurs or is apprehended to occur shall forthwith intimate the fact of such occurrence or the apprehension of such occurrence to the State Board and to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or the apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the State Board and the authorities or agencies shall, as early as practicable, cause such remedial measures to be taken as are necessary to mitigate the emission of such air pollutants.

(3) Expenses, if any, incurred by the State Board, authority or agency with respect to the remedial measures referred to in subsection (2) together with interest (at such reasonable rate, as the State Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by that Board, authority or agency from the person, concerned; as arrears of land revenue, or of public demand.

24. Power of entry and inspection.—(1) Subject to the provisions of this section, any person empowered by a State Board in this behalf shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place—

- (a) for the purpose of performing any of the functions of the State Board entrusted to him;
- (b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;
- (c) for the purpose of examining and testing any control equipment, industrial plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such control equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Every person *carrying on any industry specified in the Schedule and every person operating any control equipment or any industrial plant, in an air pollution control area, shall be bound to render all assistance to the person empowered by the State Board

under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person wilfully delays or obstructs any person empowered by the State Board under sub-section (1) in the discharge of his duties, he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), or, in relation to the State of Jammu and Kashmir, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under Section 94 of the said Code or, as the case may be, under the corresponding provisions of the said law.

25. Power to obtain information.— For the purposes of carrying out the functions entrusted to it, the State Board or any officer empowered by it in that behalf may call for any information (including information regarding the types of air pollutants emitted into the atmosphere and the level of the emission of such air pollutants) from the occupier or any other person carrying on any industry or operating any control equipment or industrial plant and for the purpose of verifying the correctness of such information, the State Board or such officer shall have the right to inspect the premises where such industry, control equipment or industrial plant is being carried on or operated.

26. Power to take samples of air or emission and procedure to be followed in connection therewith.— (1) A State Board or any officer empowered by it in this behalf shall have power to take, for the purpose of analysis, samples of air or emission from any chimney, flue or duct or any other outlet in such manner as may be prescribed.

(2) The result of any analysis of a sample of emission taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-section (3) and (4) are complied with.

(3) Subject to the provisions of sub-section (4), when a sample of emission is taken for analysis under sub-section (1), the person taking the sample shall—

- (a) serve on the occupier or his agent, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;
- (b) in the presence of the occupier or his agent, collect a sample of emission for analysis;
- (c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;
- (d) send, without delay, the container or containers to the laboratory established or recognised by the State Board under Section 17 or, if a request in that behalf is made by the occupier or his agent when the notice is served on him under clause (a), to the laboratory established or specified under sub-section (1) of Section 28.

(4) When a sample of emission is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3), then,—

- (a) in a case where the occupier or his agent wilfully absents himself, the person taking the sample shall collect the sample of emission for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and
- (b) in a case where the occupier or his agent is present at the time of taking the sample but refuses to sign the marked and sealed container or containers of the sample of emission as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the sample ,

and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or specified under sub-section (1) of Section 28 and such person shall inform the Government analyst appointed under sub-section

(1) of Section 29, in writing, about the wilful absence of the occupier or his agent, or, as the case may be, his refusal to sign the container or containers.

27. Reports of the result of analysis on samples taken under Section 26.— (1) Where a sample of emission has been sent for analysis to the laboratory established or recognised by the State Board, the Board analyst appointed under sub-section (2) of Section 29 shall analyse the sample and submit a report in the prescribed form of such analysis in triplicate to the State Board.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the State Board to the occupier or his agent referred to in Section 26, another copy shall be preserved for production before the court in case any legal proceedings are taken against him and the other copy shall be kept by the State Board.

(3) Where a sample has been sent for analysis under clause (d) of sub-section (3) or sub-section (4) of Section 26 to any laboratory mentioned therein, the Government analyst referred to in the said sub-section (4) shall analyse the sample and submit a report in the prescribed form of the result of the analysis in triplicate to the State Board which shall comply with the provisions of sub-section (2).

(4) Any cost incurred in getting any sample analysed at the request of the occupier or his agent as provided in clause (d) of sub-section (3) of Section 26 or when he wilfully absents himself or refuses to sign the marked and sealed container or containers of sample of emission under sub-section (4) of that section, shall be payable by such occupier or his agent and in case of default the same shall be recoverable from him as arrears of land revenue or of public demand.

28. State Air Laboratory.— (1) The State Government may, by notification in the Official Gazette,—

- (a) establish one or more State Air Laboratories; or
- (b) specify one or more laboratories or institutes as State Air Laboratories to carry out the functions entrusted to the State Air Laboratory under this Act.

(2) The State Government may, after consultation with the State Board, make rules prescribing—

- (a) the functions of the State Air Laboratory;
- (b) the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of the Laboratory's report thereon and the fees payable in respect of such report;
- (c) such other matters as may be necessary or expedient to enable that Laboratory to carry out its functions.

29. Analysts.— (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be Government analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or specified under sub-section (1) of Section 28.

(2) Without prejudice to the provisions of Section 14, the State Board may, by notification in the Official Gazette, and with the approval of the State Government, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or recognised under Section 17.

30. Reports of analysts.— Any document purporting to be a report signed by a Government analyst or, as the case may be, a State Board analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

31. Appeals.— (1) Any person aggrieved by an order made by the State Board under this Act may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute :

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is

satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Appellate Authority shall consist of a single person or three persons as the State Government may think fit to be appointed by the State Government.

(3) The form and the manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the Appellate Authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

*

CHAPTER V

FUND, ACCOUNTS AND AUDIT

32. Contributions by Central Government.— The Central Government may, after due appropriation made by Parliament by law in this behalf, make in each financial year such contributions to the State Boards as it may think necessary to enable the State Boards to perform their functions under this Act:

Provided that nothing in this section shall apply to any ^{*}State Board for the Prevention and Control of Water Pollution constituted under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), which is empowered by that Act to expend money from its fund thereunder also for performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

33. Fund of Board.— (1) Every State Board shall have its own fund for the purposes of this Act and all sums which may, from time to time, be paid to it by the Central Government and all other receipts (by way of contributions, if any, from the State Government, fees, gifts, grants, donations, benefactions or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) Every State Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the fund of that Board.

(3) Nothing in this section shall apply to any State Board for the Prevention and Control of Water Pollution constituted under section 4 of the water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), which is empowered by that Act to expend money from its fund thereunder also for performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

***34. Budget.**— The Central Board or, as the case may be, the State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure under this Act, and copies thereof shall be forwarded to the Central Government or, as the case may be, the State Government.

***35. Annual Report.**— (1) The Central Board shall, during each financial year, prepare in such form and at such time as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government and that Government shall cause every such report to be laid before both Houses of Parliament within six months of the date on which it is received by that Government.

(2) Every State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government and that Government shall cause every such report to be laid before the State Legislature within a period of nine months of the date on which it is received by that Government.

36. Accounts and audit.— (1) Every Board shall, in relation to its functions under this Act, maintain proper accounts and other relevant records and prepare an annual statement of accounts in

such form as may be prescribed by the Central Government or, as the case may be, the State Government.

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under Section 226 of the Companies Act, 1956 (1 of 1956).

(3) The said auditor shall be appointed by the Central Government or, as the case may be, the State Government on the advice of the Comptroller and Auditor - General of India.

(4) Every auditor appointed to audit the accounts of the Board under this Act, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(5) Every such auditor shall send a copy of his report together with an audited copy of the accounts to the Central Government or, as the case may be, the State Government.

(6) The Central Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before both Houses of Parliament.

(7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before the State Legislature.

CHAPTER VI

PENALTIES AND PROCEDURE

37. Failure to comply with the provisions of Section 21 (5) or Section 22 or with orders or directions issued under the Act.—

(1) Whoever fails to comply with the provisions of sub-section (5) of Section 21 or Section 22 or with any order or direction given under this Act shall, in respect of each such failure, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both, and in case the failure continues, with an additional fine which may extend to one hundred rupees for every day during which such failure continues after the conviction for the first such failure.

(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 may extend to six months.

38. Penalties for certain acts.-- Whoever--

- (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
- (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or
- (c) damages any works or property belonging to the Board, or
- (d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act, or
- (e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of Section 23, or
- (f) in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, or
- (g) for the purpose of obtaining any consent under Section 21, makes a statement which is false in any material particular,

shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to *five hundred rupees or with both.

39. Penalty for contravention of certain provisions of the Act.- Whoever contravenes any of the provisions of this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with fine which may extend to five thousand rupees, and in the case of continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

40. Offences by companies.- (1) Where an offence under this Act 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 the offence and shall be liable to be proceeded against and punished accordingly :

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 or that he exercised all due diligence to prevent the commission of such offence.

(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 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.

Explanation.- For the purposes of this section,-

- (a) "company" means any body corporate, and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.

41. Offences by Government departments.— (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this section shall render such Head of the Department liable to any 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.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government 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 officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

42. Protection of action taken in good faith.— No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any member or any officer or other employee of the Board in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made thereunder.

*
43. Cognizance of offences. — No court shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing of, the State Board, 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.

44. Members, officers and employees of Board to be public servants.— All the members and all officers and other employees of a Board when acting or purporting to act in pursuance of any of the provisions of this Act or the rules made thereunder shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

45. Reports and returns.— The Central Board shall, in relation to its functions under this Act, furnish to the Central Government, and a State Board shall, in relation to its functions under this Act, furnish to the State Government and to the Central Board such reports, returns, statistics, accounts and other information as that Government, or, as the case may be, the Central Board may, from time to time, require.

46. Bar of jurisdiction.— No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Appellate Authority constituted under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

CHAPTER VII. MISCELLANEOUS

47. Power of State Government to supersede State Board.—
(1) If at any time the State Government is of opinion—

- (a) that a State Board constituted under this Act has persistently made default in the performance of the functions imposed on it by or under this Act, or
- (b) that circumstances exist which render it necessary in the public interest so to do,

the State Government may, by notification in the Official Gazette, supersede the State Board for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the State Government shall give a reasonable opportunity to the State Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the State Board.

(2) Upon the publication of a notification under sub-section (1) superseding the State Board,—

- (a) all the members shall, as from the date of supersession, vacate their offices as such;
- (b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the State Board shall, until the State Board is reconstituted under sub-section (3), be exercised, performed or discharged by such person or persons as the State Government may direct;
- (c) all property owned or controlled by the State Board shall, until the Board is reconstituted under sub-section (3), vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the State Government may—

- (a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or
- (b) reconstitute the State Board by a fresh nomination or appointment, as the case may be, and in such case any person who vacated his office under clause (a) of sub-section (2) shall also be eligible for nomination or appointment:

Provided that the State Government may at any time before the expiration of the period of supersession, whether originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

48. Special provision in the case of supersession of the Central Board or the State Boards constituted under the Water (Prevention and Control of Pollution) Act, 1974.— Where the Central Board or any State Board constituted under the Water (Prevention and Control of Pollution) Act, 1974, is superseded by the Central Government or the State Government, as the case may be, under that Act, all the powers, functions and duties of the Central Board or such State Board under this Act shall be exercised, per-

formed or discharged during the period of such supersession by the person or persons, exercising, performing or discharging the powers, functions and duties of the Central Board or such State Board under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), during such period.

49. Dissolution of State Boards constituted under the Act.—

(1) As and when the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), comes into force in any State and the State Government constitutes a State Board for the Prevention and Control of Water Pollution under that Act, the State Board constituted by the State Government under this Act shall stand dissolved and the Board first-mentioned shall exercise the powers and perform the functions of the Board second-mentioned in that State.

(2) On the dissolution of the State Board constituted under this Act,---

- (a) all the members shall vacate their offices as such;
- (b) all moneys and other property of whatever kind (including the fund of the State Board) owned by, or vested in, the State Board, immediately before such dissolution, shall stand transferred to and vest in the State Board for the Prevention and Control of Water Pollution;
- (c) every officer and other employees serving under the State Board immediately before such dissolution shall be transferred to and become an officer or other employee of the State Board for the Prevention and Control of Water Pollution and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the State Board constituted under this Act had not been dissolved and shall continue to do so unless and until such tenure, remuneration and terms and conditions of service are duly altered by the State Board for the Prevention and Control of Water Pollution:

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the State Government;

- (d) all liabilities and obligations of the State Board of whatever kind, immediately before such dissolution, shall be deemed to be the liabilities or obligations, as the case may be, of the State Board for the Prevention and Control of Water Pollution and any proceeding or cause of action, pending or existing immediately before such dissolution by or against the State Board constituted under this Act in relation to such liability or obligation may be continued and enforced by or against the State Board for the Prevention and Control of Water Pollution.

50. Power to amend the Schedule.— (1) The Central Government may, of its own motion or on the recommendation of a Board, by notification in the official Gazette, add to, or omit from, the Schedule any industry or alter the description of any industry and thereupon the Schedule shall be deemed to be amended accordingly.

(2) Every notification made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

51. Maintenance of register.— (1) Every State Board shall maintain a register containing particulars of the persons to whom consent has been granted under Section 21, the standards for emission laid down by it in relation to each such consent and such other particulars as may be prescribed.

(2) The register maintained under sub-section (1) shall be open to inspection at all reasonable hours by any person interested in or affected by such standards for emission or by any other person authorised by such person in this behalf.

52. Effect of other laws.— Save as otherwise provided by or under the Atomic Energy Act, 1962 (33 of 1962), in relation to radioactive

air pollution, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

53. Power of Central Government to make rules.— (1) The Central Government may, in consultation with the Central Board, by notification in the Official Gazette, make rules in respect of the following matters, namely:—

- (a) the intervals and the time and place at which meetings of the Central Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business there at, under sub-section (1) of Section 10 and under sub-section (2) of Section 11;
- (b) the fees and allowances to be paid to the members of a committee of the Central Board, not being members of the Board, under sub-section (3) of Section 11;
- (c) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of Section 12;
- (d) the fees and allowances to be paid under sub-section (3) of Section 12 to persons associated with the Central Board under sub-section (1) of Section 12;
- (e) the functions to be performed by the Central Board under clause (j) of sub-section (2) of Section 16;
- * (f) the form in which and the time within which the budget and the annual report of the Central Board may be prepared and forwarded to the Central Government under Sections 34 and 35;

* * *

- (g) the form in which the accounts of the Central Board may be maintained under sub-section (1) of Section 36.

(2) 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 sessions 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 validity of anything previously done under that rule.

54. Power of State Government to make rules.—(1) Subject to the provisions of sub-section (3), the State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act in respect of matters not falling within the purview of Section 53.

(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:—

*

- ^{*}(a) the terms and conditions of service of the Chairman and other members (other than the member-secretary) of the State Board constituted under this Act under sub-section (7) of Section 7;
- (b) the intervals and the time and place at which meetings of the State Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business there at, under sub-section (1) of Section 10 and under sub-section (2) of Section 11;
- (c) the fees and allowances to be paid to the members of a committee of the State Board, not being members of the Board under sub-section (3) of Section 11;
- (d) the manner in which and the purposes for which persons may be associated with the State Board under sub-section (1) of Section 12;

- (e) the fees and allowances to be paid under sub-section (3), of Section 12 to persons associated with the State Board under sub-section (1) of Section 12;
- (f) the terms and conditions of service of the member-secretary of a State Board constituted under this Act under sub-section (1) of Section 14;
- (g) the powers and duties to be exercised and discharged by the member-secretary of a State Board under sub-section (2) of Section 14;
- (h) the conditions subject to which a State Board may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under sub-section (3) of Section 14;
- (i) the conditions subject to which a State Board may appoint a consultant under sub-section (5) of Section 14;
- (j) the functions to be performed by the State Board under clause (i) of sub-section (1) of Section 17;
- (k) the manner in which any area or areas may be declared as air pollution control area or areas under sub-section (1) of Section 19;
- (l) the form of application for the consent of the State Board, the fees payable therefor, the period within which such application shall be made and the particulars it may contain, under sub-section (2) of Section 21;
- (m) the procedure to be followed in respect of an inquiry under sub-section (3) of Section 21;
- (n) the authorities or agencies to whom information under sub-section (1) of Section 23 shall be furnished;
- (o) the manner in which samples of air or emission may be taken under sub-section (1) of Section 26;

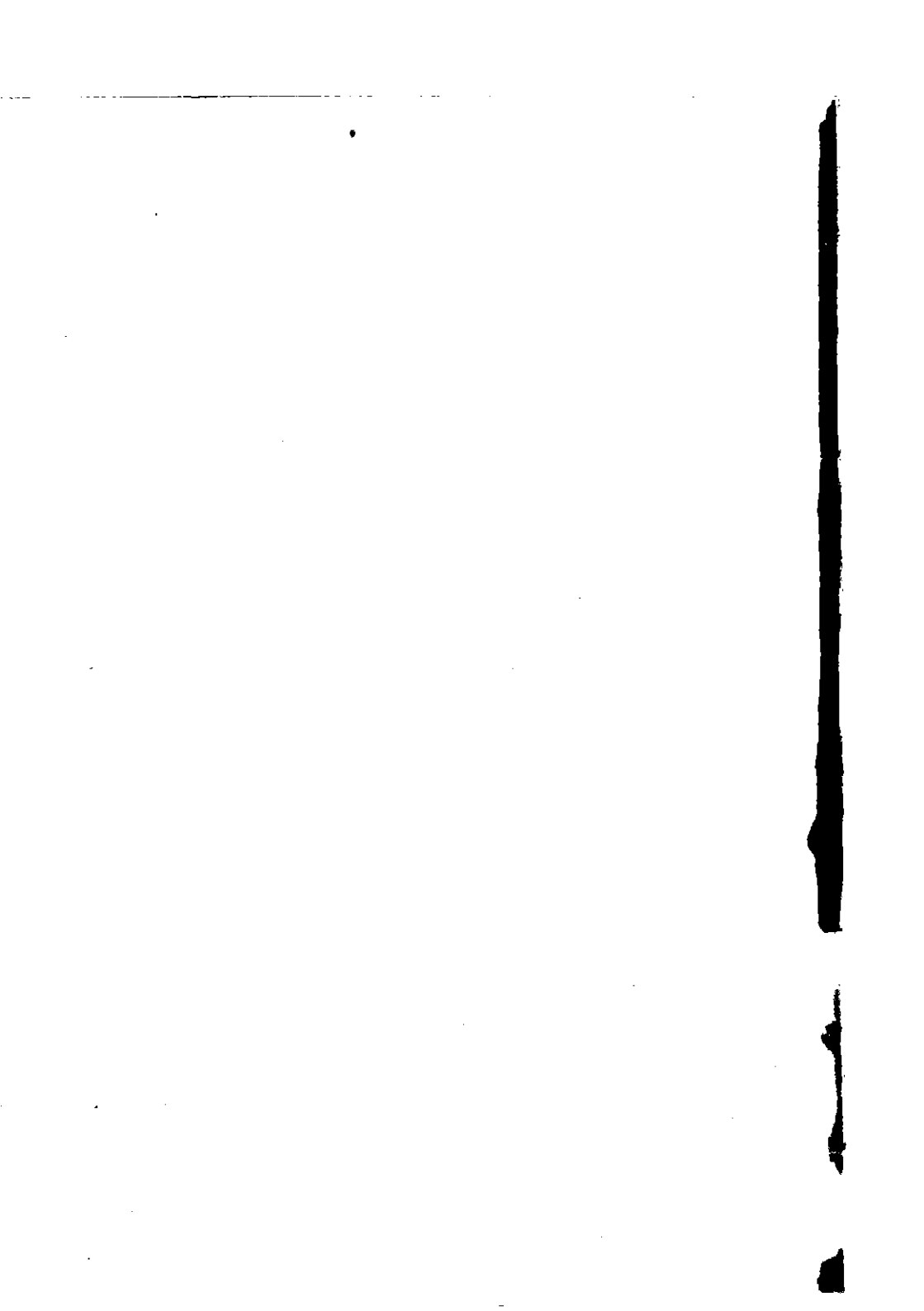
- (p) the form of the notice referred to in sub-section (3) of Section 26;
- (q) the form of the report of the State Board analyst under sub-section (1) of Section 27;
- (r) the form of the report of the Government analyst under sub-section (3) of Section 27;
- (s) the functions of the State Air Laboratory, the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of Laboratory's report thereon, the fees payable in respect of such report and other matters as may be necessary or expedient to enable that Laboratory to carry out its functions, under sub-section (2) of Section 28;
- (t) the qualifications required for Government analysts under sub-section (1) of Section 29;
- (u) the qualifications required for State Board analysts under sub-section (2) of Section 29;
- (v) the form and the manner in which appeals may be preferred, the fees payable in respect of such appeals and the procedure to be followed by the Appellate Authority in disposing of the appeals under sub-section (3) of Section 31;
- * (w) the form in which and the time within which the budget and annual report of the State Board may be prepared and forwarded to the State Government under Sections 34 and 35;
*
- (x) the form in which the accounts of the State Board may be maintained under sub-section (1) of Section 36;
*
- (y) the particulars which the register maintained under Section 51 may contain;
- (z) any other matter which has to be, or may be, prescribed.

(3) After the first constitution of the State Board, no rule with respect to any of the matters referred to in sub-section (2) [other than those referred to in clause (a) thereof], shall be made, varied, amended or repealed without consulting that Board.

***THE SCHEDULE**

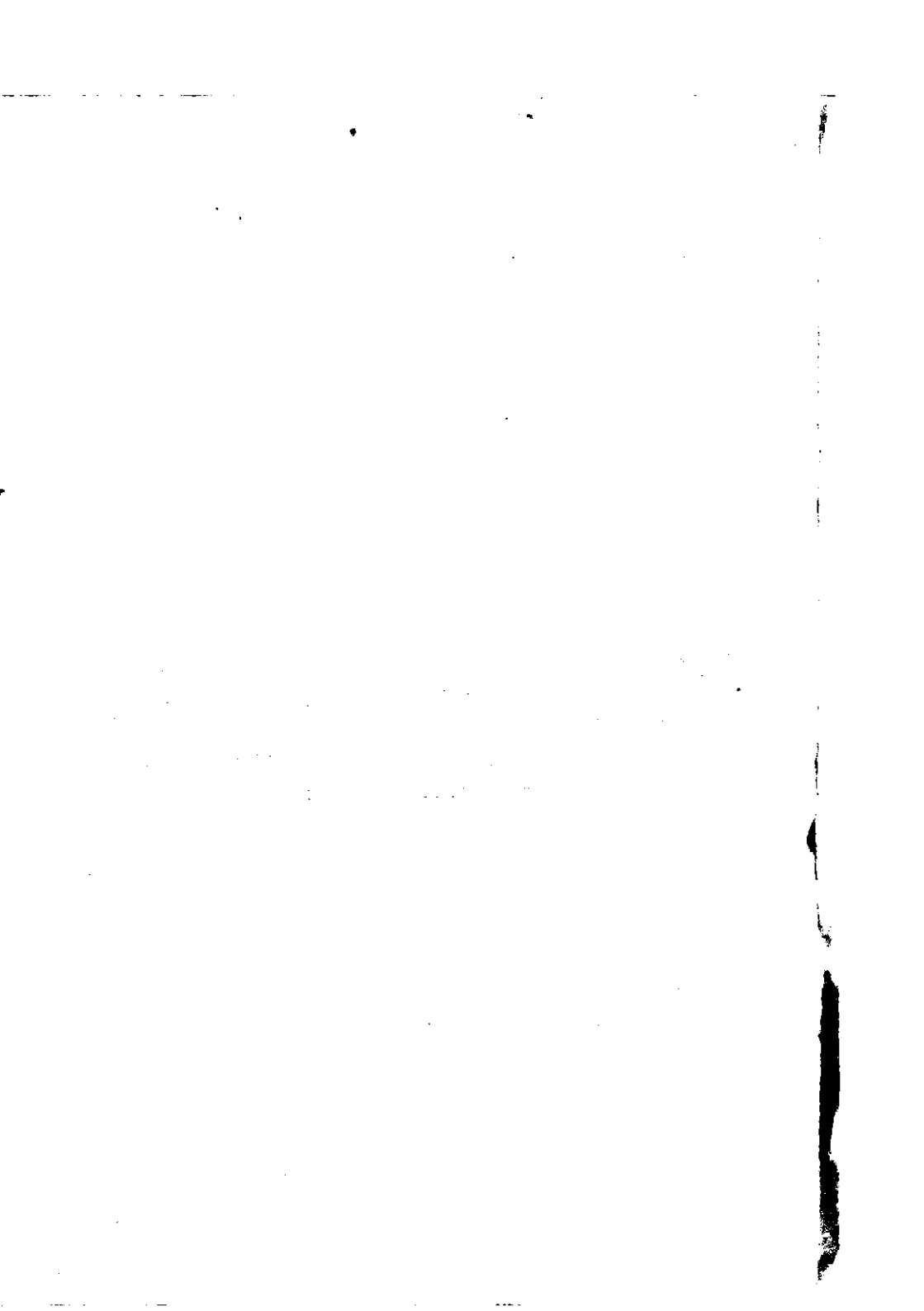
(See Sections 21, 22, 24 and 50)

1. Asbestos and asbestos products industries.
 2. Cement and cement products industries.
 3. Ceramic and ceramic products industries.
 4. Chemical and allied industries.
 5. Coal and lignite based chemical industries.
 6. Engineering industries.
 7. Ferrous metallurgical industries.
 8. Fertilizer industries.
 9. Foundries.
 10. Food and agricultural products industries.
 11. Mining industry.
 12. Non-ferrous metallurgical industries.
 13. Ores/mineral processing industries including beneficiation, pelletization, etc.
 14. Power (coal, petroleum and their products) generating plants and boiler plants.
 15. Paper and pulp (including paper products) industries.
 16. Textile processing industry (made wholly or in part of cotton).
 17. Petroleum refineries.
 18. Petroleum products and petro-chemical industries.
 19. Plants for recovery from and disposal of wastes.
 20. Incinerators.
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**The Air (Prevention and Control of
Pollution) Amendment Act, 1987**

(Act No. 47 of 1987)



THE AIR (PREVENTION AND CONTROL OF POLLUTION) AMENDMENT ACT, 1987

[ACT No. 47 OF 1987]

[16th December, 1987.]

An Act to amend the Air (Prevention and Control of Pollution)
Act, 1981.

Be it enacted by Parliament in the Thirty-eighth Year
of the Republic of India as follows:—

1. (1) This Act may be called the Air (Prevention
and Control of Pollution) Amendment Act, 1987.

Short
title
and
com-
mence-
ment.

(2) It shall come into force on such date as the
Central Government may, by notification in the
Official Gazette, appoint; and different dates may be
appointed for different States and for different
provisions of this Act.

2. In section 2 of the Air (Prevention and Control of
Pollution) Act, 1981 (14 of 1981) (hereinafter referred
to as the principal Act),—

Amend-
ment of
section 2.

(i) in clause (a), after the words "gaseous sub-
stance", the brackets and words "(including
noise)" shall be inserted;

(ii) in clause (g), for the words "Central Board
for the Prevention and Control of Water Pollu-
tion", the words "Central Pollution Control
Board" shall be substituted;

(iii) for clause (m), the following clause shall
be substituted, namely:-

'(m) "occupier", in relation to any factory
or premises, means the person who has control
over the affairs of the factory or the
premises, and includes, in relation to any
substance, the person in possession of the
substance;

(iv) in clause (o), in sub-clause (i), for the words "State Board for the Prevention and Control of Water Pollution", the words "State Pollution Control Board" shall be substituted.

Substitution of new sections for sections 3 and 4.

3. For sections 3 and 4 of the principal Act, the following sections shall be substituted, namely:--

Central Pollution Control Board.

"3. The Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974, (6 of 1974) shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the Central Pollution Control Board for the prevention and control of air pollution under this Act.

State Pollution Control Boards constituted under section 4 of Act 6 of 1974 to be State Boards under this Act.

4. In any State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a State Pollution Control Board under section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of Air Pollution constituted under section 5 of this Act, and accordingly that State Pollution Control Board shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the prevention and control of air pollution under this Act."

Amendment of section 5.

4. In Section 5 of the principal Act,---

(i) in sub-section (1), for the words "State Board for the Prevention and Control of Water Pollution", the words "State Pollution Control Board" shall be substituted;

(ii) in sub-section (2), for clause (f), the following clause shall be substituted, namely:—

"(f) a full-time member-secretary having such qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control as may be prescribed, to be appointed by the State Government:".

5. In sub-section (6) of section 7 of the principal Act, the words "but not for more than two terms" shall be omitted.

Amendment of section 7

6. In section 14 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of section 14.

"(2) The member-secretary of a State Board, whether constituted under this Act or not, shall exercise such powers and perform such duties as may be prescribed, or as may, from time to time, be delegated to him by the State Board or its Chairman."

7. In sub-section (2) of section 16 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

Amendment of section 16.

"(dd) perform such of the functions of any State Board as may be specified in an order made under sub-section (2) of section 18;".

8. Section 18 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

Amendment of section 18.

"(2) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the

functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(4) For the removal of doubts, it is hereby declared that any directions to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area."

9. In Section 21 of the principal Act,—

Amend-
ment of
section 21.

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area:

Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, 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.";

(ii) in the proviso to sub-section (2), the words "for the purpose of any industry specified in the Schedule" shall be omitted;

(iii) in sub-section (4),---

(a) for the words "either grant or refuse, for reasons to be recorded in the order, the consent applied for", the words "and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse such consent" shall be substituted;

(b) the following provisos shall be inserted at the end, namely:—

"Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled:

Provided further that before cancelling a consent or refusing a further consent under the first proviso, a reasonable opportunity of being heard shall be given to the person concerned.";

(iv) in the first proviso to sub-section (5), the words "for the purpose of any industry specified in the Schedule" shall be omitted;

10. In section 22 of the principal Act, the words "carrying on any industry specified in the Schedule or" shall be omitted.

Amend-
ment of
section 22.

11. After section 22 of the principal Act, the following section shall be inserted, namely:---

Insertion
of new
section 22A.

Power of Board to make application to court for restraining persons from causing air pollution.

"22A. (1) Where it is apprehended by a Board that emission of any air pollutant, in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17, is likely to occur by reason of any person operating an industrial plant or otherwise in any air pollution control area, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class for restraining such person from emitting such air pollutant.

(2) On receipt of the application under sub-section (1), the court may make such order as it deems fit.

(3) Where under sub-section (2), the court makes an order restraining any person from discharging or causing or permitting to be discharged the emission of any air pollutant, it may, in that order, —

(a) direct such person to desist from taking such action as is likely to cause emission;

(b) authorise the Board, if the direction under clause (a) is not complied with by the person to whom such direction is issued, to implement the direction in such manner as may be specified by the court.

(4) All expenses incurred by the Board in implementing the directions of the court under clause (b) of sub-section (3) shall be recoverable from the person concerned as arrears of land revenue or of public demand."

Amendment of Section 23.

12. In section 23 of the principal Act, in sub-section (1), the words "air pollution control" shall be omitted.

13. In section 24 of the principal Act, in sub-section (2), the words "carrying on any industry specified in the Schedule and every person" shall be omitted.

Amendment of section 24.

14. In Chapter IV of the principal Act, after section 31, the following section shall be inserted, namely:—

Insertion of new section 31A.

"31A. Notwithstanding anything contained in any other law, but subject to the provisions of this Act and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Power to give directions.

Explanation.— For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service."

15. In the proviso to section 32, in sub-section (3) of section 33 and in section 49 of the principal Act, for the words "State Board for the Prevention and Control of Water Pollution", wherever they occur, the words "State Pollution Control Board" shall be substituted.

Amendment of sections 32, 33 and 49.

16. After section 33 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 33A.

Borrowing powers of Board.

"33A. A Board may, with the consent of, or in accordance with the terms of any general or special authority given to it by, the Central Government or, as the case may be, the State Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for discharging all or any of its functions under this Act."

Substitution of new section for section 35.

17. For section 35 of the principal Act, the following section shall be substituted, namely:-----

Annual report.

"35. (1) The Central Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before both Houses of Parliament within nine months of the last date of the previous financial year.

(2) Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before the State Legislature within a period of nine months from the last date of the previous financial year."

18. For section 37 of the principal Act, the following section shall be substituted, namely :—

Substitution of new section for section 37.

"37. (1) Whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each such failure, 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 five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

Failure to comply with the provisions of section 21 or section 22 or with the directions issued under section 31A.

(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."

19. In section 38 of the principal Act, for the words "five hundred rupees", the words "ten thousand rupees" shall be substituted.

Amendment of section 38.

20. For section 39 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 39.

"39. Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine

Penalty for contravention of certain

provi-
sions of
the Act.

which may extend to ten thousand rupees or with both, and in the case of continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention."

Substi-
tution
of
new
section
for
section 43.

21. For section 43 of the principal Act, the following section shall be substituted, namely:—

Cogni-
zance
of offences

"43. (1) No court shall take cognizance of any offence under this Act except on a complaint made by —

(a) a Board or any officer authorised in this behalf by it; or

(b) any person who has given 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 authorised 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.

(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:

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."

22. Section 50 of the principal Act shall be omitted.

Omission
of sec-
tion 50.

23. In section 53 of the principal Act, in sub-section (1), for clause (f), the following clauses shall be substituted, namely:—

Amend-
ment
of sec-
tion 53.

"(f) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 34;

(ff) the form in which the annual report of the Central Board may be prepared under section 35;"

24. In section 54 of the principal Act,—

Amend-
ment of
section 54.

(a) in sub-section (2),—

(i) clause (a) shall be renumbered as clause (aa), and before clause (aa) as so renumbered, the following clause shall be inserted namely:—

"(a) the qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control required for appointment as member- secretary of a State Board constituted under the Act;"

(ii) for clause (w), the following clauses shall be substituted, namely:—

"(w) 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 34;

(ww) the form in which the annual report of the State Board may be prepared under section 35;"

(iii) after clause (x), the following clause shall be inserted, namely:—

"(xx) the manner in which notice of intention to make a complaint shall be given under section 43;"

(b) in sub-section (3), for the words, brackets and letter "in clause (a)", the words, brackets and letters "in clause (aa)" shall be substituted.

Omission
of the
schedule.

25. The Schedule to the principal Act shall be omitted.

S. RAMAIAH,
Secy. to the Govt. of India.

TAMIL NADU AIR (PREVENTION AND CONTROL OF POLLUTION) RULES, 1983. ★

(G.O.Ms.No.3, Environment Control, 27th September 1983.)

No.SRO A-236/83.

In exercise of the powers conferred by section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981), the Governor of Tamil Nadu, after consultation with the Tamil Nadu Pollution Control Board, hereby makes the following rules, namely:--

RULES

CHAPTER I PRELIMINARY

1. Short title and commencement.—(1) These rules may be called the Tamil Nadu Air (Prevention and Control of Pollution) Rules, 1983.

(2). They shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981);

(b) "Appellate Authority" means the Appellate Authority constituted by the Government under sub-section (1) of section 31;

(c) "Board" means the Tamil Nadu Pollution Control Board;

(d) "Board Laboratory" means a laboratory established or recognised as such under sub-section (2) of section 17;

(e) "Chairman" means the chairman of the Board;

- (f) "Committee" means a committee constituted under sub-section (1) of section 11;
- (g) "Form" means a Form set out in the Schedule;
- (h) "Government" means the Government of Tamil Nadu;
- (i) "meeting" means a meeting of the Board;
- (j) "member-secretary" means the member-secretary of the Board;
- (k) "premises" means any building, structure or property used for industrial or trade purposes;
- (l) "Schedule" means the Schedule appended to these rules;
- (m) "Section" means a section of the Act;
- (n) "State" means the State of Tamil Nadu;
- (o) "State Air Laboratory" means a laboratory established or specified as such under sub-section (1) of section 28;
- (p) "Water Pollution Control Act" means the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974);
- (q) "year" means the financial year.

CHAPTER II .

APPLICATION OF CERTAIN RULES MADE UNDER THE WATER POLLUTION CONTROL ACT.

3. Application of rules made under the Water Pollution Control Act.— In respect of the following matters, the rules made under the Water Pollution Control Act, shall apply as if they were made under the Act, namely:—

- (i) Procedure for transaction of business of the Board;
- (ii) Proceedings of the Committees of the Board;
- (iii) Terms and conditions of service of the members of the Board and of the Committees of the Board;

(iv) Powers and duties of the chairman and the member-secretary;

(v) Creation and abolition of posts;

(vi) Appointments and conditions of service of the employees of the Board; and

(vii) Budget, Accounts and Annual Report of the Board.

CHAPTER III .

TEMPORARY ASSOCIATION OF PERSONS AND APPOINTMENT OF CONSULTANTS .

4. Temporary association of persons.— The rules relating to association of persons with the Board made under sub-section (1) of section 10 of the Water Pollution Control Act shall, *mutatis-mutandis*, apply to the association of persons with the Board under sub-section (1) of section 12.

5. Appointment of consultant.— The rules relating to appointment of consulting engineer made under sub-section (4) of section 12 of the Water Pollution Control Act shall *mutatis-mutandis* apply to the appointment of consultant to the Board under sub-section (5) of section 14.

CHAPTER IV .

NOTIFICATION OF AIR POLLUTION CONTROL AREA .

6. Manner of declaration of air pollution control area.— (1) Every notification under sub-section (1) of section 19 declaring any area within the State as air pollution control area shall specify.—

(a) the boundaries of the area, if the area is not a whole district or the whole State; and

(b) the date on which such declaration shall come into force.

(2) Such notification shall be published in the Tamil Nadu Government Gazette and at least in two English and three Tamil daily newspapers having wide circulation in the State.

CHAPTER V.

APPLICATION FOR THE CONSENT OF THE BOARD.

7. Application for consent under section 21 (2).— (1) Every application for consent under section 21 shall be made to the Board in Form I.

(2) Every application for consent under the proviso to sub-section (2) of section 21 shall be made within six months from the date of declaration of any area as air pollution control area.

8. Fees to accompany application.— (1) Every application under rule 7 shall be accompanied by the following fees, calculated on the basis of the gross fixed assets of the industrial plant as estimated nearest to the date of application, namely:—

Serial No. (1)	Gross fixed assets. (2)	Fees (3) Rs.
1.	Rupees five crores and above.	5,000
2.	Rupees one crore and above but less than rupees five crores.	2,500
3.	Rupees fifty lakhs and above but less than rupees one crore.	2,000
4.	Rupees twenty five lakhs and above but less than rupees fifty lakhs.	1,500
5.	Rupees ten lakhs and above but less than rupees twenty five lakhs.	1,000
6.	Rupees five lakhs and above but less than rupees ten lakhs.	500
7.	Rupees one lakh and above but less than rupees five lakhs.	250
8.	Less than rupees one lakh.	100

(2) The fees specified in sub-rule (1) shall be paid by Demand Draft drawn in favour of the Board or as may be specified by the Board.

(3) Any application not accompanied by the specified fees shall not be entertained by the Board.

9. Procedure for making enquiry into application for consent .—(1) On receipt of an application for consent under section

21, the Board may depute any of its officers accompanied by as many assistants as may be necessary to visit or inspect any place or premises or industrial plant to which such application relates for the purpose of verifying the correctness or otherwise of the particulars or information furnished in the application or for obtaining such further particulars or information about the premises or industrial plant as the Board or such officer may consider necessary. Such officer may, for that purpose, inspect any place or premises where solid, liquid or gaseous emissions from chimney or fugitive emissions from any location within the premises of the industry are discharged as also any control devices installed in the said premises and may require the applicant to furnish to him any plans, specifications or other data relating to control equipments or control systems or any part thereof as he may consider necessary. The applicant shall furnish to such officer all information and provide all facilities that such officer may legitimately require for that purpose.

(2) Such officer shall, before visiting any premises of the applicant for the purpose of inspection under sub-rule (1), give notice to the applicant of his intention to do so in Form II.

(3) Such officer may, before or after carrying out an inspection under sub-rule (1), require the applicant to furnish to him such additional information or clarification, or to produce before him such documents, as he may consider necessary for the purpose of investigation of the application and may, for that purpose, summon the applicant or his authorised agent to the office of the Board.

CHAPTER VI.

AUTHORITIES OR AGENTS TO WHOM INFORMATION UNDER SECTION 23 (1) IS TO BE FURNISHED.

10. Furnishing of information by the occupier under section 23 (1).— Every person in charge of the industrial plant or occupier of the premises from where, due to an accidental break down of some processes or installations or otherwise, an emission occurs or is apprehended to occur in excess of the standards laid down by the Board shall forthwith intimate the fact of such occurrence or the apprehension of such occurrence to the Board, the Collector of the

district, the Revenue Divisional Officer, the District Health Officer; the executive authority of the municipal or local body concerned and the nearest police station.

CHAPTER VII.

THE MANNER IN WHICH SAMPLES OF AIR OR EMISSION MAY BE TAKEN.

11. Procedure for taking samples under section 26 (1) .—

(1) The occupier of the premises shall provide port-holes, platforms conveniently located for easy access to port-holes and all other necessary facilities for taking samples of air or emission from any chimney, flue or duct, plant or vessel or any other sources and outlets, whether stationary or mobile.

(2) The samples of air or gaseous emissions shall be taken either into an absorbing solution and/or in a suitable container:

Provided that depending upon the type of analysis to be conducted, or the circumstances of the case, the Board may use any other suitable method or equipment to collect samples.

12. Form of notice under section 26 (3).— Every notice under sub-section (3) of section 26 shall be in Form III.

CHAPTER VIII.

REPORT OF ANALYSIS.

13. Form of report of the Board analyst and Government analyst under section 27.— (1) When a sample of any air or emission has been sent for analysis to the Board laboratory, the Board analyst shall analyse such sample and submit to the Board a report of the result of such analysis in Form IV in triplicate.

(2) When a sample of any air or emission has been sent for analysis to the State air laboratory, the Government analyst shall analyse such sample and submit to the Board a report of the result of such analysis in Form V in triplicate.

CHAPTER IX .
STATE AIR LABORATORY

14. Functions of the State Air Laboratory and fee for report.— The State air laboratory shall cause to be analysed by the Government analyst any sample of air or emission received by it from any officer authorised by the Board for the purpose and shall be entitled to collect the fees for each such analysis.

CHAPTER X
CONSENT REGISTER

15. Consent Register.— The Board shall maintain a register in Form VI containing particulars of industrial plants to which consent has been granted under section 21.

CHAPTER XI .
APPEALS .

16. Form, manner and disposal of appeal under section 31 (3).— (1) Every appeal under section 31 against an order passed by the Board under section 21 shall be filed in Form VII.

(2) Every appellant shall prefer the appeal separately. No joint appeal made on behalf of more than one industrial plant shall be entertained by the appellate authority.

(3) (a) Every appeal shall—

(i) be in writing;

(ii) be signed and verified by the appellant or by an agent duly authorised by the appellant in writing in this behalf; and

(iii) bear court-fee stamp to the value of rupees two.

(b) Every appeal shall be accompanied by—

(i) an authenticated copy of the order against which the appeal is made;

- (ii) a copy of the application under section 21; and
- (iii) any document relevant to the appeal.

(c) Every appeal shall be in quadruplicate and shall be presented to the appellate authority by the appellant or his authorised agent in person or sent to such authority by registered post. When the appeal is presented by an authorised agent it shall be accompanied by a due power of attorney.

(d) On receipt of the appeal, the appellate authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

(4) The appellate authority shall, as soon as may be after the appeal is filed before it, fix a date for hearing of the appeal and give intimation of the same to the appellant and the member-secretary in Form VIII. While giving such intimation to the member-secretary, a copy of the appeal together with its enclosures shall also be sent to the member-secretary and he shall be called upon to send to the appellate authority, all the relevant records connected with the matter relating to the appeal.

(5) Where the particulars on record are insufficient to enable the appellate authority to come to a definite decision, it may take additional evidence and call for such further particulars from the appellant or the member-secretary as it deems fit. Such additional evidence or particulars shall form part of the record.

(6) Where, on the date fixed for hearing or any date to which the hearing of the appeal is adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed.

(7) Where an appeal is dismissed under sub-rule (6), the appellant may, within thirty days from the date of receipt of the order of dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received the intimation of the date of hearing or the adjourned date of hearing, as the case may be, of the appeal or was prevented by any cause sufficient, in the opinion of the appellate authority, from appearing when the ap-

peal was called for hearing, the appellate authority may restore the appeal on such terms as it thinks fit.

(8) The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon and the reasons for the decision.

(9) A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellant and a copy thereof shall also be sent to the member-secretary.

SCHEDULE

FORM I

TAMIL NADU POLLUTION CONTROL BOARD.

APPLICATION FOR CONSENT FOR EMISSION/CONTINUATION
OF EMISSION UNDER SECTION 21 OF THE AIR (PREVENTION
AND CONTROL OF POLLUTION) ACT, 1981
(CENTRAL ACT 14 OF 1981).

*[See Rule 7 of the Tamil Nadu Air (Prevention and Control of
Pollution) Rules, 1983.]
(To be submitted in triplicate.)*

From

Dated :

To

The Member-Secretary,
Tamil Nadu Pollution Control Board,
Madras.

Sir,

I/We hereby apply for CONSENT under Section 21 of the Air
(Prevention and Control of Pollution) Act, 1981 (Central Act 14 of
1981) to make emission from Industrial Plant owned by 1
for a period upto 2

2. The Annexure, appendices, plans and other particulars are at-
tached herewith in triplicate.

3. I/We further declare that the information furnished in the Annexure/Appendices and plans is correct to the best of my/our knowledge.

4. I/We hereby submit that in case of a change either of the point or the quantity of emission or of its quality a fresh application for consent shall be made and until such consent is granted, no change shall be made.

5. I/We hereby agree to submit to the Board, the application for renewal of CONSENT one month in advance of the date of expiry of the consented period for emission, if the operation of the industrial plant is to be continued thereafter.

6. I/We undertake to furnish any other information within one month of its being called for by the Board.

Yours faithfully,

Signature

Name of the applicant

Address of the applicant

Accompaniments :

- (i) Index/site plan.
- (ii) Topographical map.
- (iii) Detailed layout plan of different process and point sources of emissions and position of stacks and chimneys.
- (iv) Process flow sheet.
- (v) Latest of analysis of emission from the industrial plant.
- (vi) Details of air pollution control devices provided or proposed to be provided.
- (vii) Ambient air quality report, if available.
- (viii) Draft No. dated for Rs.....drawn on..... bank towards consent fee.

ANNEXURE TO FORM I

Chimney	Existing New Altered.
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NOTE.— Any applicant knowingly giving incorrect information or supressing any relevant information shall be liable to action under Chapter VI of the Act.

While filling in this Annexure the applicant shall, for items not pertaining to his activity state "not applicable" against the relevant item and not leave any column blank.

(a) Full name of the applicant with address _____

Tel.No.

(b) Is the firm registered? _____

(c) If yes give the number and date of registration and authority with/by whom registered. _____

(d) Full address of the registered office. _____

(e) Names, designations and full addresses of partners/directors. _____

(f) Under what category does the industry fall? _____

(tick appropriate box).

Major Medium Small

Yes. No.

State Government

Central Government

Prohibited area.

Airport Authority

(a) Full name of the land/premises/
Institute/Factory/Industry/Local
Body with address. _____

(b) Location of the Industrial plant in
respect of which consent is sought
with full postal address.

Tel. No. :

Telegraphic Address :

(c) Name of the local body in whose
jurisdiction the industrial plant
is located.

3. Details of land in which the industrial
plant is located.

Village/Town ..

Town Survey No. ...

Revenue Survey No. ..

Area in Hectares ..

4. State month and year in which the plant
was actually put into commission or is
proposed to be put into commission.

5. Give details of the Civil/Military
authority under whose administrative
jurisdiction the industrial Plant is
situated.

Corporation/Municipality/Town/Village
Panchayat/Cantonment/Defence Department.

Port Trust ..

State Government ..

Prohibited area ..

Central Government ..

Airport Authority ..

6. (a) State whether the site for the industrial plant has been declared as prohibited area. Yes/No

(b) If yes, state the name of the authority and furnish a certified copy of the order under which the area has been declared as prohibited area.

7. State annual working season of the plant. Full Year

From To

From To

From To

Continuous/batchwise .. Every year.

8. (a) Average number of persons attending the factory per day.

(b) Number of persons residing in the premises.

9. Indicate the present use of the land in the vicinity (5 km radius) of the industrial plant/site for the industrial plant.

(i) Human settlement of more than 1000 population (Specify population and distance from the plant/site).

(ii) Commercial

(iii) Industrial

(iv) Fisheries

(v) Sanctuary/ National parks/Hills/ mountains

(vi) Ancient monuments

10. Climatological and Meteorological details (if available).

- (a) Indicate the climatic conditions at the site (e.g. arid, semi-arid, etc).
- (b) Rainfall, yearly average range ..
- (c) Temperature, seasonal ranges
- (d) Speed and direction of wind
- (e) Humidity, solar radiation.

11. Give list of all materials used in the process in metric tonnes.

List of raw materials.	Principal use.	Amount in T/day.
(1)	(2)	(3)

A process flow diagram along with descriptive manufacturing process must be included with this statement showing entry and exit points of all raw materials, intermediate products, by-products and finished products.

12. Fuel consumption in Tonnes/day.

	Coal.	Oil.	Wood.	Natural.	Others (specify).
(1) Daily consumption in tonnes.					
(2) Calorific value		..			
(3) Ash content per cent			..		
(4) Sulphur content per cent			..		
(5) Others (specify)			..		

13. Atmospheric Emission for each stack—

(i) Stack No.

(ii) Material of construction of Stack.

- (iii) Stack attached to
- (iv) Stack height—
 - (a) Above the roof Mts. ..
 - (b) Above the ground level Mts.
- (v) Stack top—
 - (a) Round or circular
 - (b) Inside dimensions of the stack at top.
- (vi) Gas quantity — $M^3/hr.$
- (vii) Flue Gas temperature — $^{\circ}C$..
- (viii) Exit velocity of the gas m/sec.

14. (a) Flue gas Emissions—

Stack number.	Type of fuel.	Quantity of Fuel/hr.	Type of firing .
(1)	(2)	(3)	(4)

Analysis of flue gas in $mg./m^3$

SO ₂	NO _x	HC	CO	Particulates.	Others (specify).
(5-a)	(5-b)	(5-c)	(5-d)	(5-e)	(5-f)

(b) Process Emissions—

Quantity of gas $m^3/hr.$	Analysis of vent gas in $mg./m^3$						
	SO ₂	CO ₂	NO _x	CO	HC	Particulates.	others (specify).
(1)	(2-a)	(2-b)	(2-c)	(2-d)	(2-e)	(2-f)	(2-g)

- (c) (i) Particulates analysis (if available) size distribution. 50 n Per cent Stack No.
10 n Per cent
5 n Per cent
3 n Per cent
1 n Per cent
- (ii) Chemical composition (if available).
15. Give details of flue gas sampling arrangements.
16. Give details of laboratory facilities available for analysis of emission.
17. Is there sufficient space available for installing air pollution control equipment?
18. Details of air pollution control systems. (a) Existing. (b) Proposed.

Give detailed specification (Collectors, precipitators, filters, scrubbers, etc.)
19. State the total quantity of air handled by ventilation equipment. Specify size and number of equipments installed or to be installed.
20. Give the following details:—
- (a) Gross Fixed assets of the industrial plant.
- (b) The estimated expenditure for implementation of the scheme to control air pollution.
- (c) Expenditure incurred to date and progress achieved (physical) for air pollution control, if any, and the yearwise investments along with physical progress achieved. The applicant should give details of action taken to date and the expenditure incurred and the time required for the completion of the scheme.

- (d) Annual operation and maintenance cost of air pollution control plant if any.
- (e) Further action that is being taken proposed to be taken by the firm to control air pollution.

21. Other relevant information, if any.

Signature

Name and Address of the applicant:

On behalf of (the address of the industrial plant) :

Explanatory Note for filling in the form and the Annexure.

The notes are given only for those items for which explanation is considered desirable.

FORM.

1 Here mention the name of the owner of the land/premises, if other than the applicant industry or factory carrying out
if land/premises belong to the factory/industry, write "self".

2 Here mention the date up to which the consent is sought for

ANNEXURE TO FORM.

"Existing" means that which is in operation at the time of applying for the consent.

"New" means that which will be brought into operation in future.

"Altered" means that which has been modified due to change in quantity and/or quality of emission arrangement and/or point of emission, etc.

Item No.1: Here mention the name of the owner of the land/premises if it is other than the applicant industry or factory which is carrying out legal business as per Air Prevention and Control of Pollution Act, 1981, if land/premises belong to the factory/industry, write "self".

Item No. 2: Here give the registered name of the industry/institution/factory, etc., under which the business is carried out.

Item No. 6: Applicable only to those areas which are prohibited areas such as the ordinance factories, mint., etc.

Item No. 10(c): Here state the temperature in degree C. in summer, winter, monsoon and post-monsoon seasons.

Item No. 10(d): Here state the seasonal average, direction and speed in and around the site of the plant. The above information can be had from the respective meteorological centre.

Item No. 13: Analysis of the flue gas emission and process emission and particulate analysis should be done for each stack/emission. Wherever stacks are not provided concentration of specific pollutants at the top floor should be reported.

Chemical analysis of the particulate matter in the emission should be furnished giving details such as organic matter, metals; non-metals, radioactive substances, asbestos, silicates, etc.

Item No. 18: Here state the detailed specifications including efficiency of the control system used or proposed to be used. Also furnish the layout of the control system with dimensions.

Item No. 19: Here state the total quantity of air handled by equipments such as roof extractors, evaporative coolers, etc.

FORM II.
TAMIL NADU POLLUTION CONTROL BOARD.
NOTICE OF INSPECTION.

[See rule 9 (2) of the Tamil Nadu Air (Prevention and Control of Pollution) Rules,
1983.]

To

.....
.....

TAKE NOTICE that for the purpose of enquiry under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981), the following officers of the Tamil Nadu Pollution Control Board, namely:—

- (i) Thiru
- (ii) Thiru
- (iii) Thiru

and the persons authorised by the Board to assist them will inspect any systems of your Industrial Plant, any parts thereof pertaining thereto under your management/control on(date) between hours, when all facilities requested by them for such inspection should be made available to them on the site. Take notice that refusal or denial to the above stated demand shall be punishable under section 37 (1) of the said Act.

(By order of the Board.)

Member-Secretary.

Copy to

.....
.....
.....

FORM III .

**TAMIL NADU POLLUTION CONTROL BOARD.
NOTICE OF INTENTION TO HAVE SAMPLE ANALYSED .**

[See Rule 12 of the Tamil Nadu Air (Prevention and
Control of Pollution) Rules, 1983.]

To

Take notice in your capacity as occupier or agent of the premises from which sample of air/emission is taken that it is intended to have analysed the sample of air/emission which is being taken today the _____ day of 19____ from _____ the said premises, namely, ¹

Your attention is particularly invited to clause (d) of sub- section (3) of section 26 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981) under which you have an option to request the person taking the sample to send the container or containers containing the sample to the state air laboratory for analysis at your cost.

Name and designation of the person who takes the sample.

¹ Here specify the stack, chimney or any other outlets from which sample of air emission, etc., is being taken.

FORM IV.

**TAMIL NADU POLLUTION CONTROL BOARD.
REPORT BY THE BOARD ANALYST.**

[See Rule 13 (1) of the Tamil Nadu Air (Prevention and
Control of Pollution) Rules, 1983.]

Report No.

Dated the

I hereby certify that I, ¹ _____ Board Analyst duly appointed under sub-section (2) of section 29 of the Air (Prevention and Control of Pollution) Act, 1981, received on the ² _____ day of 19 _____ From ³ _____ a sample of _____ for analysis. The sample was in a condition fit for the analysis reported below.

⁴ The condition of the seals, fastening and container on receipt was as follows:—

I further certify that I have analysed the aforementioned sample on ⁵ _____ and declare the result of the analysis to be as follows :—

6

Signed this _____ day of _____ 19 _____

(Signature)
Board Analyst.

Address:—

To

The Member-Secretary,
Tamil Nadu Pollution Control Board, Madras.

-
1. Here write the full name of the Board Analyst.
 2. Here write the date of receipt of the sample.
 3. Here write the name of the Board or person or body of persons or officer from whom the sample was received.
 4. Here write the condition of seals, fastening and container.
 5. Here write the date of analysis.
 6. Here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM V.

**TAMIL NADU POLLUTION CONTROL BOARD.
REPORT BY THE GOVERNMENT ANALYST.**

[See Rule 13 (2) of the Tamil Nadu Air (Prevention and Control of
Pollution) Rules, 1983.]

Report No.

Dated the

I hereby certify that I, 1 Government Analyst duly appointed under
sub-section (1) of section 29 of the Air (Prevention and Control of Pollution)
Act, 1981, received on
2 the day of
19 from 3 a sample of
for analysis. The sample was in a condition fit for the analysis reported below.
The condition of seals, fastening and container on receipt was as follows :—
4

I further certify that I have analysed the aforementioned sample on 5
and declare the result of the analysis to be as follows:—

6
Signed this day of 19

(Signature)
Government Analyst.

Address:

To

The Member-Secretary,
Tamil Nadu Pollution Control Board, Madras.

-
1. Here write the full name of the Government Analyst.
 2. Here write the date of receipt of the sample.
 3. Here write the name of the Board or person or body of persons or officer from whom the sample was received.
 4. Here mention the condition of the seal, fastening, etc., of the container.
 5. Here write the date of analysis.
 6. Here write details of the analysis and refer to the method of analysis. If the space is not adequate, the details may be given on a separate sheet of paper.

FORM VI.

TAMIL NADU POLLUTION CONTROL BOARD.**FORM OF THE REGISTER TO BE MAINTAINED IN RESPECT OF CONSENTS
ISSUED UNDER SECTION 21 OF THE ACT.**

[See Rule 15 of the Tamil Nadu Air (Prevention and Control of Pollution)
Rules, 1983.]

I. General.—

- (a) Consent is issued to:
(Corporation, Company, Government Agency, Firm, etc.)
- (b) Postal address:

**II. Location of plant or facilities (Latitude and Longitude must be to the nearest
of 15 seconds).—**

- (a) Nearest city District
- (b) Latitude Longitude
- (c) Is it located in air-pollution control area—Yes/No.
If Yes, identification of air-pollution control area

III. Type of operation or process—

- (a) Name of operation or process
- (b) Schedule identification number

IV. Classification of consent—

Yes No

- (a) Proposed
- (b) Operating
- (c) Modification of existing emission source
- (d) Change in location
- (e) Change in Ownership
- (f) Present consent order number if any

V. Implementation Dates—

- (a) In the case of proposed Industries
Operation expected to begin'
by (date)
- (b) Air-pollution and emission control equipment to be
installed by (date)
- (c) Standards to be achieved by (date)

VI. Emission Standards:

Emission source Number.	Air-Pollutant Emitted.	Emission rate Kg/hr. or mg./sec.
(1)	(2)	(3)

VII. Consent conditions, if any.

FORM VII.

TAMIL NADU POLLUTION CONTROL BOARD.

FORM OF APPEAL UNDER SECTION 31 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981 (CENTRAL ACT 14 OF 1981).

[See Rule 16 (1) of the Tamil Nadu Air (Prevention and Control of Pollution) Rules, 1983.]

Before

[Here mention the name and designation of the Appellate Authority constituted under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981)].

Thiru

(Appellant.)
VS.

The Tamil Nadu Pollution Control Board
(Respondent).

The appeal of Thiru

resident of

District

against the order

dated

passed by the Tamil Nadu Pollution Control Board under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 showeth as follows:—

(1) Under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981) the appellant has been granted consent subject to the condition mentioned in the consent order in respect of the company/Corporation/Municipality/notified area committee, etc., noted below :—

(a) Name of plant/Company/Corporation/Municipality, etc., with exact address :—

(b) Place :—

(c) District: —

A copy of the consent order in question is attached hereto. The consent order was received by me on:

(2) The facts of the case are as under: (here briefly mention the facts of the case).

(3) The grounds on which the appellant relies for the purpose of this appeal are as below (here mention the grounds on which appeal is made):

- 1.
- 2.
- 3.

(4) In the light of what is stated above, the appellant respectfully prayeth that (here mention specific relief asked for).

Signature of the Appellant.
(Name in Block Letters)

Occupation.

Address

Dated :

Verification.

I (appellant's name) as appellant/duly authorised agent do/does hereby declare that what is stated in this memorandum of appeal is true to the best of my knowledge and belief and nothing has been hidden.

Signature:

Name (in Block Letters)

Occupation

Address

. Dated :

FORM VIII.
TAMIL NADU POLLUTION CONTROL BOARD.
FORM OF NOTICE.

[See Rule 16 (4) of the Tamil Nadu Air (Prevention and Control of Pollution) Rules, 1983.]

Before _____ (here mention the name and designation of the Authority) Appellate Authority constituted under Section 31(1) of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981).

In the matter of appeal No. _____ 19 filed under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981) by Thiru _____ (here mention the name and address of the appellant)

WHEREAS THIRU _____ (here mention the name and address of the appellant) has filed before this Authority a Memorandum of appeal against the order _____ dated _____ passed by the Tamil Nadu Pollution Control Board under section 21 of the Act.

AND WHEREAS under sub-section (4) of section 31 of the Act, this Authority is required to give to the parties an opportunity of being heard.

NOW THEREFORE, take notice that this Authority has fixed _____ as the date of hearing of the aforesaid appeal. The hearing shall take place at _____ a .m/p.m.on that date at _____

You are hereby called upon to appear before this Authority at the appointed time and date and place, either in person or through a duly authorised agent, and explain your case. Take notice that failure on your part to appear on the date of hearing either in person or through a duly authorised agent, without showing sufficient cause to the satisfaction of this Authority, will make your appeal liable to be dismissed or decided ex-parte.

Given by order of the Appellate Authority at _____
This _____ day of _____ 19 _____

(Seal)

(By order of the Governor.)

M. AHMED.
Commissioner and Secretary to Government.

GOVERNMENT OF TAMIL NADU

ABSTRACT

AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981
(Central Act 14 of 1981) - Enhancement of rates of consent fees—
Amendment to Tamil Nadu Air (Prevention and Control of Pollution)
Rules, 1983 - Issued.

ENVIRONMENT & FORESTS DEPARTMENT

G.O.Ms.No.263

Dated the 26th April 1989

Read :—

1. G.O.Ms.No:3, E.C., dated 27.9.83.
2. From the Chairman, Tamil Nadu Pollution Control Board, Lr.No:BMS (3)/1429/88, dated: 12.1.89.

ORDER :

The appended notification will be published in the next issue of the Tamil Nadu Government Gazette.

2. The revised rates of consent fee payable by the industries, shall come into force from the date of publication of the notification.

D. SUNDARESAN

COMMISSIONER & SECRETARY TO GOVERNMENT.

To

The Works Manager,
Government Central Press, Madras-79.
(for publication in the Tamil Nadu Government Gazette).
The Chairman, Tamil Nadu Pollution Control Board,
32, Santhome High Road, Madras-4.
The Member Secretary, Tamil Nadu Pollution Control Board,
32, Santhome High Road, Madras-4.

Forwarded/by order.

Sd/—
SECTION OFFICER.

NOTIFICATION

In exercise of the powers conferred by clause (1) of sub-section (2) of section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981), the Governor of Tamil Nadu, after consultation with the Tamil Nadu Pollution Control Board, hereby makes the following amendment to the Tamil Nadu Air (Prevention and Control of Pollution) Rules, 1983.

AMENDMENT

In the said Rules, in Chapter V for sub-rule (1) of rule 8, the following sub-rule shall be substituted, namely:—

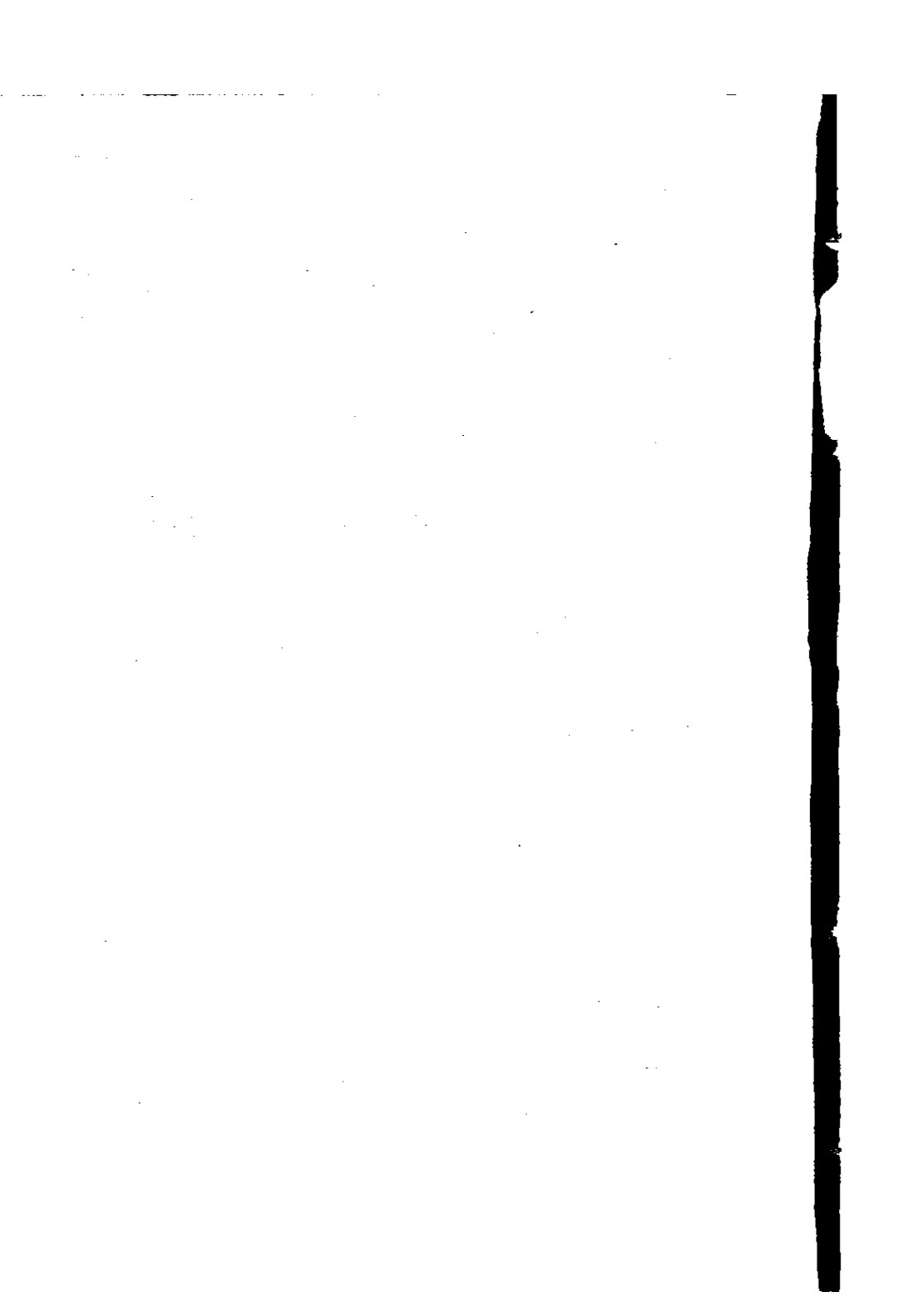
"(1) Every application under rule 7 shall be accompanied by the following fees, calculated on the basis of the gross fixed assets of the industrial plant as estimated nearest to the date of application, namely:—

THE TABLE

SL NO. (1)	GROSS FIXED ASSETS (2)	AMOUNT OF CONSENT FEE (3)
1.	More than Rupees ten crores.	15,000/-
2.	More than Rupees five crores and upto ten crores.	10,000/-
3.	More than Rupees one crore and upto Rupees five crores.	5,000/-
4.	More than Rupees fifty lakhs and upto Rupees one crore.	3,000/-
5.	More than Rupees twenty five lakhs and upto Rupees fifty lakhs.	2,000/-
6.	More than Rupees ten lakhs and upto Rupees twenty five lakhs.	1,500/-
7.	More than Rupees five lakhs and upto Rupees ten lakhs.	1,000/-
8.	More than Rupees one lakh and upto Rupees five lakhs.	250/-
9.	Rupees one lakh or less.	100/-

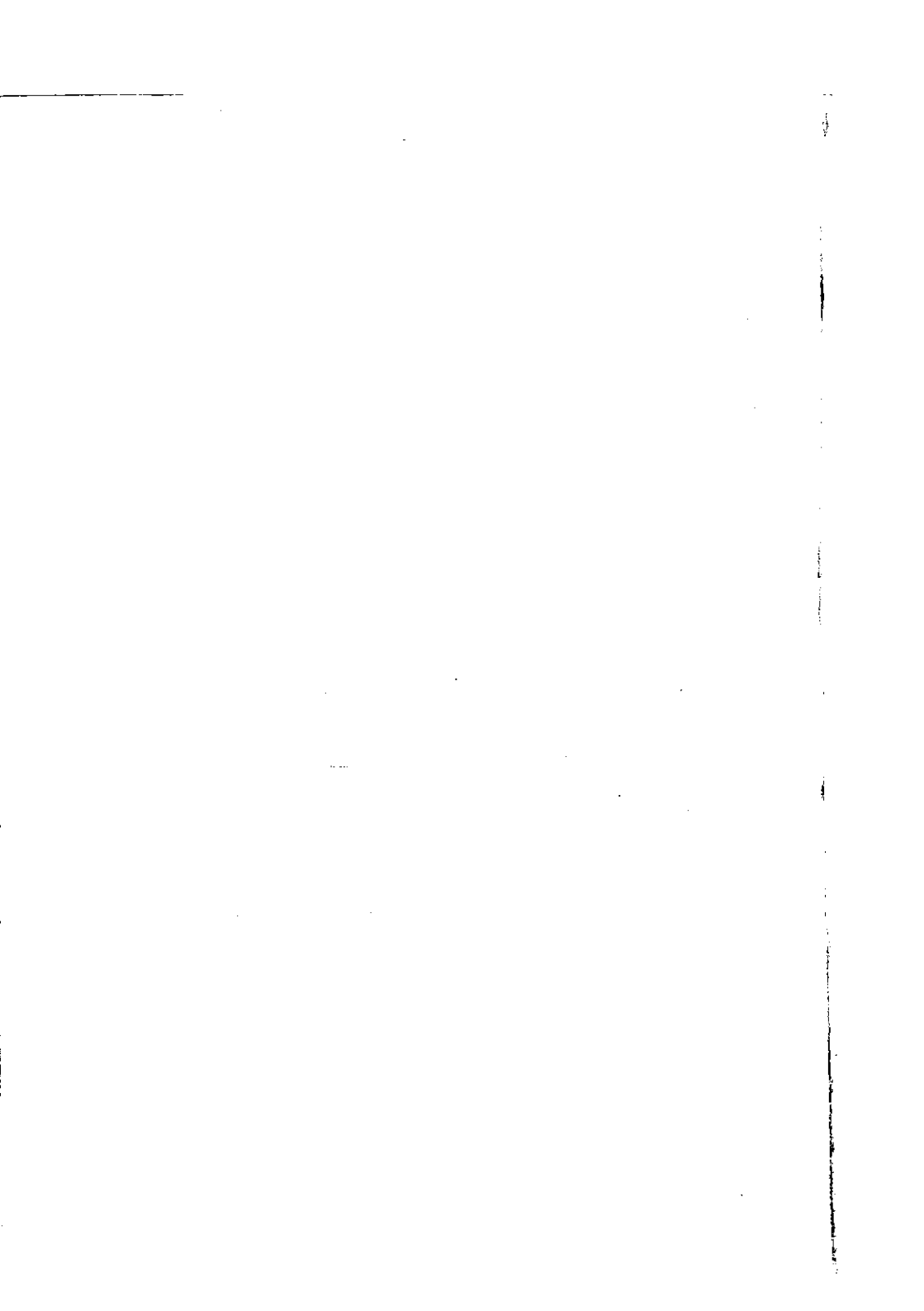
D. SUNDARESAN,
COMMISSIONER AND SECRETARY TO GOVT.

Sd/-
SECTION OFFICER.



The Environment (Protection) Act, 1986

(Act No. 29 of 1986)



THE ENVIRONMENT (PROTECTION) ACT, 1986

[ACT No. 29 OF 1986]

[23rd May, 1986.]

An Act to provide for the protection and improvement of environment and for matters connected there with.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;

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

CHAPTER I . PRELIMINARY

1. (1) This Act may be called the Environment (Protection) Act, 1986.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different areas.

Short title, extent and commencement.

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;

(b) "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;

(c) "environmental pollution" means the presence in the environment of any environmental pollutant;

(d) "handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;

(e) "hazardous substance" means any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-organism, property or the environment;

(f) "occupier", in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises and includes, in relation to any substance, the person in possession of the substance;

(g) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

GENERAL POWERS OF THE CENTRAL GOVERNMENT

3. (1) Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.

Power of Central Government to take measures to protect and improve environment.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely:—

(i) co-ordination of actions by the State Governments, officers and other authorities—

(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever :

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;

(xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

4. (1) Without prejudice to the provisions of sub-section (3) of Section 3, the Central Government may appoint officers with such designations as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

Appointment of officers and their powers and functions.

(2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that Government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3 or of any other authority or officer.

5. Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this

Power to give directions.

Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Explanation.— For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) stoppage or regulation of the supply of electricity or water or any other service.

6. (1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.

(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:—

- (a) the standards of quality of air, water or soil for various areas and purposes;
- (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;
- (c) the procedures and safeguards for the handling of hazardous substances;
- (d) the prohibition and restrictions on the handling of hazardous substances in different areas;
- (e) the prohibition and restrictions on the location of industries and the carrying on of processes and operations in different areas;
- (f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.

**CHAPTER III
PREVENTION, CONTROL AND ABATEMENT OF
ENVIRONMENTAL POLLUTION**

7. No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

Persons carrying on industry, operation, etc, not to allow emission or discharge of environmental pollutants in excess of the standards.

8. No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed.

Persons handling hazardous substances to comply with procedural safeguards.

9. (1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the environmental pollution caused as a result of such discharge and shall also forthwith—

Furnishing of information to authorities and agencies in certain cases.

(a) intimate the fact of such occurrence or apprehension of such occurrence; and

(b) be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the authorities or agencies referred to in sub-section (1) shall, as early as practicable, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution.

(3) The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.

Powers
of entry
and ins-
pection.

10. (1) Subject to the provisions of this section, any person empowered by the Central Government in this behalf shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place—

(a) for the purpose of performing any of the functions of the Central Government entrusted to him;

(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

(c) for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder or that such seizure is necessary to prevent or mitigate environmental pollution.

(2) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person wilfully delays or obstructs any person empowered by the Central Government under sub-section (1) in the performance of his functions, he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provision of the said law.

Power to take sample and procedure to be followed in connection therewith.

11. (1) The Central Government or any officer empowered by it in this behalf, shall have power to take, for the purpose of analysis, samples of air, water, soil or other substance from any factory, premises or other place in such manner as may be prescribed.

(2) The result of any analysis of a sample taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.

(3) Subject to the provisions of sub-section (4), the person taking the sample under sub-section (1) shall—

(a) serve on the occupier or his agent or person in charge of the place, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(b) in the presence of the occupier or his agent or person, collect a sample for analysis;

(c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent or person;

(d) send without delay, the container or the containers to the laboratory established or recognised by the Central Government under section 12.

(4) When a sample is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent or person, a notice under clause (a) of sub-section (3), then,—

(a) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample for analysis to be placed in a container or con-

tainers which shall be marked and sealed and shall also be signed by the person taking the sample, and

(b) in a case where the occupier or his agent or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the samples,

and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised under section 12 and such person shall inform the Government Analyst appointed or recognised under section 13 in writing, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

12. (1) The Central Government may, by notification in the Official Gazette,—

(a) establish one or more environmental laboratories;

(b) recognise one or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act.

(2) The Central Government may, by notification in the Official Gazette, make rules specifying—

(a) the functions of the environmental laboratory;

(b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;

Environmental
labora-
tories.

(c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

Government
Analysts.

13. The Central Government may by notification in the Official Gazette, appoint or recognise such persons as it thinks fit and having the prescribed qualifications to be Government Analysts for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognised under sub-section (1) of section 12.

Reports of
Government
Analysts.

14. Any document purporting to be a report signed by a Government analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

Penalty for
contraven-
tion of the
provisions
of 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 or 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.

Offences by
companies.

16. (1) Where any offence under this Act 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 the offence and shall be liable to be proceeded against and punished accordingly:

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 or that he exercised all due diligence to prevent the commission of such offence.

(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 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.

Explanation.— For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "director", in relation to a firm, means a partner in the firm.

17. (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences
by Govern-
ment
Depart-
ments.

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercise all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a Department of Government 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 officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER IV MISCELLANEOUS

Protection of
action
taken in
good faith.

18. No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

Cognizance
of offences.

19. No court shall take cognizance of any offence under this Act except on a complaint made by --

(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given 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 Central Government or the authority or officer authorised as aforesaid.

Information,
reports or
returns.

20. The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other

authority to furnish to it or any prescribed authority or officer any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.

21. All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rules made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Members, officers and employees of the authority constituted under section 3 to be public servants.

22. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under this Act.

Bar of jurisdiction.

23. Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act [except the power to constitute an authority under sub-section (3) of section 3 and to make rules under section 25] as it may deem necessary or expedient, to any officer, State Government or other authority.

Power to delegate.

24. (1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

Effect of other laws.

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

Power to
make rules.

25. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(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:—

(a) the standards in excess of which environmental pollutants shall not be discharged or emitted under section 7;

(b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be handled or cause to be handled under section 8;

(c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom all assistance shall be bound to be rendered under sub-section (1) of section 9;

(d) the manner in which samples of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11;

(e) the form in which notice of intention to have a sample analysed shall be served under clause (a) of sub-section (3) of section 11;

(f) the functions of the environmental laboratories, the procedure for the submission

to such laboratories of samples of air, water, soil and other substances for analysis or test; the form of laboratory report; the fees payable for such report and other matters to enable such laboratories to carry out their functions under sub-section (2) of section 12;

(g) the qualifications of Government Analyst appointed or recognised for the purpose of analysis of samples of air, water, soil or other substances under section 13;

(h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19;

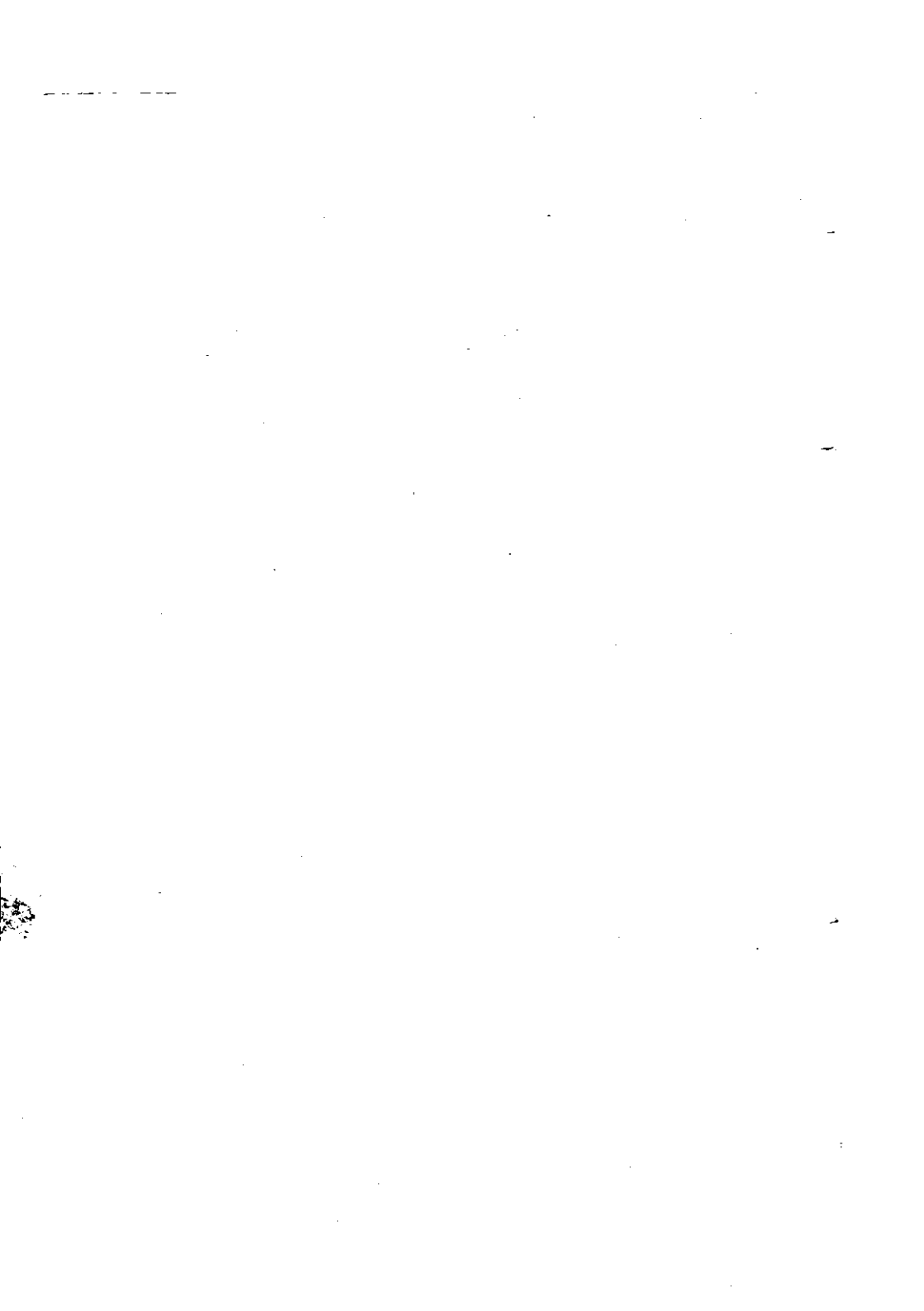
(i) the authority or officer to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20;

(j) any other matter which is required to be, or may be, prescribed.

26. Every rule made 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 sessions 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 validity of anything previously done under that rule.

Rules made under this Act to be laid before Parliament.

C. RAMAN MENON,
Additional Secy. to the Govt. of India.



THE ENVIRONMENT (PROTECTION) RULES, 1986.★

MINISTRY OF ENVIRONMENT & FORESTS
(Department of Environment, Forests & Wildlife)
New Delhi, the 19th November, 1986

NOTIFICATION

S.O. 844 (E).- In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement:—

- (i) These rules may be called the Environment (Protection) Rules, 1986.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :— In these rules, unless the context otherwise requires, —

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "Central Board" means the Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (c) "Form" means a form set forth in Appendix A to these rules;
- (d) "Government Analyst" means a person appointed or recognized as such under section 13;
- (e) "person" in relation to any factory or premises means a person or occupier or his agent who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance;

- (f) "recipient system" means the part of the environment such as soil, water, air or other which receives the pollutants;
- (g) "section" means a section of the Act;
- (h) "Schedule" means a Schedule appended to these rules;
- (i) "Standards" means standards prescribed under these rules;
- (j) "State Board" means a State Board for the Prevention and Control of Water Pollution Constituted under section 4 of the Water (Prevention and Control of Water Pollution) Act, 1974 (6 of 1974) or a State Board for the Prevention and Control of Air Pollution constituted under section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

3. Standards for emission or discharge of environmental pollutants :

- (1) For the purposes of protecting and improving the quality of the environment and preventing and abating environmental pollution, the Standards for emission or discharge of environmental pollutants from the industries, operations or processes shall be as specified in the Schedule:

Provided where an industry, operation or process has been granted time by the Central Board or a State Board to implement a time bound programme to treat the environmental pollutants so as to bring them to the standards prescribed under these rules after specifying certain conditions and where such an industry, operation or process by adhering strictly to such stipulations specified by the Central or the State Board discharges environmental pollutants in excess of the prescribed standards during such periods of such time-bound programme, such discharge shall not be considered as an offence under the Act.

- (2) Notwithstanding anything contained in sub-rule (1), the Central Board or a State Board may specify more stringent standards from those provided in the Schedule in respect of any specific industry, operation or process depending upon the quality of the recipient system and after recording reasons therefor in writing.

4. Directions:

1. Any direction issued under section 5 shall be in writing.
 2. The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.
 - 3(a) The person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction and shall be given an opportunity of not less than fifteen days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.
- * * *
- 3(b)
 - (4) The Central Government shall within a period of 45 days from the date of receipt of the objections, if any, or from the date upto which an opportunity is given to the person, officer or authority to file objections whichever is earlier, after considering the objections, if any, received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.
 - (5) In a case where the Central Government is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity.
 - (6) Every notice or direction required to be issued under this rule shall be deemed to be duly served—

- (a) where the person to be served is a company, if the document is addressed in the name of the company at its registered office or at its principal office or place of business and is either--
- (i) sent by registered post, or
 - (ii) delivered at its registered office or at the principal office or place of business;
- (b) where the person to be served is an officer serving Government, if the document is addressed to the person and a copy thereof is endorsed to this Head of the Department and also to the Secretary to the Government, as the case may be, in charge of the Department in which for the time being the business relating to the Department in which the officer is employed is transacted and is either--
- (i) sent by registered post, or
 - (ii) is given or tendered to him ;
- (c) in any other case, if the document is addressed to the person to be served and--
- (i) is given or tendered to him, or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or
 - (iii) is sent by registered post to that person.

Explanation :- For the purposes of this sub-rule,--

- (a) "company" means any body corporate and includes a firm or other association of individuals;
- (b) "a servant" is not a member of the family.

5. Prohibition and restriction on the location of industries and the carrying on processes and operations in different areas :

- (1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas:—
- (i) Standards for quality of environment in its various aspects laid down for an area.
 - (ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.
 - (iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.
 - (iv) The topographic and climatic features of an area.
 - (v) The biological diversity of the area which in the opinion of the Central Government needs to be preserved.
 - (vi) Environmentally compatible land use.
 - (vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.
 - (viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972 or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.

- (ix) Proximity to human settlements.
 - (x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.
- (2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the Central Government shall follow the procedure hereinafter laid down.
- (3) (a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.
- (b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area.
- (c) Any person interested in filing an objection against the imposition of prohibition or restrictions on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication of the notification in the Official Gazette.
- (d) The Central Government shall within a period of one hundred and twenty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may impose prohibition or restrictions on location of such industries and the carrying on of any process of operation in an area.

6. Procedure for taking samples:—

The Central Government or the officer empowered to take samples under section 11 shall collect the sample in sufficient quantity to be divided into three uniform parts and effectively seal and suitably mark the same and permit the person from whom the sample is taken to add his own seal or mark to all or any of the portions so sealed and marked. In case where the sample is made up in containers of small volumes and is likely to deteriorate or be otherwise damaged if exposed, the Central Government or the officer empowered shall take three of the said samples without opening the containers and suitably seal and mark the same. The Central Government or the officer empowered shall dispose of the samples so collected as follows:—

- (i) One portion shall be handed over to the person from whom the sample is taken under acknowledgement;
- (ii) the other portion shall be sent forthwith to the environmental laboratory for analysis; and
- (iii) the last portion shall be retained by him to be produced in the Court before which proceedings, if any, are instituted.

7. Service of notice :—

The Central Government or the officer empowered shall serve on the occupier or his agent or person in charge of the place a notice then and there in Form I of his intention to have the sample analysed.

8. Procedure for submission of samples for analysis and the form of laboratory report thereon :—

- (1) Sample taken for analysis shall be sent by the Central Government or the officer empowered to the environmental laboratory by registered post or through special messenger along with Form II.
- (2) Another copy of Form II together with specimen impression of seals of the officer empowered to take samples along with the seals/marks, if any, of the person from whom the sample is taken shall be sent separately in a

sealed cover by registered post or through a special messenger to the environmental laboratory.

- (3) The findings shall be recorded in Form III in triplicate and signed by the Government Analyst and sent to the officer from whom the sample is received for analysis.
- (4) On receipt of the report of the findings of the Government Analyst, the officer shall send one copy of the report to the person from whom the sample was taken for analysis, the second copy shall be retained by him for his records and the third copy shall be kept by him to be produced in the Court before which proceedings, if any, are instituted.

9. Functions of environmental laboratories:—

The following shall be the functions of environmental laboratories:—

- (i) to evolve standardised methods for sampling and analysis of various types of environmental pollutants;
- (ii) to analyse samples sent by the Central Government or the officers empowered under sub-section (1) of section 11;
- (iii) to carry out such investigations as may be directed by the Central Government to lay down standards for the quality of environment and discharge of environmental pollutants, to monitor and to enforce the standards laid down;
- (iv) to send periodical reports regarding its activities to the Central Government;
- (v) to carry out such other functions as may be entrusted to it by the Central Government from time to time.

10. Qualifications of Government Analyst:—

A person shall not be qualified for appointment or recognised as a Government Analyst unless he is a :—

- (a) graduate in science from a recognised university with five years experience in a laboratory engaged in environmental investigations, testing or analysis; or
- (b) post-graduate in science or a graduate in engineering or a graduate in medicine or equivalent with two years experience in a laboratory engaged in environmental investigations, testing or analysis; or
- (c) post-graduate in environmental science from a recognised university with two years experience in a laboratory engaged in environmental investigations, testing or analysis.

11. Manner of giving notice :—

The manner of giving notice under clause (b) of section 19 shall be as follows, namely :—

- (1) The notice shall be in writing in Form IV.
- (2) The person giving notice may send notice to, -
 - (a) if the alleged offence has taken place in a Union territory:
 - (A) the Central Board, and
 - (B) Ministry of Environment and Forests (represented by the Secretary to the Government of India);
 - (b) if the alleged offence has taken place in a State :—
 - (A) the State Board; and
 - (B) the Government of the State (represented by the Secretary to the State Government incharge of environment); and
 - (C) the Ministry of Environment and Forests (represented by the Secretary to the Government of India);
- (3) The notice shall be sent by registered post acknowledgement due; and
- (4) The period of sixty days mentioned in clause (b) of section 19 of the Environment (Protection) Act, 1986 shall be reckoned from the date it is first received by one of the authorities mentioned above.

SCHEDULE 1
(See rule 3)

Sl. No.	Industry	Parameter	Standards
1	2	3	4
1.	Caustic Soda Industry	Total concentration of mercury in the final effluent*	Concentration not to exceed, milligramme per litre (except for PH and flow) 0.01
		Mercury bearing waste-water generation (flow) pH	10 Kilo litres / tonne of caustic soda produced. 5.5 to 9.0
		* Final effluent is the combined effluent from (a) cell house, (b) brine plant, (c) chlorine handling (d) hydrogen handling (e) hydrochloric acid plant	
2.	Man-made fibres (synthetic)	Suspended solids Bio-chemical oxygen demand, 5 day 20 ° C pH	Concentration not to exceed milligramme per litre (except for pH) 100 30 5.5 to 9.0

1	2	3	4
3.	Oil refinery industry	Concentration, not to exceed, milligramme per litre (except for pH) Oil and grease Phenol Sulphide Bio-chemical oxygen demand, 5 day 20 ° C suspended solids pH	Quantum, kg/1000 tonnes crude processed. 10 1 0.5 15 20 6 to 8.5 7 0.7 0.35 10.5 14
4.	Sugar industry	Bio-chemical oxygen demand, 5 day 20 ° C	Concentration not exceed, milligramme per litre 100 for disposal on land 30 for disposal in surface waters
Suspended solids			100 for disposal on land 30 for disposal in surface waters.
5.	Thermal power plants	Condensor cooling waters (once through cooling system) pH Temperature	Maximum limiting concentration, milligramme per litre (except for pH and temperature) 6.5-8.5 Not more than 5 ° C higher than the intake water temperature.

1	2	3	4
		Free available chlorine	0.5
	Boiler blowdowns	Suspended solids	100
		Oil and grease	20
		copper (total)	1.0
		Iron (total)	1.0
	Cooling tower blowdown	Free available chlorine	0.5
		Zinc	1.0
		Chromium (total)	0.2
		Phosphate	5.0
		Other corrosion inhibiting material	Limit to be established on case by case basis by Central Board in case of Union territories and State Boards in case of States.
	Ash pond effluent	pH	6.5 - 8.5
		Suspended solids	100
		Oil and grease	20

1	2	3	4
6.	Cotton textile industries (composite and processing)	Common pH Suspended solids Bio-chemical oxygen demand, 5 day 20° C Oil and grease Bio-assay test Special : Total chromium (as Cr) Sulphide (as S) Phenolic compounds (as C ₆ H ₅ OH)	Concentration not to exceed, milligramme per litre (except for pH and bio-assay) 5.5 to 9 100 150 10 90% survival of fish after 96 hours 2 2 5

The special parameters are to be stipulated by the Central Board in case of Union territories and State Boards in case of States depending upon the dye used in the industry. Where the Industry uses chrome dyes, sulphur dyes and/or phenolic compounds in the dyeing/printing process, the limits on chromium of 2 mg/litre, sulphides of 2 mg/litre and phenolic compounds of 5 mg/litre respectively shall be imposed.

Where the quality requirement of the recipient system so warrants, the limit of BOD should be lowered upto 30 according to the requirement by the State Boards for the States and the Central Board for the Union territories.

A limit on sodium absorption ratio of 26 should be imposed by the State Boards for the States and the Central Board for the Union territories if the disposal of effluent is to be made on land.

1	2	3	4
---	---	---	---

7. Composite woollen mills

Common :	Suspended solids	Concentration not to exceed, milligramme per litre. (except for pH and bio-assay)
	pH	100
	Bio-chemical oxygen demand, 5 day 20 °C	5.5 to 9.0
	Oil and grease	100
	Bio-assay	10
		90% survival of fish after 96 hours

1	2	3	4
---	---	---	---

Special :

Total chromium (as Cr) 2

Sulphide (as S) 2

Phenolic compounds (as C₆H₅OH) 5

The special parameters are to be stipulated by the Central Board In case of Union territories and State Boards In case of States depending upon the dye used in the industry. Where the industry uses chrome dyes, sulphur dyes and/or phenolic compounds in the dyeing/printing process, the limits on chromium of 2 mg/litre, sulphide of 2 mg/litre and phenolic compounds of 5 mg/litre respectively shall be imposed.

Where the quality requirement of the recipient system so warrants, the limit of BOD should be lowered upto 30 according to the requirement by the State Boards for the States and the Central Board for the Union territories.

A limit on sodium absorption ratio of 26 should be imposed by the State Boards for the States and the Central Board for the Union territories if the disposal of effluent is to be made on land.

APPENDIX A

FORM I

(See rule 7)

Notice of intention to have sample analysed

To

.....
.....

Take notice that it is intended to have analysed the sample of
..... which has been taken today, the
..... day of
19..... from
.....

.....
(Name and designation of the person who takes the sample)

* *specify the place from where the sample is taken.*

(SEAL)

DATE

FORM II

(See rule 8)

MEMORANDUM TO GOVERNMENT ANALYST

From

.....
.....

To

The Government Analyst

.....
.....

The portion of sample described below is sent herewith for analysis (under rule 6 of the Environment (Protection) Rules, 1986.

The portion of the sample has been marked by me with the following mark :

Details of the portion of sample taken

Date

Name and designation of person who sends sample.
(SEAL)

FORM III
(See rule 8)

REPORT BY GOVERNMENT ANALYST

Report No.

Date

I hereby certify that, Government Analyst duly appointed under section 13 of the Environment (Protection) Act, 1986 received on the day of 19..... from

* a sample of for analysis. The sample was in a condition fit for analysis as reported below.

I further certify that I have analysed the aforementioned sample on and declare the result of the analysis to be as follows:

**

The condition of seals, fastening of sample on receipt was as follows:

.....

Signed this day of 19.....

Address.....

Signature

(Government Analyst)

To

* Here write the name of the officer/authority from whom sample was obtained.
** Here write full details of analysis and refer to method of analysis.

FORM IV
(See rule 11)
FORM OF NOTICE

By registered post acknowledgement due

From (1)

Shri
.....
.....

To

.....
.....

Notice Under Section 19 (b) of the Environment (Protection) Act, 1986.

Whereas an offence under the Environment (Protection) Act, 1986 has been committed/is being committed by(2)

I/we hereby give notice of 60 days under section 19 (b) of the Environment (Protection) Act, 1986 of my/our intention to file a complaint in the court against(2) for violation of section of the Environment (Protection) Act, 1986.

In support of my/our notice, I am/we are enclosing the following documents (3) as evidence of proof of violation of the Environment (Protection) Act, 1986.

Signature(s)

Place

Dated

Explanation :

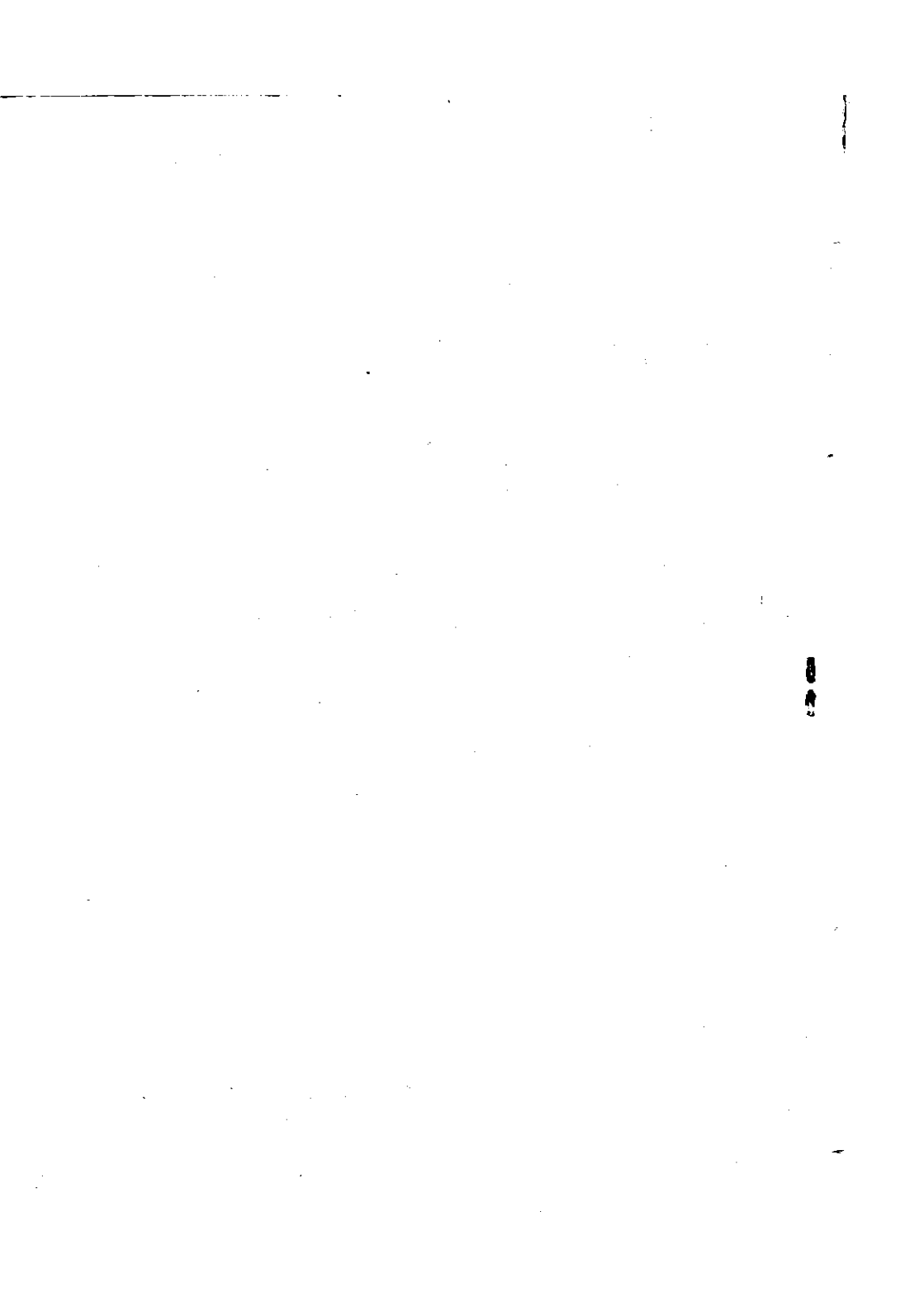
(1) In case the notice is given in the name of a company, documentary evidence authorising the person to sign the notice on behalf of the company shall be enclosed to this notice.

Company for this purpose means a company defined in explanation to sub-rule (6) of rule 4.

(2) Here give the name and address of the alleged offender. In case of a manufacturing/processing/operating unit, indicate the name/location/nature of activity, etc.

(3) Documentary evidence shall include photographs/technical reports/health reports of the area, etc.,for enabling enquiry into the alleged violation/offence.

[No.1 (18)/86-PL]
T.N. SESHAN, Secy.



THE ENVIRONMENT (PROTECTION) AMENDMENT RULES, 1987.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

NOTIFICATIONS

New Delhi, 16th February, 1987

S.O. 82(E)- In exercise of the powers conferred by section 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:-

1. (i) These rules may be called the Environment (Protection) Amendment Rules, 1987.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986 (hereinafter referred to as the principal rules), after rule 11, the following shall be inserted, namely : —

"12. Furnishing of information to the authorities and agencies in some cases : —

Where the discharge of environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person in charge of the place at which such discharge occurs or is apprehended to occur shall forth with intimate the fact of such occurrence or apprehension of such occurrence to all the following authorities or agencies, namely:—

(i) The officer-in-charge of emergency or disaster relief operations in a district or other region of a state or Union territory specified by whatever designation, by the Government of the said State or Union territory, and in whose jurisdiction the industry, process or operation is located.

- (ii) Central Board or a State Board, as the case may be, and its regional officer having local jurisdiction who have been delegated powers under sections 20, 21, 23 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and section 24 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).
- (iii) The statutory authorities or agencies specified in column 3 in relation to places mentioned in column 2 against thereof of the Schedule II".

3. Schedule to the principal rules shall be renumbered as Schedule (I).

4. After Schedule I, as so renumbered, the following shall be inserted, namely:-

SCHEDULE II

(See Rule 12)

Sl. No.	Place at which the discharge of any environmental pollutant in excess of prescribed standards occurs or is apprehended to occur	Authorities or agencies to be intimated	Appointed under
1	2	3	4

1. Factories as defined under the Factories Act, 1948-

(a) owned by Central Government and engaged in carrying out the purposes of the Atomic Energy Act, 1962;

(i) The Atomic Energy Regulatory Board (AERB)

The Atomic Energy Act, 1962

(ii) The Ministry of Environment and Forests.

(b) Factories other than those mentioned in paragraph (a)	(i) The Chief Inspector of Factories	The Factories Act, 1948
	(ii) The Inspector of Factories having local jurisdiction.	-do-
	(iii) The Ministry of Environment and Forests.	-
2. Mine as defined under the Mines and Minerals (Regulation and Development) Act, 1957	(i) The Controller General of Indian Bureau of Mines	The Mines and Minerals (Regulation & Development) Act, 1957.
	(ii) Deputy Controller of Mines, having local jurisdiction	-do-
	(iii) The Ministry of Environment and Forests.	-
3. Port as defined under the Indian Ports Act, 1908	(i) Conservator of Ports	The Indian Ports Act, 1908
	(ii) The Ministry of Environment and Forests.	-
4. Plantation as defined under the Plantations Labour Act, 1951	(i) The Chief Inspector of Plantations.	The Plantations Labour Act, 1951.
	(ii) The Inspector of Plantations having local jurisdiction.	-do-
	(iii) The Ministry of Environment and Forests.	-

5. Motor Vehicle as defined under the Motor Vehicles Act, 1939	(i) State Transport Authority	The Motor Vehicles Act, 1939.
	(ii) Regional Transport Authority having regional jurisdictions.	-do-
	(iii) The Ministry of Environment and Forests.	-
6. Ship as defined under the Merchant Shipping Act, 1958	(i) Director General of Shipping	The Merchant Shipping Act, 1958.
	(ii) Surveyor having jurisdiction.	-do-
	(iii) The Ministry of Environment and Forests.	-

[No. 1(18)86-Pl.]

S.O. 83 (E) - In exercise of the powers conferred under sub-section (1) of section 10 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government hereby empowers the persons listed in the Table here below for the purposes of that sub-section.

TABLE

Sl. No.	Officer/Agency	Appointed under
1	2	3
1.	Director General, Factory Advice Service and Labour Institute.	Dock Workers (Safety, Health and Welfare) Act, 1986.
2.	Deputy Director General Factory Advice Service & Labour Institute.	-do-

Sl. No.	Officer/Agency	Appointed under
1	2	3
3.	Director (Dock Safety)	Dock Workers (Safety, Health and Welfare) Act, 1966.
4.	Joint Director (Dock Safety)	-do-
5.	Deputy Director (Dock Safety)	-do-
6.	Assistant Director (Dock Safety)	-do-
7.	Additional Assistant Director (Dock Safety).	-do-
8.	Chief Inspector of Factories	The Factories Act, 1948
9.	Additional Chief Inspector of Factories.	-do-
10.	Joint Chief Inspector of Factories.	-do-
11.	Deputy Chief Inspector of Factories.	The Factories Act, 1948
12.	Inspector of Factories	-do-
13.	Controller General of Indian Bureau of Mines.	The Mines & Mineral (Regulation & Development) Act, 1957.
14.	Chief Controller of Mines	-do-
15.	Controller of Mines	-do-
16.	Regional Controller of Mines	-do-
17.	Deputy Controller of Mines	-do-

Sl. No.	Officer/Agency	Appointed under
1	2	3
18.	Port Authority	The Dock Workers Safety Health & Welfare Scheme 1961 and Dock Workers Advisory Committee Rules.
19.	Inspector	-do-
20.	Chief Inspector of Plantation	The Plantation Labour Act, 1951.
21.	Inspector	-do-
22.	Inspector of Dock Safety	The Indian Dock Labourers Act, 1934.
23.	Conservator of Ports	The Indian Port Act, 1908.
24.	Deputy Conservator of Ports.	The Indian Port Act, 1908
25.	Harbour Master	-do-
26.	Director (Marine Department)	The Merchant Shipping Act, 1958.
27.	Manager (Marine Operation)	-do-
28.	Director (Pollution Control)	-do-
29.	State Board for the Prevention and Control of Water Pollution and the officers empowered by State Board under section 21 and 23 of the Water (Prevention and Control of (Pollution) Act, 1974 or under section 24 of the Air (Prevention and Control of Pollution) Act, 1981.	The Water (Prevention and Control of Pollution) Act, 1974 and rules made thereunder. The Air (Prevention and Control of Pollution) Act, 1981.

Sl. No.	Officer/Agency	Appointed under
1	2	3
30.	Central Board for the Prevention and Control of Water Pollution and any officer empowered by the Board under section 23 of the Water (Prevention and Control of Pollution) Act, 1974 or under section 24 of the Air (Prevention and Control of Pollution) Act, 1981.	The Air (Prevention and Control of Pollution) Act, 1981 or the Water (Prevention and Control of Pollution) Act, 1974 and the rules made thereunder.
31.	State Transport Authority	The Motor Vehicles Act, 1939.
32.	Regional Transport Authority	-do-
33.	Any other authority or person delegated with powers by the State Transport Authority under the provisions of section 44(5) of the Motor Vehicles Act, 1939.	-do-
34.	Food (Health) Authorities in the State/Union territory or such other subordinate or local authorities as may be specified under the provisions of the Prevention of Food Adulteration Act, 1955 for the time being.	The Prevention of Food Adulteration Act, 1955 and Rules made thereunder.
35.	Food Inspector	The Prevention of Food Adulteration Act, 1955 and Rules made thereunder.
36.	The Atomic Energy Regulatory Board.	The Atomic Energy Act, 1972.
37.	Drug Controller of India	The Drugs & Cosmetics Act, 1940.

Sl. No.	Officer/Agency	Appointed under
1	2	3
38.	Commissioner for Food and Drug Administration or any authority in charge of a State Drug Control Administration.	The Drugs & Cosmetics Act, 1940.
39.	Drug Inspector	-do-
40.	Chief Controller of Explosives	The Explosives Act, 1884 and The Explosives Rules, 1983.
41.	Joint Chief Controller of Explosives.	-do-
42.	Deputy Chief Controller of Explosives.	-do-
43.	Controller of Explosives	-do-
44.	Licensing Officer	The Insecticides Act, 1968.
45.	Insecticides Inspector	-do-
46.	Chief Controller of Explosives	The Petroleum Act, 1934.
47.	Deputy Chief Controller of Explosives.	-do-
48.	Controller of Explosives	-do-
49.	Deputy Controller of Explosives.	-do-
50.	Assistant Controller of Explosives.	-do-
51.	Inspector	-do-
52.	Chief Inspector of Boilers	The India Boilers Act, 1923.
53.	Deputy Chief Inspector of Boilers.	-do-
54.	Inspector of Boilers	-do-

Sl. No.	Officer/Agency	Appointed under
1	2	3
55.	Director-General of Shipping	Merchant Shipping Act, 1958.
56.	Surveyor	-do-
57.	Director General (TD) or his nominee not below the rank of Development Officer.	Industrial (Development and Regulation) Act, 1951.
58.	Chairman & Director General, National Council for Cement and Building Materials or his nominee not below the rank of Programme leader.	-do-
59.	Officers appointed under The Bengal Smoke Nuisance Act, 1905.	The Bengal Smoke Nuisance Act, 1905
	The Bombay Smoke Nuisance Act, 1912 and	The Bombay Smoke Nuisance Act, 1912 and
	The Gujarat Smoke Nuisance Act, 1963.	The Gujarat Smoke Nuisance Act, 1963.

[No. 1(18)/86-PL]

S.O. 84(E).- In exercise of the powers conferred under sub-section (1) of section 11, of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government hereby empowers the persons listed in the Table here below for the purpose of that sub-section.

TABLE

Sl. No.	Officer/Agency	Appointed under
1	2	3
1.	Director General Factory Advice Service and Labour Institute.	Dock Workers (Safety, Health and Welfare) Act, 1986.
2.	Deputy Director General, Factory Advice Service & Labour Institute.	Dock Workers (Safety Health and Welfare) Act, 1986.
3.	Director (Dock Safety)	-do-
4.	Joint Director (Dock Safety)	-do-
5.	Deputy Director (Dock Safety)	-do-
6.	Assistant Director (Dock Safety)	-do-
7.	Additional Assistant Director (Dock Safety).	-do-
8.	Chief Inspector of Factories	The Factories Act, 1948.
9.	Additional Chief Inspector of Factories.	-do-
10.	Joint Chief Inspector of Factories.	-do-
11.	Deputy Chief Inspector of Factories.	-do-
12.	Inspector of Factories	-do-

Sl. No.	Officer/ Agency	Appointed under
1	2	3
13.	Controller General of Indian Bureau of Mines.	The Mines & Mineral (Regulation & Development) Act, 1957.
14.	Chief Controller of Mines	-do-
15.	Controller of Mines	-do-
16.	Regional Controller of Mines	-do-
17.	Deputy Controller of Mines	-do-
18.	Port Authority	The Dock Workers (Safety Health & Welfare) Scheme, 1961 and Dock Workers Advisory Committee Rules.
19.	Inspector	-do-
20.	Chief Inspector of Plantation	The Plantation Labour Act, 1951.
21.	Inspector	-do-
22.	Inspector of Dock Safety	The Indian Dock Labourers Act, 1934.
23.	Conservator of Ports	The Indian Port Act, 1908.
24.	Deputy Conservator of Ports	-do-
25.	Harbour Master	-do-
26.	Director (Marine Department)	The Merchant Shipping Act, 1958.
27.	Manager (Marine Operation)	-do-

Sl. No.	Officer/ Agency	Appointed under
1	2	3
28.	Director (Pollution Control)	The Market Shipping Act, 1958.
29.	State Board for the Prevention and Control of Water Pollution and the officers empowered by State Board under section 21 and 23 of the Water (Prevention and Control of Pollution) Act, 1974 or under section 24 of the Air (Prevention and Control of Pollution) Act, 1981.	The Water (Prevention and Control of Pollution) Act, 1974 and rules made thereunder. The Air (Prevention and Control of Pollution) Act 1981.
30.	Central Board for the Prevention and Control of Water Pollution and any officer empowered by the Board under section 23 of the Water (Prevention and Control of Pollution) Act, 1974 or under section 24 of the Air (Prevention and Control of Pollution) Act, 1981.	The Air (Prevention and Control of Pollution) Act 1981 or the Water (Prevention and Control of Pollution) Act, 1974 and the rules made thereunder.
31.	State Transport Authority	The Motor Vehicles Act, 1939.
32.	Regional Transports Authority	-do-
33.	Any other authority or person delegated with powers by the State Transport Authority under the provisions of section 44(5) of the Motor Vehicles Act, 1939.	-do-
34.	Food (Health) Authorities in the State/Union territory or such other subordinate or local authorities as may be specified under the provisions of the Prevention of Food Adulteration Act, 1955 for the time being.	The Prevention of Food Adulteration Act, 1955 and Rules made thereunder.

Sl. No.	Officer/ Agency	Appointed under
1	2	3
35.	Food Inspector	The prevention of Food Adulteration Act, 1955 and Rules made there-under.
36.	The Atomic Energy Regulatory Board.	The Atomic Energy Act, 1972.
37.	Drug Controller of India.	The Drugs & Cosmetics Act, 1940.
38.	Commissioner for Food and Drug Administration of any authority in charge of a State Drug Control Administration	The Drugs & Cosmetics Act, 1940.
39.	Drug inspector	-do-
40.	Chief Controller of Explosives	The Explosives Act 1884 and The Explosive Rules, 1983.
41.	Joint Chief Controller of Explosives.	-do-
42.	Deputy Chief Controller of Explosives.	-do-
43.	Controller of Explosives	-do-
44.	Licensing Officer	The Insecticides Act, 1968.
45.	Insecticides Inspector	-do-
46.	Chief Controller of Explosives	The Petroleum Act, 1934.
47.	Deputy Chief Controller of Explosives.	-do-

Sl. No.	Officer/ Agency	Appointed under
1	2	3
48.	Controller of Explosives	The Petroleum Act, 1934.
49.	Deputy Controller of Explosives	-do-
50.	Assistant Controller of Explosives	-do-
51.	Inspector	-do-
52.	Chief Inspector of Boilers	The Indian Boilers Act, 1923.
53.	Deputy Chief Inspector of Boilers	-do-
54.	Inspector of Boilers	-do-
55.	Director General of Shipping	Merchant Shipping Act, 1958.
56.	Surveyor	-do-
57.	Director General (TD) or its nominee not below the rank of Development Officer.	Industrial (Development and Regulation) Act, 1951.
58.	Chairman & Director General, National Council for Cement and Building Materials or his nominee not below the rank of Programme leader.	-do-
59.	Officers appointed under The Bengal Smoke Nuisance Act, 1905.	The Bengal Smoke Nuisance Act, 1905.
	The Bombay Smoke Nuisance Act, 1912	The Bombay Smoke Nuisance Act, 1912 and
	and The Gujarat Smoke Nuisance Act, 1963.	The Gujarat Smoke Nuisance Act, 1963.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

New Delhi, the 26th March, 1987

CORRIGENDUM

S.O. 238 (E).- In the notification of the Government of India in the Ministry of Environment and Forests, Department of Environment, Forests and Wildlife No. S.O. 83 (E) dated the 16th February, 1987 for "sub-section (1) of Section 10", read "sub- section (1) of section 10 of the Environment (Protection) Act, 1986 (29 of 1986)".

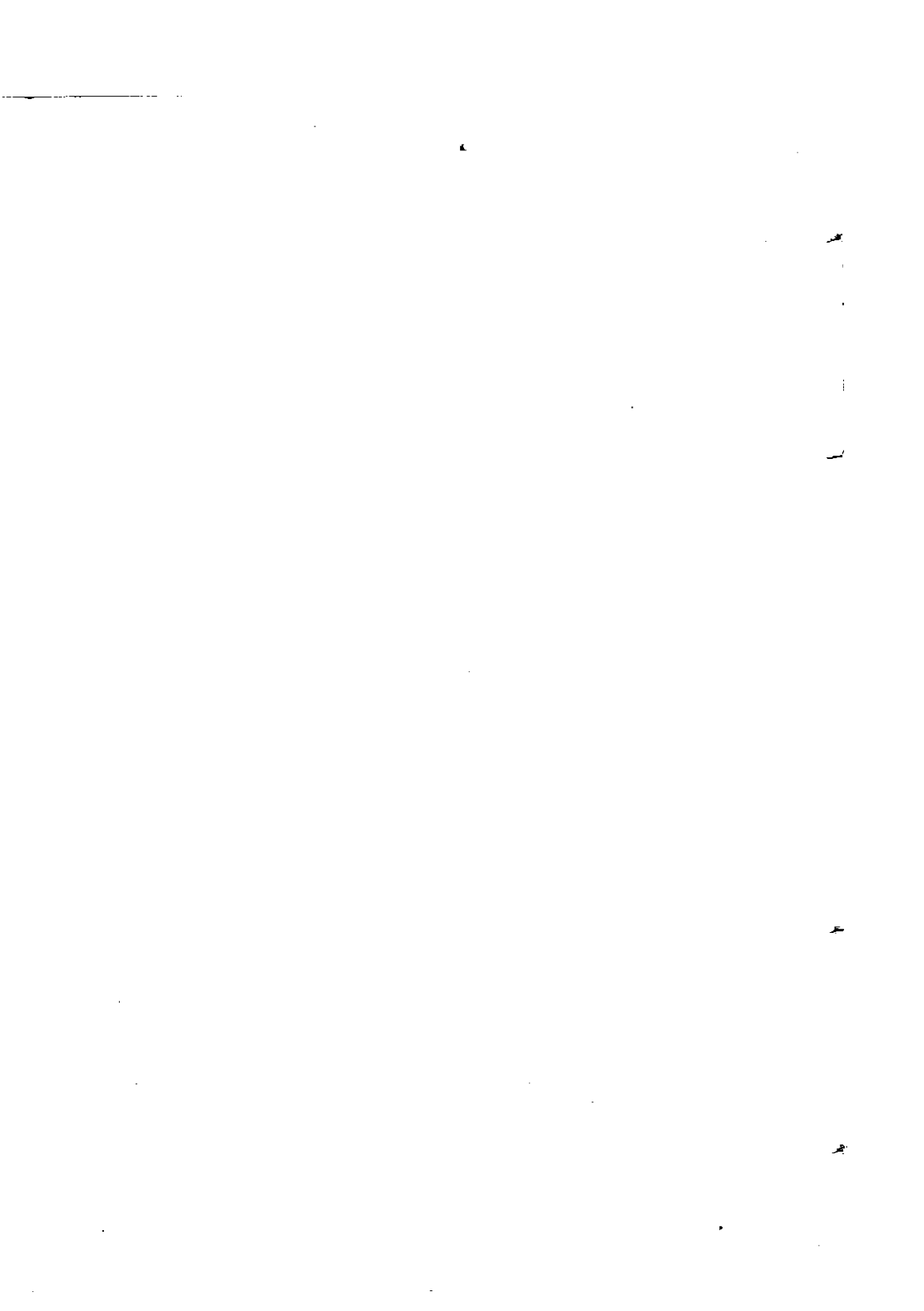
[No. 1 (18)/86-PL]

CORRIGENDUM

S.O. 239(E).- In the notification of the Government of India in the Ministry of Environment and Forests, Department of Environment, Forests and Wildlife No. S.O. 84 (E) dated the 16th February, 1987 for "sub-section (1) of Section 11", read "sub- section (1) of section 11 of the Environment (Protection) Act, 1986 (29 of 1986)".

[No. 1(18)/86-PL]

T.N.SESHAN, Secy.



THE ENVIRONMENT (PROTECTION) SECOND AMENDMENT RULES, 1987.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

New Delhi, the 16th April, 1987.

NOTIFICATIONS

S.O. No.393(E).-In exercise of the powers conferred by section 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:-

1. (i) These rules may be called the Environment (Protection) Second Amendment Rules, 1987.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Environment (Protection) Rules, 1986, after serial number 7, the following shall be inserted namely:—

1	2	3	4
8.	Dye and Dye Intermediate Industries.		Concentration not to exceed milligrammes per litre (except for pH, temperature and bio-assay)
		Suspended Solids	100
		pH	6 to 8.5
		Temperature	Shall not exceed 5°C above the ambient temperature of the receiving body.

1	2	3	4
		Mercury (As Hg)	0.01
		Hexavalent (As Cr)	0.1
		Chromium	
		Total Chromium (as Cr)	2.0
		Copper (as Cu)	3.0
		Zinc (as Zn)	5.0
		Nickel (as Ni)	3.0
		Cadmium (as Cd)	2.0
		Chloride (as Cl)	1000
		Sulphate (as SO ₄)	1000
		Phenolic Compounds (as C ₆ H ₅ OH)	1.0
		Oil and Grease	10
		Bio-assay Test (with 1:8 dilution of effluents)	90% Survival of Test animals after 96 hours.

The standards for chlorides and sulphates are applicable for discharge into inland and surface water courses. However, when discharged on land for irrigation, the limit for chloride shall not be more than 600 milligrammes per litre and the sodium absorption ratio shall not exceed 26.

9. Electroplating Industries	Concentration not to exceed milligrammes per litre (except for pH and temperature)
pH Temperature	6.0 to 9.0. Shall not exceed 5°C above the ambient temperature of the receiving body.
Oil and Grease	10
Suspended Solids	100
Cyanides (as CN)	0.2
Ammonical Nitrogen (as N)	50

1	2	3	4
		Total Residual	1.0
		Chloride (as Cl)	
		Cadmium (as Cd)	2.0
		Nickel (as Ni)	3.0
		Zinc (as Zn)	5.0
		Hexavalent	0.1
		Chromium (as Cr)	
		Total Chromium	2.0
		(As Cr)	
		Copper (As Cu)	3.0
		Lead (As Pb)	0.1
		Iron (As Fe)	3.0
		Total Metal	10.0
10.	Cement Plants		Not to exceed-
	Total dust		milligrammes per
	Plant Capacity		normal cubic meter
	200 tonnes	(All Sections)	400
	per day	Total dust	
	Greater than	(All Sections)	250
	200 tonnes		
	per day		

The Central and State Pollution Control Boards may fix stringent standards, not exceeding 250 milligrammes per normal cubic meter for smaller plants and 150 milligrammes per normal cubic meter for larger plants if the industry is located in an area which, in their opinion, requires more stringent standards.

Where continuous monitoring integrators are provided on dust emission lines, the integrated average values over a period, to be fixed by the Central and State Boards but not exceeding 72 hours shall be considered instead of momentary dust emission values for conformity to standards."

Principal Rules published vide S.O. No. 844(E) dated 19-11-86.

Amending Rules published vide S.O. No. 82(E), 83(E) and 84(E) dated 16-2-87.

S.O.394(E).-In exercise of the powers conferred under clause (a) of section 19 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby authorises the officers and authorities listed in column (2) of the Table hereto for the purposes of the said section with the jurisdiction mentioned against each of them in column (3) of that Table:

TABLE

Serial No.	Officer	Jurisdiction
(1)	(2)	(3)
1.	Any Director, Joint Secretary, Adviser or Additional Secretary to the Government of India in the Department of Environment, Forests and Wildlife.	Whole of India
2.	The Chairman or Member-Secretary of the Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974(6 of 1974).	Whole of India
3.	The Government of the State (represented by the Secretary to the State Government incharge of environment.	Whole of the State
4.	The Chairman or Member-Secretary of the State Board for the Prevention and Control of Water Pollution constituted under section 4 of the	Whole of the State

Serial No.	Officer	Jurisdiction
(1)	(2)	(3)
	Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or a State Board for the Prevention and Control of Air Pollution constituted under section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)	
5.	Collector	Whole of Revenue District
6.	Regional Officers of the Central Board for the Prevention and Control of Water Pollution who have been delegated powers under sections 20,21,23 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and Section 24 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).	Area as laid down by the Central Board
7.	Regional Officers of the State Board for the prevention and control of water pollution who have been delegated powers under section 20,21 and 23 of the Water (Prevention and Control of Pollution) Act, 1974.	Area as laid down by the State Board
8.	Regional Officers of the State Board for the prevention and control of Air Pollution who have been delegated powers under section 24 of the Air (Prevention and Control of Pollution) Act, 1981.	Area as laid down by the State Board

[No.1(2)/87 - PL]
T.N. SESHAN, Secy.



THE ENVIRONMENT (PROTECTION) THIRD AMENDMENT RULES, 1987.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

New Delhi, the 18th April, 1987

NOTIFICATION

S.O. 443 (E):- In exercise of the powers conferred by section 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. (1) These rules may be called the Environment (Protection) Third Amendment Rules, 1987.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Schedule to the Environment (Protection) Rules, 1986, after serial number 10 and the entries relating thereto the following serial number and entries shall be inserted, namely:—

1	2	3	4
"11	Stone crushing unit.	Suspended particulate matter.	The suspended particulate matter measured between 3 metres and 10 metres from any process equipment of a stone crushing unit shall not exceed 600 microgrammes per cubic metre."

[No. 1 (18) 86-PL]
T.N. SESHAN, Secy.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

New Delhi, the 23rd September, 1987

NOTIFICATION

S.O.838(E).- In exercise of the powers conferred by Clause (b) of sub-section (1) of section 12 and section 13 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby recognises, (a) the laboratories specified in column (2) of the Table below as environmental laboratories to carry out the functions entrusted to the environmental laboratories under the said Act and the rules made thereunder, and (b) specifies the persons in column (3) of the Table to be the Government Analysts for the purposes of analysis of samples of air, water, soil or other substances sent for analysis by the Central Government or the officer empowered under section 11 of the Act and amend the notification of the Government of India in the Ministry of Environment and Forests No. SO 728 (E) dated the 21st July, 1987 as provided in paragraph 2.

TABLE

1	2	3
1.	State Forests Research Institute, Madhya Pradesh Forest Department, Polipather, Jabalpur-482008.	1. Dr.Gulam Mohammed, Technical Assistant. 2. Mr. Parvej Jalil, Research Associate. 3. Mr. H.D.Kulkarni, Forest Genetiest.
2.	Department of Microbiology, University of Poona, Ganesh Khind, Pune-411007.	1. Dr.Vinay B.Rale, Analyst. 2. Dr.M.V.Panse, Analyst. 3. Dr.B.P.Kapadnis, Analyst 4. Dr.V.A.Chopade, Analyst 5. Miss M.R.Chinchore, Analyst
3.	Pollution Control Research Institute, BHEL, Ranipur, Hardwar-249403	1. Prof. S.P.Mahajan, Head 2. Mr.Paraveen Kumar Singh, Engineer

1	2	3
		<ul style="list-style-type: none"> 3. Mr. Anil Jain, Engineer 4. Mr. Rajiv Maheshwari, Engineer 5. Mr. G. Sambiah, Senior Engineer 6. Mr. Avinish Kumar, Engineer 7. Dr. N.G. Shrivastava, Junior Engineer 8. Mr. A.K. Gupta, Manager 9. Dr. (Mrs) Neelam Srivastava, Junior Engineer
4.	Centre for Bio-Chemicals, CSIR, V.P. Chest Institute Buildings, University Campus, Delhi-110 007.	<ul style="list-style-type: none"> 1. Dr. N.P. Tulsani, Scientist 2. Mr. S.K. Aggarwal, Technical Officer
5.	Control, Research & Development Laboratory, Uranium Corporation of India Ltd. Jaduguda lines, Singhbhum, Bihar-832102.	<ul style="list-style-type: none"> 1. Mr. R.U. Choudhary, Assistant Superintendent 2. Dr. Flamesh Chandra, Assistant Superintendent 3. Mr. Joydeb Ray, Scientific Assistant 4. Mr. A.K. Sarkar, Scientific Assistant. 5. Mr. D.P. Saha, Scientific Assistant. 6. Mr. A.P. Banerjee, Scientific Assistant. 7. Mr. Asit Baran Chakravorthy, Scientific Assistant. 8. Mr. S. Venkat Raman, Scientific Assistant. 9. Mr. Rajeshwar Prasad Singh, Scientific Assistant. 10. Mr. Mohammed Nadir Ali, Scientific Assistant. 11. Mr. N. Maily, Scientific Assistant. 12. Mr. R.M. Karan, Scientific Assistant. 13. Mr. Aish Mohammed Ansari, Scientific Assistant. 14. Mr. Jagdish Sahay, Laboratory Assistant.

1	2	3
6. Division of Soil Science & Plant Nutrition, Division of Microbiology, Central Plantation Corporation Research Institute, (ICAR), Kasargod-671742.	1. Dr.C.C. Biddappa, Head, Social-Sciences). 2. Dr.George V.Thomas, Scientist.	
7. Chemistry Laboratory, Irrigation and Power Research Institute, Amritsar-143001. Punjab.	1. Dr.Mahendra Kumar, Research Officer.	
8. Central Laboratory, M.P.Pradushan Nivaran Mandal, Paryavaran Parisar, E 5, Sector, Ravi Shankar Nagar, Bhopal, (MP).	1. Dr.M.M.Singh, Chief Chemist. 2. Mr.Surendra Doriwal, Chemist. 3. Mr.Neeraj K.Verma, Chemist.	
9. Research & Development Laboratory, Project & Development India Ltd., Sindri, Dhanbad District.	1. Dr.R.M.Bhatnagar, Additional Superintendent. 2. Dr.V.S.Gupta, Additional Superintendent. 3. Mr.Y.K.Verma, Additional Superintendent. 4. Dr.A.D.Pandey, Additional Superintendent. 5. Mr.D.K.Sen, Additional Superintendent. 6. Mr.G.R.Bhatnagar, Deputy Superintendent. 7. Mr.K.K.Mallick, Deputy Superintendent. 8. Mr.C.D.Banerjee, Deputy Superintendent. 9. Dr.A.T.Balagopal, Deputy Superintendent. 10. Mr.M.K.Sen, Deputy Superintendent.	

1	2	3
10. Department of Biosciences Laboratory, South Gujarat University, Surat-395007. (Gujarat)	11. Dr.A.Chattopadhyay, Deputy Superintendent. 12. Mr.N.Paman, Assistant Superintendent. 13. Dr.V.K.Jindal, Assistant Superintendent.	1. Prof. B.S.Vaidya, Head. 2. Prof P.K.Hira Dhar, Professor of Zoology. 3. Dr.Nagar A.Pankaj, Microbiologist. 4. Dr.P.V.Desai, Microbiologist. 5. Dr.Kewal Krishnan, Lecturer. 6. Dr.Tank K.Shantilal, Senior Research Fellow. 7. Dr.M.Narasimha Reddy, Technician.
11. Central Laboratory, Tamil Nadu Pollution Control Bd, 25, Radhakrishnan Road, Madras-600004.	1. Dr.K.Narayanan, Chief Scientific Officer. 2. Dr.V.N.Rayudu, Deputy Chief Scientific Officer.	
12. National Institute of Occu- pational Health Laboratory, P.O.Civil Hospital, Meghani Nagar, Ahmedabad-380016.	1. Dr.P.J.Parikh, Assistant Director. 2. Dr.S.K.Ghosh, Senior Research Officer. 3. Dr.C.B.Pandiya, Research Officer. 4. Mr.M.P.Shah, Research Officer. 5. Dr.T.S.Patel, Research Officer. 6. Dr.S.G.Ruparelia, Research Officer. 7. Dr.N.B.Ghodosara, Research Officer. 8. Dr.Jitesh P.Jani, Research Officer. 9. Dr.(Miss) V.N.Gokani, Research Officer. 10. Mr.C.V.Raiyani, Research Officer.	

1	2	3
13. Environmental Engineering Laboratory, Sri Venkateswara University College of Engineering, Tirupati-Pin:517502.		1. Professor P. Pratapa Mouli Head 2. Dr.N.Venkata Subbayya, Lecturer.
14. Orissa State Prevention and Control of Pollution Board Laboratory, No.A-118, Nilakantha Nagar, Unit III Bhubaneshwar-751012.		1. Mr.D.K.Behera, Scientist. 2. Mr.P.K.Prusty, Scientist. 3. Mr.Bibeka Nanda Bhol, Scientist. 4. Mr.D.K.Rout, Scientist.

2. In the said notification, in the Table, after serial number 17 and the entries relating thereto, the serial number 1 to 14 and the entries relating thereto of the Table appearing in paragraph 1 shall be inserted as serial number 18 to 31 and the entries relating thereto respectively.

[No. 1(32)86-PL]

T.N.SESHAN. Secy.

Principal rules published vide S.O. No.844 (E) dated 19-11-1986.

Amending rules published vide S.O. No.82 (E), 83 (E) and 84 (E) dated 16-2-1987 and Second Amendment rules notified under S.O. 393 (E) dated 16-4-1987.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

New Delhi, the 12th November, 1986

NOTIFICATION

G.S.R. 1198(E):- In exercise of the powers conferred by sub-section (3) of section 1 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby appoints the 19th day of November, 1986 as the date on which the said Act shall come into force in the whole of India.

[No. 1 (17) 86-PL]

T.N.SESHAN, Secy.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

New Delhi, the 17th May, 1988

NOTIFICATION

S.O.489(E).- In exercise of the powers conferred by clause (b) of sub-section (1) of section 12 and section 13 of the Environment (Protection) Act, 1986 (29 of 1986), read with rule 10 of the Environment (Protection) Rules, 1986, the Central Government hereby recognises the laboratories specified in column (2) of the Table below as environmental laboratories to carry out the functions entrusted to the environmental laboratories under the said Act and specifies the persons in column (3), of the said Table, to be the Government Analysts for the purposes of analysis of samples of air, water, soil, other substances sent for analysis by the Central

Government or the officer empowered under section 11 of the said Act and makes the following amendments in the notification of the Government of India in the Ministry of Environment and Forests, No. 728 (E), dated the 21st July 1987, namely:-

After serial number 50 and the entries relating thereto, the following serial numbers and entries shall be added, namely:-

(1)	(2)	(3)
51. Regional Research Laboratory, (Council of Scientific and Industrial Research), Industrial Estate P.O. TRIVANDRUM-695019.	Dr. T.Prasada Rao, Scientist.	
52. Central Mining Research Station Laboratory, (Council of Scientific and Industrial Research) Barwa Road, DHANBAD - 826001.	1. Mr. P.K. Nair, Scientist. 2. Dr. A.K. Bose, Scientist. 3. Mr. B.N. Dalal, Scientist. 4. Mr. N.N. Banerjee, Scientist. 5. Mr. M.S. Golay, Scientist. 6. Mr. J.P. Adhikari, Scientist. 7. Mr. Rabindranath Mukherjee, Scientist. 8. Mr. A.Banerjee, Scientist. 9. Dr. D.P. Rajwar, Scientist. 10. Mr. M.L. Mahato, Scientist. 11. Mr.K.C.Jayaprakash, Scientist. 12. Dr. A.K.Sinha, Scientist. 13. Mr. K.N.Mandal, Scientist. 14. Dr.J.M.Bose, Scientist. 15. Mr.R.K.Tiwary, Scientist. 16. Dr.Sanjay Kumar Ghosh, Scientist. 17. Mr.Achintya Das Gupta, Scientist.	

(1)	(2)	(3)
		18. Dr.B.K. Tewary, Scientist.
		19. Mr.N.A.Rashidi, Scientist.
		20. Mr.P.K. Mullick, Scientist.
		21. Dr.S.Mandal, Scientist.
53.	Regional Laboratory, Gujarat Pollution Control Board, Madan Mohan Kunj, 15, Panchnath Plot, RAJKOT-360001.	1. Dr.Dilipkumar Balvantray Desai, Scientific Officer. 2. Mrs. K.D. Parmar, Scientific Assistant. 3. Mr.S.M.Jha, Scientific Assistant. 4. Mr. U.K. Madhad, Scientific Assistant. 5. Kum. L.R. Zala, Scientific Assistant. 6. Mr. B.R.Kochra, Scientific Assistant.
54.	Regional Laboratory, Gujarat Pollution Control Board, I Floor, Bulabhai Chambers, Nehru Bridge Corner, AHMEDABAD-380009.	1. Dilip Chamanlal Dave, Scientific Officer. 2. Mrs. Pushpinder Kaur, Scientific Officer, 3. Indumati M.Pandya, Scientific Assistant. 4. Varsha Ramanlal Bhatt, Scientific Assistant. 5. Mr. P.K. Gohil, Scientific Assistant. 6. Mr. M.S.Singhala, Scientific Assistant. 7. Mr.Darshana Bharat Patel, Scientific Assistant. 8. Mr.Akshaya Kanubhai Dave, Scientific Assistant. 9. Mr. Yogesh Kantilal Dani, Scientific Assistant.

(1)	(2)	(3)
		10. Beena Jaydev Bhatt, Scientific Assistant.
		11. Mr.Rajesh Ishwarlal Desai, Scientific Assistant.
		12. Mr.Deepak Chunilal Dave, Scientific Assistant.
55.	Madhya Pradesh Pradushan Niwaran Mandal Laboratory, Regional Office, 26-A, Telephone Nagar, Kanadiya Road, INDORE-452001.	1. Dr.P.C. Sesh, Regional Officer, 2. Dr.Lokendra Trivedi, Chemist. 3. Mrs.Apama Bapat, Scientist. 4. Mr. Dilip K.Wagela, Chemist.
56.	Madhya Pradesh Pradushan Niwaran Mandal Laboratory, Regional Office. REWA	1. Dr.Santosh Kumar Srivastava, Scientist. 2. Dr.P.S. Sharma, Chemist. 3. Mr. P.R. Deo, Junior Scientist. 4. Mr.Arun Kumar Srivastava, Chem.ist. 5. Mr.Sunil Dutt Tiwari, Chemist.
57.	West Bengal Pollution Control Board Laboratory, 36, Shakespeare Sarani, II Floor, CALCUTTA-700017.	1. Mrs.Moly Das Gupta, Analyst. 2. Mrs. Subrata Mandal, Analyst. 3. Mrs.Sar bani Deb, Analyst.
58.	Plant Science Ecology Laboratory, Department of Plant Sciences School of Biological Sciences, Madurai Kamaraj University, MADURAI - 625021.	1. Dr. Kailash Paliwal, Reader. 2. Mr.K.Muthuchelian, Senior Scientific Officer. 3. M.K. Natarajan, Senior Scientific Officer. 4. Mr.K.Karvanaichamy, Junior Scientific Officer. 5. Mr. T.K. Sivaraj, Junior Scientific Officer. 6. Mr. G. Kandasamy, Senior Technician.

(1)	(2)	(3)
59.	Barauni Refinery Laboratory, Indian Oil Corporation Ltd., PO: Barauni Refinery, Dist. Begusarai Pin 851114	1. Mr. P. Chaudhari, Chemist. 2. Mr. H. Prasad, Senior Chemist. 3. Mr. S.K. Sudhanshu, Chemist. 4. Mr. A.P. Singh, Chemist. 5. Mr. R.N.P. Singh, Chemist.
60.	Chemical Laboratory, Indian Oil Corporation Ltd., Mathura Refinery, [MATHURA-281005.]	1. Mr. S.V. Deshmukh, Deputy Manager, 2. Mr. C.B. Pinto, Senior Quality Control Officer. 3. Mr. Shimbuh Singh, Senior Quality Control Officer.
61.	Regional Agricultural Research Station Laboratory, Kumarakom, Kottayam, KERALA.	1. Prof. K. Chandrasekharan Nair, Professor. 2. Dr. Sosamma Cherian, Assistant Professor.
62.	Soil and Water Research Laboratory, Rural Works Department, PO: Naharlagun-791110 (Itanagar).	1. Dr. P.C. Srivastava, Senior Soil Survey Officer 2. Mr. M.K. Chandra, Research Assistant.
63.	Industrial Hygiene Laboratory, Directorate of Industrial Health and Safety, New Moti Bungalow, M.G. Road, INDORE.	Mr. Pratap Singh, Assistant Director.
64.	Punjab Pollution Control Board Laboratory, 17-B, Bhupendra Nagar, PATIALA-147001.	1. Miss Menu Sharma, Assistant Chemist. 2. Mr. Gurnam Singh, Assistant Chemist.

(1)	(2)	(3)
65. Haffkine Institute for Training and Testing, Acharya Donde Marg, Parel, BOMBAY-400012.		1. Dr. M.V.N. Shirōdkar, Director.
		2. Dr. V. Ramakrishna Rao, Assistant Director.
		3. Dr. D.M. Renapurkar, Assistant Director.
		4. Dr. N.G. Chanderkar, Officer-in-charge, Human Pharmacology.
		5. Dr. B.G. Khaose, Officer-in-charge, Chemotherapy.
		6. Dr. S.V. Gadre, Officer-in-charge, Bacteriology.
		7. Dr. H.K. Soni, Officer-in-charge, Testing Department.
		8. Dr. P. Ramakrishnan, Officer-in-charge, Bio-chemistry.
		9. Dr. M.G. Phatak, Senior Scientific Officer.
		10. Mr. Satish Bhagwan Dholan, Junior Scientific Officer.
		11. Mr. Arvind Pandurang Kulkarni, Senior Scientific Officer.
		12. Dr. R.P. Bhamaria, Senior Scientific Officer.
		13. Dr. (Mrs) R.A. Deshmukh, Medical Officer.
66. Environmental Laboratory, Department of Chemistry, Punjabi University, PATIALA-147002.		1. Prof. A.L. J. Rao, Head.
		2. Dr. N.K. Ralhan, Professor.
		3. Prof. Sarvinder Singh Pahn, Reader.
		4. Dr. B.S. Ahuja, Reader.
		5. Dr. T.A. Sarma, Reader.

(1)	(2)	(3)
67.	Post Graduate Department of Pollution Studies Laboratory, Y.C. College of Science, KARAD-415110.	1. Dr. R.K. Trivedy, Head. 2. Mr. Pradip Kumar Goel, Lecturer."

[No. 1(32)/86-PL]
T.N. SESHAN, Secy.

Foot Note : Principal notification was published vide SO. No. 728(E), dated 21st July, 1987, amended by (1) Notification SO No.838 (E), dated 23rd September, 1987 and (2) Notification SO No. 989(E), dated 17th November, 1987.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

New Delhi, the 18th January, 1988

NOTIFICATIONS

S.O. 62(E):-In exercise of the powers conferred by sub-section (1) of section 11 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby empowers the persons listed in the Table here-below for the purposes of that sub-section and amends the notification of the Government of India in the Ministry of Environment and Forests, Department of Environment, Forests and Wildlife No.S.O. 94(E), dated the 16th February, 1987.

2. In the Table appearing in the said notification, after serial number 59 and the entries relating thereto, the following serial number and entries shall be added, namely:-

1	2	3
"60	Chief Inspector of Mines Safety	The Mines Act, 1952 and the rules and regulations made thereunder".

Foot Note : Principal Notification published vide SO No. 84(E), dated 16th February, 1987.

S.O. 63 (E):- In exercise of the powers conferred by sub-section (1) of section 10 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby empowers the persons listed in the Table here-below for the purposes of that sub-section and amends the notification of the Government of India in the Ministry of Environment and Forests, Department of Environment, Forests and Wildlife No.SO 83 (E), dated the 16th February, 1987.

2. In the Table appearing in the said notification, after serial number 59 and the entries relating thereto, the following serial number and entries shall be added, namely :-----

1	2	3
"60.	Chief Inspector of Mines Safety.	The Mines Act, 1952 and the rules and regulations made thereunder."

Foot Note : Principal Notification published vide SO No.04 (E), dated 16th February, 1987.



THE ENVIRONMENT (PROTECTION) FOURTH AMENDMENT RULES, 1987.

S.O. 64 (E) : — In exercise of the powers conferred by section 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986. namely :—

1. (1) These rules may be called the Environment (Protection) Fourth Amendment Rules, 1987.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986 (hereinafter referred to as the principal rules), sub-rule (3) of rule 4 shall be numbered as sub-rule (3a) of that rule and after sub-rule (3a) as so numbered, the following sub-rule shall be inserted, namely:—

"3(b) Where the proposed direction is for the stoppage or regulation of electricity or water or any other service affecting the carrying on any industry, operation or process and is sought to be issued to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be, and objections, if any, filed by the oc-

cupier with an officer designated in this behalf shall be dealt with in accordance with the procedures under sub-rules (3a) and (4) of this rule.

Provided that no opportunity of being heard shall be given to the occupier if he had already been heard earlier and the proposed direction referred to in sub-rule (3b) above for the stoppage or regulation of electricity or water or any other service was the resultant decision of the Central Government after such earlier hearing."

3. In the principal rules, for rule 6, the following rule shall be substituted, namely:-

"6 Procedure for taking samples :

The Central Government or the officer empowered to take samples under section 11 shall collect the sample in sufficient quantity to be divided into two uniform parts and effectively seal and suitably mark the same and permit the person from whom the sample is taken to add his own seal or mark to all or any of the portions so sealed and marked. In case where the sample is made up in containers or small volumes and is likely to deteriorate or be otherwise damaged if exposed, the Central Government or the officer empowered shall take two of the said samples without opening the containers and suitably seal and mark the same. The Central Government or the officer empowered shall dispose of the samples so collected as follows:-

- (i) One portion shall be handed over to the person from whom the sample is taken under acknowledgement; and
- (ii) the other portion shall be sent forthwith to the environmental laboratory for analysis."

4. In the schedule I to the principal Rules, after serial number 11 and the entries relating thereto the following serial numbers and entries shall be inserted, namely:—

1	2	3	4
12.	Coke ovens	<p>pH</p> <p>Biochemical Oxygen Demand (20°C for 5 days)</p> <p>Suspended solids</p> <p>Phenolic Compounds (as C₆H₅OH)</p> <p>Cyanides (as CN)</p> <p>Oil & Grease</p> <p>Ammonical Nitrogen (as N)</p>	<p>Concentrations in the effluents when discharged into inland surface waters not to exceed milligramme per litre (except for pH)</p> <p>5.5-9.0</p> <p>30</p> <p>100</p> <p>5</p> <p>C.2</p> <p>10</p> <p>50</p>
13.	Synthetic Rubber	<p>Colour</p> <p>pH</p> <p>Biochemical Oxygen Demand (20°C for 5 days)</p> <p>Chemical Oxygen Demand</p> <p>Oil & Grease</p>	<p>Concentration in the effluents, when discharged into inland surface waters not to exceed milligramme per litre (except for colour, and pH)</p> <p>Absent</p> <p>5.5-9.0</p> <p>50</p> <p>250</p> <p>10.0</p>

1	2	3	4
14.	Small Pulp and Paper Industry		Concentration not to exceed milligramme per litre (except for pH and sodium absorption ratio)
	* Discharge into inland surface water	pH Suspended Solids	5.5-9.0 100
	surface water	BOD	30
	Disposal on land	pH Suspended Solids	5.5-9.0 100
		BOD	100
		Sodium Absorption Ratio	26
15.	Fermentation Industry (Distilleries, Maltries and Breweries)		Concentration in the effluents not to exceed milligramme per litre (except for pH and colour & Odour)
		pH	5.5-9.0
		Colour & Odour	Absent
		Suspended Solids BOD (5 days at 20°C)	100
		- disposal into inland surface waters	30
		- disposal on land	100

* Waste water generation shall not exceed 250 metre cube per tonne of paper produced.

1	2	3	4		
16. Leather Tanneries		Concentration in the effluents not to exceed milligramme per litre (except for pH and percent sodium)			
		Inland Surface Waters	Public sewers	Land for Irrigation	Marine Coastal areas
		(a)	(b)	(c)	(d)
	Suspended solids	100	600	200	100
	BOD-5 days at 20°C	30	350	100	100
	pH	6.0-9.0	6.0-9.0	6.0-9.0	6.0-9.0
	Chlorides (as Cl)	1000	1000	600	—
	Hexavalent Chromium (Cr ⁺⁶)	0.1	0.2	0.1	1.0
	Total Chromium (as Cr)	2.0	2.0	2.0	2.0
	Sulphides (as S)	2.0	5.0	—	5.0
	Sodium, percent	—	60	60	—
	Boron (as B)	2.0	2.0	2.0	—
	Oil & Grease	10	20	10	20

1	2	3	4
17. Fertilizer Industry	Concentration in the effluents not to exceed milligramme per litre (except for pH)	Plants Commissioned January 1, 1982 onwards	Plants Commissioned prior to January 1, 1982
Effluents -Straight Nitrogenous Fertilizers, excluding the Calcium Ammonium Nitrate and Ammonium Nitrate Fertilizer				(a)	(b)
pH Ammonical Nitrogen	6.5-8.0 50	6.5-8.0 75	
Total Kjeldahl Nitrogen	100	150	
Free Ammonical Nitrogen	4	4	
Nitrate Nitrogen Cyanide as CN	10 0.2	10 0.2	
Vanadium as V	0.2	0.2	
Arsenic as As	0.2	0.2	
Suspended Solids	100	100	

1	2	3	4
	Oil and Grease	10	10
	*Hexavalent Chromium as Cr	0.1	0.1
	*Total Chromium as Cr	2.0	2.0

Straight Nitrogenous Fertilizers including Calcium Ammonium Nitrate and Ammonium Nitrate Fertilisers	Plants commissioned January 1, 1982 onwards	Plants commissioned prior to January 1, 1982
	(a)	(b)
pH	6.5-8.0	6.5-8.0
Ammonical Nitrogen	50	75
Total Kjeldahl Nitrogen	100	150
Free Ammonical Nitrogen	4	4
Nitrate Nitrogen	20	20
Cyanide as CN	0.2	0.2

* To be complied with at the outlet of Chromate removal unit.

1	2	3	4
	Vanadium as V	0.2	0.2
	Arsenic as As Suspended Solids	0.2 100	0.2 100
	Oil and Grease	10	10
	*Hexavalent Chromium as Cr	0.1	0.1
	*Total Chromium as Cr	2.0	2.0
	Complex fertilizers excluding Calcium Ammonium Nitrate, Ammonium Nitrate & Ammonium Nitrophosphate Fertilisers	Plants commissioned January 1, 1982 onwards (a)	Plants commissioned prior to January 1, 1982 (b)
	pH	6.5-8.0	6.5-8.0
	Ammonical Nitrogen	50	75
	Free Ammonical Nitrogen	4	4
	Total Kjeldahl Nitrogen	100	150

* To be complied with at the outlet of chromate removal unit.

1	2	3	4
	Nitrate Nitrogen	10	10
	Cyanide as CN	0.2	0.2
	Vanadium as V	0.2	0.2
	Arsenic as As	0.2	0.2
	Phosphate as P	5	5
	Oil and Grease	10	10
	Suspended Solids	100	100
	*Fluoride as F	10	10
	**Hexavalent Chromium as Cr	0.1	0.1
	**Total Chromium as Cr	2.0	2.0

* To be complied with at the outlet of fluoride removal unit. If the recipient system so demands, fluoride as F shall be limited to 1.5 mg/l.

** To be complied with at the outlet of chromate removal unit.

1	2	3	4
Complex fertilizers including Calcium Ammonium Nitrate, Ammonium Nitrate & Ammonium	nitrophosphate Fertilizers	Plants commissioned January 1, 1982 onwards	Plants commissioned prior to January 1, 1982
		(a)	(b)
	pH Ammonical Nitrogen	6.5-8.0 50	6.5-8.0 75
	Free Ammonical Nitrogen	100	100
	Nitrate Nitrogen	20	20
	Cyanide as CN	0.2	0.2
	Vanadium as V	0.2	0.2
	Arsenic as As	0.2	0.2
	Phosphate as P	5	5
	Oil and Grease	10	10
	Suspended Solids	100	100

1	2	3	4
	*Fluoride as F	10	10
	**Hexavalent Chromium as Cr	0.1	0.1
	**Total Chromium as Cr	2.0	2.0

* To be complied with at the outlet of fluoride removal unit. If the recipient system so demands, Fluoride as F shall be limited to 1.5 mg/l.

** To be complied with at the outlet of chromate removal unit.

Straight
Phosphatic
Fertilizers

pH	7.0-9.0
Phosphate as P	5
Oil and Grease	10
Suspended Solids	100
*Fluoride as F	10
**Hexavalent Chromium as Cr	0.1
**Total Chromium as Cr.	2.0

Emissions

-Phosphatic Fertilizers (Fluoride)	Phosphoric acid manufacturing unit	25 milligramme per normal cubic metre as total
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* To be complied with at the outlet of fluoride removal unit. If the recipient system so demands fluorides as F shall be limited to 1.5 mg/l.

** To be complied with at the outlet of chromate removal unit.

1	2	3	4
	and particulate matter emission).	Granulation, mixing and grinding of rock-phosphate	Fluoride 150 milligramme per normal cubic metre of particulate matter.
	Urea (Particulate matter emission)	Prilling Tower Commissioned prior to 1-1-1982	150 milligramme per normal cubic metre or 2 kilogramme per tonne of product.
		Commissioned after 1-1-1982	50 milligramme per normal cubic metre or 0.5 kilogramme per tonne of product.
18.	Aluminium	Particulate Matter Emissions - calcination	250 milligramme per normal cubic metre of particulate
		-Smelting	150 milligramme per normal cubic metre of particulate matter
19.	Calcium Carbide	Particulate Matter Emission -Kiln	250 milligramme per normal cubic metre
		-Arc Furnance	150 milligramme per normal cubic metre
20.	Carbon Black	Particulate Matter Emission	150 Milligramme per normal cubic metre

1	2	3	4
21.	Copper Lead and Zinc Smelting	Particulate Matter Emission in concen- trator	150 milligramme per normal cubic metre
		Emission of Oxides of sulphur in Smelter & Convertor	Oil-gases must be utilised for sul- phuric acid manufac- ture. The limits of sulphur dioxide emission from stock shall not exceed 4 kilogramme per tonne of concentrated (One hundred percent) acid produced.
22.	Nitric Acid (emission of oxides of nitrogen	Emission of Oxides of Nitrogen	3 kilogramme of oxides of nitrogen per tonne of weak acid (before con- centration) pro- duced.
23.	Sulphuric Acid (emis- sion of sulphur dioxide and acid mist)	Sulphur dioxide Emissions	4 kilogramme per tonne of concen- trated (one hun- dred per cent) acid produced 50 milligramme per normal cubic metre
		Acid mist	
24.	Iron & Steel (Integrated)	Particulate Matter Emission	
		Sintering Plant	150 milligramme per normal cubic metre

1	2	3	4
		—Steel making	
		—during normal operations	150 milligramme per normal cubic metre
		—during oxygen lancing	400 milligramme per normal cubic metre
		—Rolling Mill	150 milligramme per normal cubic metre
		Carbon monoxide from coke oven	3 kilogramme per tonne of coke produced."

5. In the Schedule II to the principal rules, under column (3), against serial number 2, for the entries (i) and (ii), the following entries shall be substituted, namely:-

- "(i) Controller General of Mines
- (ii) Regional Controller of Mines having local jurisdiction".

[No. 1(18)/86-PL]

T.N. SESHAN, Secy.

Principal Rules published vide SO No.844(E) dated the 19th November, 1986. Amending rules published vide SO No. 82(E), 83 (E) and 84(E) dated 16th February, 1987.

Second Amendment rules notified under SO No.399(E) dated 16th April, 1987; Third Amendment rules notified under SO No. 433(E) dated 28th April, 1987.

MINISTRY OF ENVIRONMENT AND FORESTS

(Department of Environment, Forests and Wildlife)

NOTIFICATION

New Delhi, the 28th July, 1989

S.O. 594(E).—In exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—

- (1) These rules may be called the Hazardous Wastes (Management and Handling) Rules, 1989.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Application.— These rules shall apply to hazardous wastes as specified in Schedule and shall not apply to —

- (a) waste water and exhaust gases as covered under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and rules made thereunder;
- (b) wastes arising out of the operation from ships beyond five kilometers as covered under the provisions of the Merchant Shipping Act, 1958 (44 of 1958) and the rules made thereunder ;
- (c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made thereunder.

3. Definitions.— In these rules, unless the context otherwise requires, —

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);

- (b) "applicant" means a person or an organisation that applies, in Form 1, for granting of authorisation to perform specific activities connected with handling of hazardous wastes;
- (c) "authorisation" means permission for collection, reception, treatment, transport, storage and disposal of hazardous wastes, granted by the competent authority in Form 2;
- (d) "authorised person" means a person or an organisation authorised by the competent authority to collect, treat, transport, store or dispose of hazardous wastes in accordance with the guidelines to be issued by the competent authority from time to time;
- (e) "export" with its grammatical variations and cognate expression, means taking out of India to a place outside India;
- (f) "exporter" means any person under the jurisdiction of the exporting country who exports hazardous wastes and the exporting country itself, who exports hazardous wastes;
- (g) "facility" means any location wherein the processes incidental to the waste generation, collection, reception, treatment, storage and disposal are carried out;
- (h) "Form" means Form appended to these rules;
- (i) "hazardous wastes" means categories of wastes specified in the Schedule;
- (j) "hazardous wastes site" means a place for collection, reception, treatment, storage and disposal of hazardous wastes which has been duly approved by the competent authority;
- (k) "import", with its grammatical variations and cognate expression, means bringing into India from a place outside India;

- (l) "importer" means an occupier or any person who imports hazardous wastes;
- (m) "operator of a facility" means a person who owns or operates a facility for collection, reception, treatment, storage and disposal of hazardous wastes;
- (n) "Schedule" means Schedule appended to these rules;
- (o) "State Pollution Control Board" means the Board appointed under sub-section (1) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974); and under Section 4 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);
- (p) "transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one country to or through, an area under the national jurisdiction of another country or to or through an area not under the national jurisdiction of any country, provided at least two countries are involved in the movement;
- (q) the words and expressions used in these rules and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

4. Responsibility of the occupier for handling of wastes.—

(1) The occupier generating hazardous wastes listed in column (2) of the Schedule in quantities equal to or exceeding the limits given in column (3) of the said Schedule, shall take all practical steps to ensure that such wastes are properly handled and disposed of without any adverse effects which may result from such wastes and the occupier shall also be responsible for proper collection, reception, treatment, storage and disposal of these wastes either himself or through the operator of a facility.

(2) The occupier or any other person acting on his behalf who intends to get his hazardous waste treated by the operator of a facility under sub-rule (1), shall give, to the operator of a facility, such information as may be specified by the State Pollution Control Board.

5. Grant of authorisation for handling hazardous wastes.—

(1) Hazardous wastes shall be collected, treated, stored and disposed of only in such facilities as may be authorized for this purpose.

(2) Every occupier generating hazardous wastes and having a facility for collection, reception, treatment, transport, storage, and disposal of such wastes shall make an application in Form 1 to the State Pollution Control Board for the grant of authorisation for any of the above activities;

Provided that the occupier not having a facility for the collection, reception, treatment, transport, storage and disposal of hazardous wastes shall make an application to the State Pollution control Board in Form 1 for the grant of authorization within a period of six months from the date of commencement of these rules.

(3) Any person who intends to be an operator of a facility for the collection, reception, treatment, transport, storage and disposal of hazardous wastes, shall make an application in Form 1 to the State Pollution Control Board for the grant of authorisation for any of the above activities ;

Provided that the operator engaged in the business of the collection, reception, treatment, transport, storage and disposal of hazardous wastes shall make an application to the State Pollution Control Board in Form 1 for the grant of authorisation within a period of six months from the date of commencement of these rules.

(4) The State Pollution Control Board shall not issue an authorisation unless it is satisfied that the operator of a facility or an occupier, as the case may be, possesses appropriate facilities, technical capabilities and equipment to handle hazardous wastes safely.

(5) The authorisation to operate a facility shall be issued in Form 2 and shall be subject to conditions laid down therein.

(6) (i) An authorisation granted under this rule shall unless sooner suspended or cancelled, be in force for a period of two years from the date of issue or from the date of renewal.

- (ii) An application for the renewal of an authorisation shall be made in Form 1, before its expiry.
- (iii) The authorisation shall continue to be in force until it is renewed or revoked.

(7) The State Pollution Control Board, may, after giving reasonable opportunity of being heard to the applicant refuse to grant any authorisation.

6. Power to suspend or cancel an authorisation.—

(1) The State Pollution Control Board may cancel an authorisation issued under these rules or suspend it for such period as it thinks fit, if in its opinion, the authorised person has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules, after giving authorised person an opportunity to show cause and after recording reasons therefor.

(2) Upon suspension or cancellation of the authorisation and during the pendency of an appeal under rule 12, the State Pollution Control Board may give directions to the persons whose authorisation has been suspended or cancelled for the safe storage of the hazardous wastes, and such person shall comply with such directions.

7. Packaging, labelling and transport of hazardous wastes.—

(1) Before hazardous wastes is delivered at the hazardous waste site, the occupier or operator of a facility shall ensure that the hazardous wastes is packaged in a manner suitable for storage and transport and the labelling and packaging shall be easily visible and be able to withstand physical conditions and climatic factors.

(2) Packaging, labelling and transport of hazardous wastes shall be in accordance with the provisions of the rules issued by the Central Government under the Motor Vehicles Act, 1988 and other guidelines issued from time to time.

8. Inventory of disposal sites.—

(1) The State Government or a person authorised by it shall undertake a continuing programme to identify the sites and compile and publish periodically an inventory of disposal sites within the State for the disposal of hazardous wastes.

(2) The State Government or a person authorised by it shall undertake an environmental impact study before identifying a site as waste disposal site in the State.

(3) The State Government or a person authorised by it shall undertake a continuing programme to compile and publish an inventory of sites within the State at which hazardous wastes have at any time been stored or disposed of and such inventory shall contain, besides the location and description, information relating to the amount, nature and toxicity of hazardous wastes at each such site as may be associated with such site.

9. Records and returns.—

1) The occupier generating hazardous waste and operator of a facility for collection, reception, treatment, transport, storage and disposal of hazardous waste shall maintain records of such operations in Form 3.

(2) The occupier and operator of a facility shall send annual returns to the State Pollution Control Board in Form 4.

10. Accident reporting and follow-up.— Where an accident occurs at the facility or on a hazardous waste site or during transportation of hazardous wastes, the occupier or operator of a facility shall report immediately to the State Pollution control Board about the accident in Form 5.

11. Import of hazardous wastes.— (1) Import of hazardous wastes from any country to India shall not be permitted for dumping and disposal of such wastes. However, import of such wastes may be allowed for processing or reuse as raw material, after examining each case on merit by the State Pollution Control Board or by an officer authorised in this behalf.

(2) The exporting country or the exporter as the case may be, of hazardous wastes shall communicate in Form 6 to the Central Government (the Ministry of Environment and Forests) of the proposed transboundary movement of hazardous wastes.

(3) The Central Government shall, after examining the communication received under sub-rule (2) and on being satisfied that the import of such hazardous wastes is to be used for processing or reuse as raw material, grant permission for the import of such wastes subject to such conditions as the Central government may specify in this behalf and if, however, the Central Government is not satisfied with the communication received under sub-rule (2), may refuse permission to import such hazardous wastes.

(4) Any importer importing hazardous wastes shall provide necessary information as to the type of hazardous wastes he is to import, in Form 6, to the concerned State Pollution Control Board the Central Pollution Control Board in the case of Union Territories.

(5) The State Pollution Control Board shall examine the information received under sub-rule (4) and issue such instructions to the importer as it considers necessary.

(6) The Central Government or the State Pollution Control Board, as the case may be, shall inform the concerned Port Authority to take appropriate steps regarding the safe handling of the hazardous wastes at the time of off-loading the same.

(7) Any person importing hazardous wastes shall maintain the records of the hazardous wastes imported as specified in Form 7 and the records so maintained shall be open for inspection by the State Pollution Control Board/the Ministry of Environment and Forests/the Central Pollution Control Boards in the case of Union Territories or an officer appointed by them in this behalf.

12. Appeal.—

(1) An appeal shall lie, against any order of suspension or cancellation or refusal of an authorisation by the State Pollution Control Board to the State Government and to the Ministry of Environment and Forests in the case of the Central Pollution Control Board.

(2) Every appeal shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within thirty days of the order passed.

SCHEDULE

[See rules 3 (i), 3(n) and 4]

CATEGORIES OF HAZARDOUS WASTES

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Waste Categories	Types of wastes	Regulatory Quantities
1	2	3
Waste Category No.1	Cyanide Wastes	1 kilogrammes per year calculated as cyanide
Waste Category No.2	Metal Finishing Wastes	10 Kilogrammes per year the sum of the specified substance calculated as pure metal.
Waste Category No.3	Waste containing water soluble chemical compounds of lead, copper, zinc, chromium, nickel, selenium, barium and antimony.	10 kilogrammes per year the sum of the specified substance calculated as pure metal.
Waste Category No.4	Mercury, Arsenic, Thallium and Cadmium bearing wastes.	5 kilogrammes per year the sum of the specified substance calculated as pure metal.
Waste Category No.5	Non-halogenated hydrocarbons including solvents	200 kilogrammes per year calculated as non-halogenated hydrocarbons.
Waste Category No.6	Halogenated hydro-carbon including solvents	50 kilogrammes per year calculated as halogenated hydrocarbons.
Waste Category No.7	Wastes from paints, pigments, glue, varnish and printing ink.	250 kilogrammes per year calculated as oil or oil emulsions.

Waste Categories	Types of wastes	Regulatory Quantities
1	2	3
Waste Category No.8	Wastes from Dyes and Dye Intermediate containing Inorganic chemical compounds.	200 kilogrammes per year calculated as in-organic chemicals.
Waste Category No.9	Wastes from Dyes and Dye intermediate containing organic chemical compounds.	50 kilogrammes per year calculated as organic chemicals.
Waste Category No.10	Waste oil and oil emulsions	1000 kilogrammes per year calculated as oil and oil emulsions.
Waste Category No.11	Tarry wastes from refining and tar residues from distillation or prolytic treatment.	200 kilogrammes per year calculated as tar.
Waste Category No.12	Sludges arising from treatment of waste waters containing heavy metals, toxic organics, oils, emulsions and spend chemicals and Incineration ash.	Irrespective of any quantity.
Waste Category No.13	Phenols	5 kilogrammes per year calculated as phenols.
Waste Category No.14	Asbestos	200 kilogrammes per year calculated as Asbestos.

Waste Categories	Types of wastes	Regulatory Quantities
1	2	3
Waste Category No. 15	Waste from manufacturing of pesticides and herbicides and residues from pesticides and herbicides formulation units.	5 kilogrammes per year calculated as Pesticides and their Intermediate products.
Waste Category No. 16	Acid/Alkaline/Slurry Wastes.	200 kilogrammes per year calculated as Acid/Alkalies.
Waste Category No. 17	Off-Specification and discarded products	Irrespective of any quantity.
Waste Category No. 18	Discarded containers and Containers liners of hazardous and toxic wastes.	Irrespective of any quantity.

FORM - 1

[See rules 3(b), 5(2)(3) and (6)(ii)]

(Application for obtaining authorisation or for its renewal for collection/reception/treatment/transport/storage/disposal of hazardous waste)

1. Name and address of the person applying for authorisation/renewal.
2. Authorisation required for (Please tick appropriate activity/activities)
 - (i) collection.
 - (ii) reception.
 - (iii) treatment.
 - (iv) transport.
 - (v) storage.
 - (vi) disposal.
3. In case of renewal of authorisation previous authorisation number and date.
4. Locational address of the site where the proposed activity/ activities is/are carried out.
5. Important Environmental features of the surrounding areas of the site (Please attach a map of the area, 2.5 kms. radius with the site at the Centre indicating therein water bodies and important human activities, sensitive features).
6. Chemical identity of hazardous waste as per the schedule.
7. Quantity of hazardous waste handled.
8. Details of the operation system for carrying out the activity/activities.

FORM - 2

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[See rule 3 (c) and 5(5)]

(Authorisation for operating a facility for collection, reception, treatment, storage, transport, and disposal of hazardous wastes).

1. Number of authorisation and date of issue.....
- 2of....., is hereby granted an authorisation to operate a facility for collection, reception, treatment, storage, transport and disposal of hazardous waste on the premises situated at
3. The authorisation granted to operate a facility for collection, reception, treatment, storage, transport and disposal of hazardous wastes.
4. The authorisation shall be in force for a period ofyears from the date of issue.
5. The authorisation is subject to the conditions stated below and to such conditions as may be specified in the rules for the time being in force under the Environment (Protection) Act, 1986.

Date..... Signature.....

Designation.....

Terms and conditions of authorisation

1. The authorisation shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made thereunder.
2. The authorisation or its renewal shall be produced for inspection at the request of an officer authorised by the State Pollution Control Board.
3. The person authorised shall not rent, lend, sell, transfer or otherwise transport the hazardous wastes without obtaining prior permission of the State Pollution Control Board.
4. Any unauthorised change in personnel, equipment as working conditions as mentioned in the application by the person authorised shall constitute a breach of his authorisation.
5. It is the duty of the authorised person to take permission of the State Pollution Control Board to close down the facility.
6. An application for the renewal of an authorisation shall be made as laid down in rule 5(6)(II).

Format for maintaining records of hazardous wastes at the facility

1. Name and address of the occupier or operator of a facility :
2. Date of issuance of authorisation and its reference number :
3. Description of hazardous waste :

Physical form with description	Chemical form	Total volume and weight (in kg).
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4. Description of storage and treatment of hazardous waste :

Date	Method of storage of hazardous wastes	Date	Method of treatment of hazardous wastes
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5. Details of transportation of hazardous waste :

Name and address of the consignee of the package	Mode of packing/of the waste for transportation	Mode of transportation to site of disposal	Date of transportation.

6. Details of disposal of hazardous waste :

Date of disposal	Concentration of hazardous material in the final waste form	Site of disposal (Identify the location on the relevant layout drawing for reference)	Method of disposal.	Persons involved in disposal.





7. Date of environmental surveillance :

Date of measurement	Analysis of ground water		Analysis of soil samples		Analysis of air sampling		Analysis of any other samples (give details)
	Location of sampling	Depth of sampling	Location of sampling	Depth of sampling	Location of sampling	Data	

Name and signature of the Head of facility.

[See Rule 9(2)]

Format for the submission of returns, regarding disposal of hazardous Waste
(To be submitted to the State Pollution Control Board)

1. Name and address of the Institution :
2. Details of waste disposal operations :

S. No.	Date of issuance of authorisation for the disposal of hazardous waste and its reference number	Description of Hazardous Waste		Mode of transportation to the site of disposal	Site of disposal (attach a sketch showing the location (s) of disposal)	Brief description of the method of disposal	Date of disposal	Remarks (if any)
		physical form and contents	Chemical form	Total volume of the hazardous waste disposed with No. of packages.				



3. Details of environmental surveillance :

Date of measure- ment	Analysis of ground water samples		Analysis of soil samples		Analysis of air sampling		Analysis of any other samples (give details).
	Location of sampling	Depth of sampling	Location of sampling	Depth of sampling	Location of sampling	Data	

Name and signature of the Head of the Facility.

FORM - 5
(See rule 10)

1. The date and time of the accident :
2. Sequence of events leading to accident :
3. The hazardous waste involved in accident :
4. The data for assessing the effects of the accident on health or the environment.
5. The emergency measures taken.
6. The steps taken to alleviate the effects of accidents.
7. The steps taken to prevent the recurrence of such an accident.

FORM - 6
[See rule 11 (2) and (4)]
(Format for notification and movement document)

A. INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export.
2. Exporter of the waste. ¹
3. Generator(s) of the waste and site of generation. ¹
4. Importer of wastes. ¹
5. Intended carrier(s) of the waste or their agents, if known ¹
6. Exporting Country's Competent authority ²
7. Expected countries of transit Competent authority ²
8. Importing country's Competent authority ²
9. General or single notification.

10. Projected date(s) of shipment(s) and period of time over which waste is to be expected and proposed itinerary (including point of entry and exist) ²
11. Means of transport envisaged (road, rail, sea, air, inland waters).
12. Information relating to insurance ⁴
13. Designation and physical description of the waste and its composition ⁵ and information on any special handling requirements including emergency provisions in case of accidents.
14. Type of packaging envisaged (eg. bulk, drummed, tanker).
15. Estimated quantity in weight / volume ⁶
16. Process by which the waste is generated ⁷
17. Method of disposal.
18. Declaration by the generator and exporter that the information is correct.
19. Information transmitted (including technical description of the plant) to the exporter or generator from the importer of the waste upon which the latter has based his assesement that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the importing country.

B. INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste ⁸
2. Generator(s) of the waste and site of generation ⁸
3. Importer of the waste and actual site of disposal ⁸
4. Carrier(s) of the waste or his agent(s)

5. Subject of generator single notification.
 6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste.
 7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exist where these have been designated.
 8. General description of the waste.
 9. Information on special handling requirements including emergency provision in case of accidents.
 10. Type and number of packages.
 11. Quantity in weight/volume.
 12. Declaration by the exporter that the information is correct.
 13. Declaration by the exporter indicating no objection from the competent authorities of all States concerned which are parties.
 14. Certificate by importer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.
-
1. Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.
 2. Full name and address, telephone, telex and telefax number.
 3. In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known the expected frequency of the shipment will be required.
 4. Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and importer.

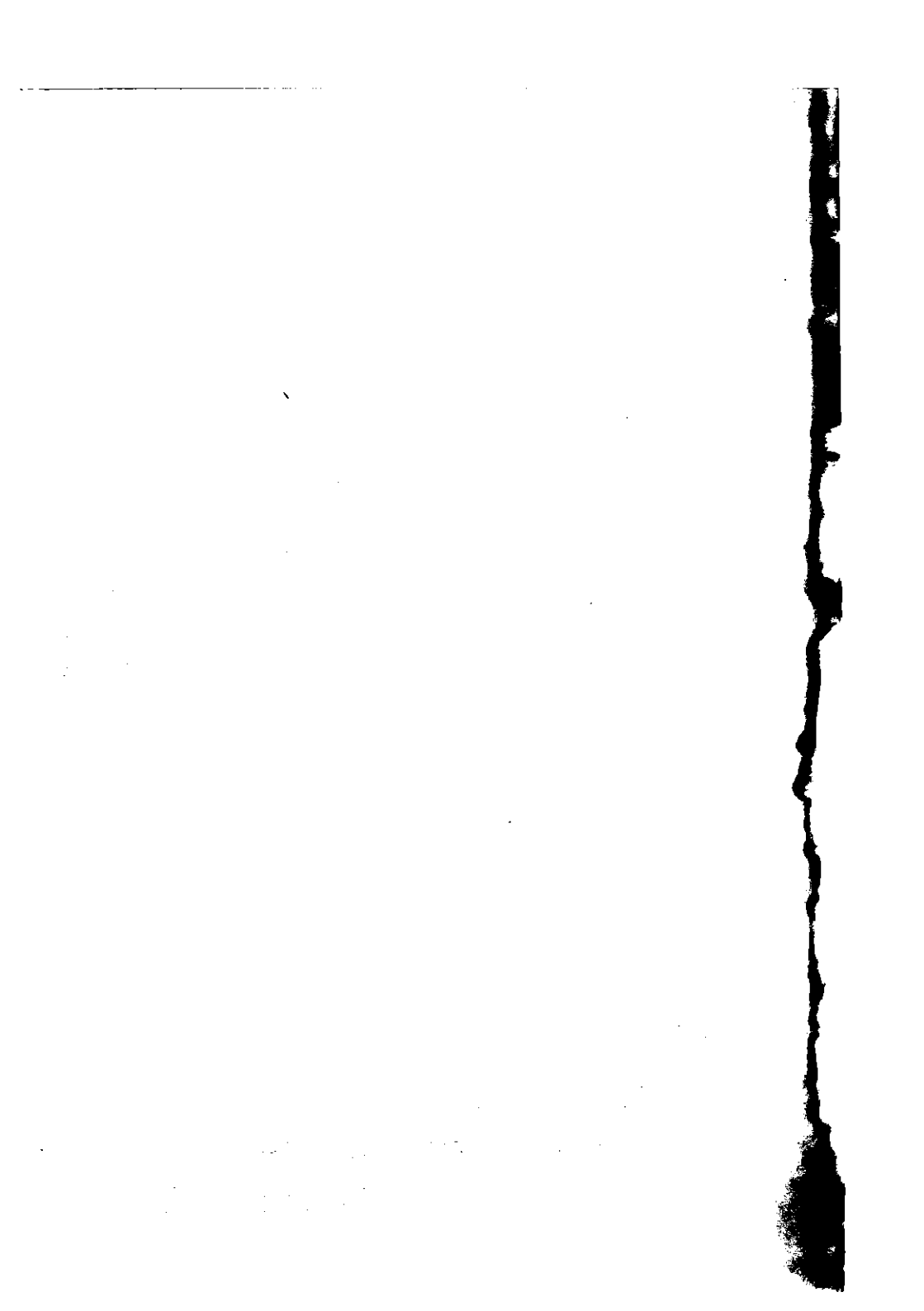
5. The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.
6. In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.
7. In so far as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.
8. Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

FORM - 7

[See Rule 1] (7)

1. Name and address of the importer :
2. Date and reference number of issuance of permission to import hazardous wastes :
3. Description of hazardous waste :
 - (a) Physical form :
 - (b) Chemical form :
 - (c) Total volume and weight (in kilogrammes) :
4. Description of storage, treatment and reuse of hazardous waste:
 - (a) Date :
 - (b) Method of storage :
 - (c) Method of treatment and reuse (give details) :

[F.No.17(1)/87-PL/HSMD]
G. SUNDARAM, Jt. Secy.







**Pollution
Control
Legislation**

**TAMIL NADU POLLUTION
CONTROL BOARD**
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