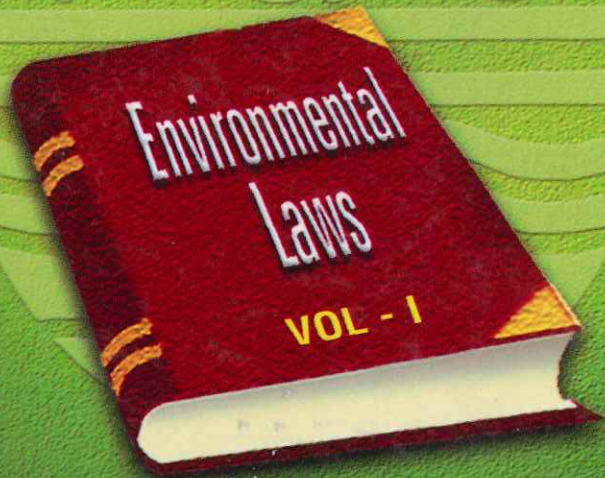


# Pollution Control Legislations



**TAMIL NADU POLLUTION CONTROL BOARD**

**POLLUTION PREVENTION PAYS**



# **POLLUTION CONTROL LEGISLATIONS**

## **VOLUME - I**

**TAMILNADU POLLUTION  
CONTROL BOARD**

100, MOUNT ROAD,  
GUINDY, CHENNAI - 600 032.

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**M. DEVARAJ, I.A.S.,**  
Chairman

Tamil Nadu  
Pollution Control Board



## **FOREWORD**

*The environment where we live and the eco-system, of which we are a part, are too susceptible that their finite resources cannot be over-exploited. Preservation, protection and improvement of the environment, for present and future generations is the solemn duty of every citizen. The Government, more than looking at the moral responsibilities, enacts and enforces laws concerned with many issues. The enactment of laws pertaining to pollution control and environment became inevitable as highlighted in the year of 1972, when India participated in the United Nations Conference on Human Environment at Stockholm, in which a decision was arrived at to take steps to preserve natural resources, including quality of air, water and land.*

*The water (Prevention and Control of Pollution) Act, enacted in 1974 was followed with the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and specific rules, notifications and amendments, thereon have also been issued under these Acts. The Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) was adopted by the Tamil Nadu Legislature on 31.8.1981 and the Tamil Nadu Pollution Control Board was constituted, with effect from 27.2.1982 by G.O. Ms. No. 340, Health and Family*

*Welfare Department, dated 19.2.1982. The Air (Prevention and Control of Pollution) Act, 1981 came into force on 16.5.1981. Various litigations on environmental issues appeared before the Hon'ble Supreme Court of India and High Courts and they have extended their zeal and commitment in carrying out the constitutional mandate in protecting the fundamental rights of the people.*

*In view of creating proper awareness of the provisions and regulations of the Environmental Acts among those who are to abide by them and are concerned in protection of environment, Tamil Nadu Pollution Control Board, in 1989 brought out the first edition of the compilation of Pollution Control Laws, which has been used widely and appreciably. Since the publication of first edition, several amendments and notifications have been issued under the relevant Acts, which have now been incorporated and compiled with most care. I have great pleasure in presenting this second edition of compendium on Pollution Control Legislation in two volumes for the benefit of protecting the environment.*

*M/27 1095*

**M. DEVARAJ**  
CHAIRMAN.

**TAMIL NADU POLLUTION CONTROL BOARD**

Chennai - 600 032.

Date: 27:10:1999

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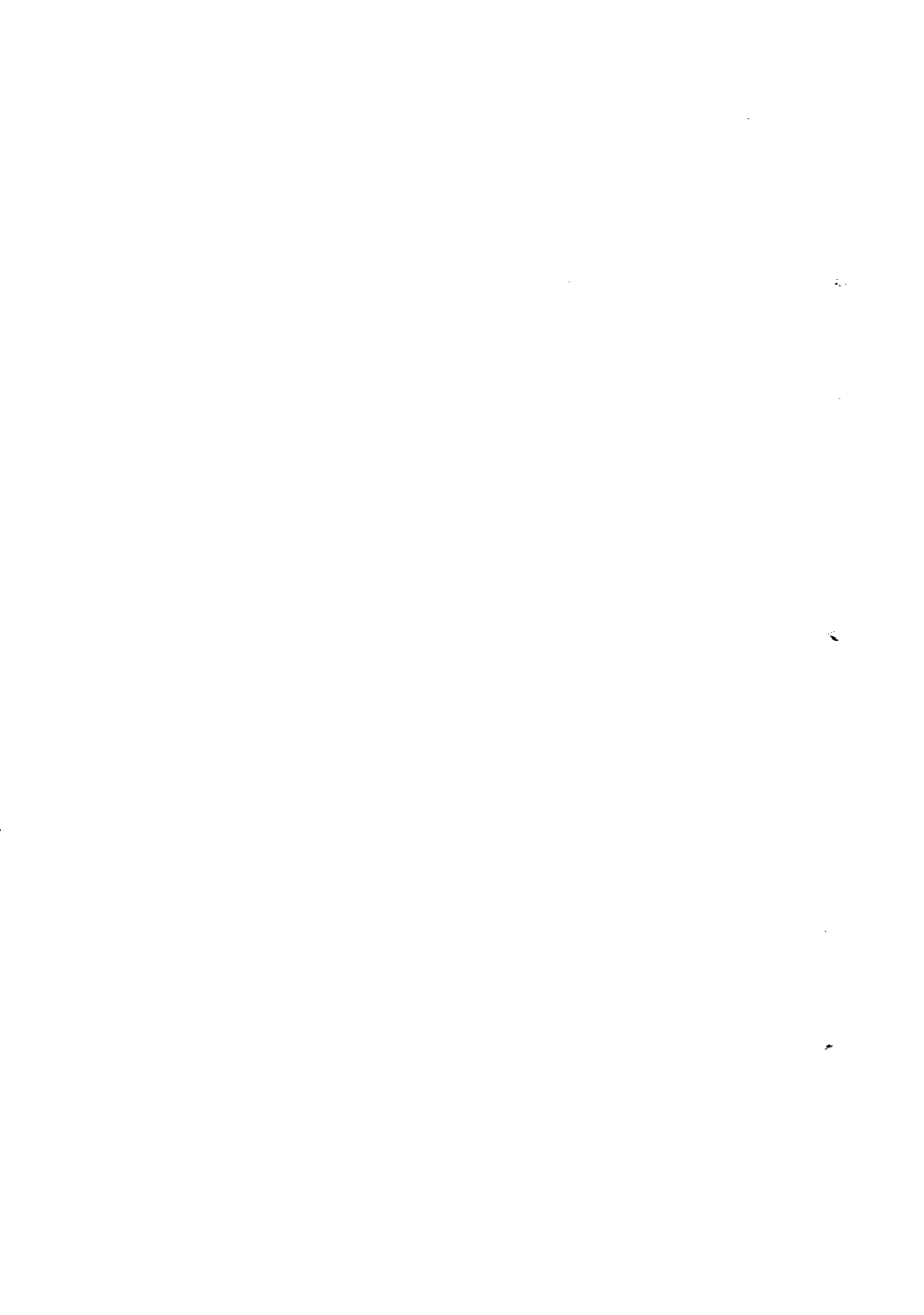
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**VOLUME - I**

**POLLUTION  
CONTROL  
LEGISLATIONS**



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

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
5800 S. UNIVERSITY AVENUE  
CHICAGO, ILLINOIS 60637  
TEL: (773) 835-3100  
FAX: (773) 835-3101  
WWW: WWW.CHEM.UCHICAGO.EDU

**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 resolution 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, Madhyapradesh, 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 this 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 a State Board;

<sup>1</sup>[(b) "**Central Board**" means the Central Pollution Control Board constituted under Section 3;]

(c) "**Member**" means a member of a Board and includes the chairman thereof;

---

<sup>1</sup> Subs. by Act 53 of 1988, s. 2 for cl.(b)

<sup>1</sup>[(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 includes, in relation to any substance, the person in possession of the substance;]

<sup>2</sup>[(dd) "**Outlet**" includes an 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;]

(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;

<sup>2</sup>[(gg) "**Sewer**" means any conduit pipe or channel open or closed, carrying sewage or trade effluent;]

<sup>1</sup>[(h) "**State Board**" means a State Pollution Control Board constituted under section 4;]

- 
1. Subs. by Act 53 of 1988, s, 2 for cls (d) and (h)
  2. Ins. by Act 44 of 1978, s.2 for cls (dd) and (gg)

(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 '[(industry, operation or process, or treatment and disposal system)] 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

---

1. Subs. by Act 53 of 1988, s.2, for "trade or industry"

in the Official Gazette, appoint, constitute a Central Board to be called the <sup>1</sup>[Central Pollution Control Board] 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 <sup>2</sup>[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

(b) <sup>3</sup>[such number of officials, not exceeding five] 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) <sup>4</sup>[such number of non-officials, not exceeding three] 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;

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1. Subs, by Act 53 of 1988, s 3 for Certain words.
  2. Substituted by Act 44 of 1978, s.3, for Certain words.
  3. Substituted by s 3 ibid for "five officials"
  4. Substituted by s 3, ibid, for "three non-officials"

(f) <sup>1</sup>[a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government]

(3) The Central Board shall be a body corporate with the name aforesaid having perpetual succession and 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 Board,-** (1) The State Government shall, with effect from such date <sup>2</sup>[\*\*\*] as it may by notification in the Official Gazette, appoint, constitute a <sup>3</sup>[State pollution Control 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) ~~State Board~~ shall consist of the following members, namely :-

(a) <sup>4</sup> a ~~chairman~~, being a person having special knowledge or practical experience in respect of <sup>5</sup>[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government.

<sup>6</sup>[Provided that the chairman may be either whole-time or part-time as the State Government may think fit;]

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- 1 Substituted by Act 53 of 1988 S 3 for Cl.(f)
  - 2 Certain words Omitted by Act 44 of 1978 S. 4
  - 3 Substituted for words "State Board" by Act 53 of 1988, s.4.
  - 4 Omitted for the words "full-time" by Act 44 of 1978, s. 4.
  - 5 Substituted by *ibid*, s.4 for Certain words.
  - 6 Inserted by *ibid* s.4.

(b) <sup>1</sup>[Such number of officials, not exceeding five,] to be nominated by the State Government to represent that Government.

(c) <sup>2</sup>[Such number of person, not exceeding five] to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

(d) <sup>3</sup>[such number of non-officials, not exceeding three] to be nominated by the State Government to represent the interest of agriculture, fishery or industry or trade or any other interest 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:

<sup>4</sup>[(f) a full-time member-secretary, possessing qualifications knowledge and experience of scientific, engineering or management aspects of pollution control, 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

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1. Subs. for the words "five officials" by Act 44 of 1978, s.4
  2. Subs. by Act 44 of 1978, s.4 for five persons
  3. Substituted to the words three non-officials by Act 44 of 1978, s.4
  4. Subs. by Act 53 of 1988, s.4 for cls. (f)

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 an 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) 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]

(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 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 members 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 <sup>1</sup>[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) 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 <sup>2</sup>[Shall be eligible for renomination]

(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.

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1. Sub. by Act 44 of 1978 s.5 for certain words.  
2. Subs by Act 53 of 1988, s 5 for "shall not be eligible for renomination for more than two terms".



(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 effluent, 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 disqualifications 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 meeting, as may be prescribed.

(3) The members of a committee (other than the members of 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 subsection (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.

[(3) A person associated with the Board under subsection (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.]

**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.

**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]

**12. Member secretary and officers and other employees of Board :-** (1) 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.

<sup>2</sup>[\*\*\*\*]

<sup>3</sup>[(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 the State Board :

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

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1. Inserted by Act, 44 of 1978, s. 7
  2. Certain words omitted by Act 44 of 1978 by s.8, *ibid.*
  3. Inserted by *ibid.*

- (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]

<sup>1</sup>[3B] The Board may, by general or special order, and subject to such conditions and limitations, if any, as may be specified in the order, delegate to any officer of the Board such of its powers and functions under this Act as it may deem necessary].

(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 Board :-** (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 State contiguous to such Union territory or Union territories,

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1. Inserted by Act 53 of 1988 s. 6

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 to 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 States 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 participating Union territory or Union territories and 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 environmental protection] 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 the 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

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1. Subs. by Act 44 of 1978, s. 9 for certain words.

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;

1[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]

(2) A Joint Board constituted in pursuance of an agreement entered into under clause (b) 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 2[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the 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

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1. Subs. by Act 53 of 1988, s.7 cl (f)

2. Subs. by Act 44 of 1978 s.9 for certain words.



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;

<sup>1</sup>[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, 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 provision 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

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1. Subs. by Act 53 of 1988, s.7, for cl (f)

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;

[(ee) perform such of the functions of any State Board as may be specified in an order made under sub-section (2) of section 18];

(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 recognize 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 organizing 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 States;

(h) to evolve economical and reliable methods of treatments 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 utilization 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 effluent 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 effluent 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 effluent;

(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 recongnise 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. Powers to give directions** :- [(1) 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;

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1. S. 18 renumbered as sub-section (1) thereof by Act 53 of 1988, S. 9

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.

[(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 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.]

## **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 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 function 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, operation of process, or treatment and disposal system] 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.

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1. Substituted for the words "industry of trade by Act 53 of 1988, s.10

(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 forth with -

(i) in a case where such sample is taken from any area situated in a Union territory, to the laboratory established or recognized by the Central Board under section 16; and

(ii) in any other case, to the laboratory established or recognized 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 an other case, to the laboratory established or specified under sub-section (1) of section 52.

1[(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 samples 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; 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]

(5) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person

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1. Substituted for the sub-section (4) by Act 44 of 1978. s. 10

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 Results 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 recognized 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 of 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

there under 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 <sup>1</sup>[the code of Criminal Procedure, 1973 (2 of 1974)] or in relation to the State of Jammu and Kashmir the provisions of any corresponding law in force in the 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 <sup>2</sup>[Section 94] 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 <sup>3</sup>[stream or well or sewer or on land]; or

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1. Subs by Act 44 of 1978, s. 11 for "Code of Criminal Procedure, 1898 (5 of 1898)"
  2. Subs by s. 11 *ibid*, for s 98.
  3. Subs by Act 53 of 1988, s 11, for "Stream or well"

(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 and be altered, varied or amended.

**25. Restrictions on new outlets and new discharges:**

[(1) Subject to the provisions of the section, no person shall, without the previous consent of the State Board,

(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or

(b) bring into use any new or altered outlets for the discharge of sewage; or

(c) begin to make any new discharge of sewage;

Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.

(2) An application for consent of the State Board under sub-section (1) shall be made in such form, contain such particulars and shall be accompanied by such fees 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 -

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

(i) in cases referred to in clauses (a) and (b) of sub-section (1) of section 25, conditions as to be point of discharge of sewage or as to the use of that outlet or any other outlet for discharge of sewage;

(ii) in the case of a new discharge, conditions as to be nature and composition, temperature, volume or rate of discharge of the effluent from the land or premises from which the discharge or new discharge is to be made; and

(iii) that the consent will be valid only for such period as may be specified in the order, and any such conditions imposed shall be binding on any person establishing or taking any steps to establish any industry operation or process, or treatment and disposal system or extension or addition thereto, or using the new or altered outlet, or discharging the effluent from the land or premises aforesaid; or

(b) refuse such consent for reasons to be recorded in writing.

(5) Where, without the consent of the State Board, any industry, operation or process or any treatment and disposal system or any extension or addition thereto, is established; or any steps for such establishment have been taken or a new or altered outlet is brought into use for the discharge of sewage or a new discharge of sewage is made, the State Board may serve on the person who has established or taken steps to establish any industry,

operation or process, or any treatment and disposal system or any extension or addition thereto, or 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 of such establishment, such outlet or discharge.

(6) Every State Board shall maintain a register containing particulars of the conditions imposed under this section and so much of the register as relates to any outlet, or to any effluent, from any land or premises shall be open to inspection at all reasonable hours by any person interested in, or affected by such outlet, 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

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 <sup>1</sup>[stream or well or sewer or on land], 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 <sup>2</sup>[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].

**27. Refusal or withdrawal of consent by State Board:-**  
<sup>3</sup>[(1) A State Board shall not grant its consent under sub-section (4) of section 25 for the establishment of any industry, operation or process, or treatment and disposal system or extension or addition thereto, or to the bringing into use of a new or altered outlet unless the industry, operation or process, or treatment and disposal system or extension or addition thereto, or the outlet is so established as to comply with if any conditions imposed by the Board to enable it to exercise its right to take samples of the effluent.]

<sup>4</sup>[(2) A State Board may from time to time review -

1. Subs by Act 44 of 1978, s. 13 for "Stream or well"
2. Subs by sec 13 *ibid* for certain words.
3. Subs by Act 53 of 1988, s. 13 for sub-section (1)
4. Subs by Act 44 of 1978, s 14 for sub-section (2)

<sup>1</sup>[(a) any condition imposed under section 25 or section 26 and may serve on the person to whom a consent under section 25 or section 26 is granted a 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.]

(3) Any conditions imposed under section 25 or section 26 shall be subject to any variation made under sub-section (2) and shall continue in force until revoked under that sub-section.

**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,

<sup>2</sup>[(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.]

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

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1. Subs by Act 53 of 1988, s. 13, for cl (a)

2. Subs by Act 44 of 1978, sec. 15, for Sub-section (2).

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 conditions imposed, such authority may direct either that the condition shall be treated as annulled or that there shall be substituted for its 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 revision 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 other 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 carryout certain works:-**

1[(1) Where under this Act, any conditions have been imposed on any person while granting consent under section 25 or section 26 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 :-**

2[(1) If at any place where any industry, operation or process, or any treatment and disposal system or any extension or addition thereto is being carried on, due to accident or other unforeseen act or event any poisonous, noxious or polluting matter is

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1. Subs by Act, 53 of 1988 s 14, sub-section (1)

2. Subs by s. 15 *ibid* for sub-section (1)

being discharged, or is likely to be discharged into a stream or well or sewer or on land and, as a result of such discharge, the water in any 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 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 <sup>1</sup>[any stream or well or on land by reason of the discharge of such matter in such stream or well on such land] 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 <sup>2</sup>[stream or well or on land] 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;

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1. Subs by Act 53 of 1988 s. 16 for "any stream or well"

2. Subs by s 16, *ibid* for "Stream or well"

(c) issuing orders immediately restraining or prohibiting the persons concerned from discharging any poisonous, noxious or polluting matter <sup>1</sup>[into the stream or well or on land] 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:-** <sup>2</sup>[(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 or likely disposal of any matter in such stream or well or in any sewer, or on any land, or otherwise, 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 the person who is likely to cause such pollution from so causing.]

(2) On receipt of an application under sub-section (1) the court 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

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1. Substituted for "into the stream or well" by Act 53 of 1988. s. 16.

2. Subs for the words sub-sections (1) by *ibid.* s. 17.



(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.

**1[33- A. Power to give directions :-** 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.

**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.]

## 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 '[fees] 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 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 functions under such law by the Central Board, also for performing its functions under such law] and such sums shall be treated as expenditure payable out of the funds 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 receipt (by way of gifts, grants, donations, benefactions <sup>1</sup>[fees] 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 <sup>2</sup>[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] and such sums shall be treated as expenditure payable out of the fund of that Board,

<sup>3</sup>**37. A. Borrowing Powers of Board :-** 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 the performance of all or any of its functions under this Act.]

**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.

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1. Ins by s. 17, by Act 44 of 1978
  2. Ins by Act 44 of 1978, s. 17
  3. Inserted by Act 53 of 1988. s. 19

**39. Annual Report :-** (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 from 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 the 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.]

**40. Account 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. [Act 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 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 or directions issued under sub-section (2) of section 33 or section 33 A. (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 shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or**

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1. Subs by Act 53 of 1988, s, 21 for s. 11 .

with both 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.

(2) Whoever fails to comply with any order issued under clause (c) or sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A shall, in respect of each such failure and on conviction, 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.

(3) If the failure referred to in sub-section (2) continues beyond a period of one year after the date of conviction, the offender shall, on conviction 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].

**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 <sup>1</sup>[ten 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 provision, 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 <sup>1</sup>[ten 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 <sup>2</sup>[one year and six months] but which may extend to six years and with fine.

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1. Subs by Act 53 of 1988, s 22, for "one thousand rupees".

2. Subs by words "one year" by *ibid.* s. 24.

**44. Penalty for contravention of section 25 or section 26 :-** Whoever contravenes the provision of section 25 or section 26 shall be punishable with imprisonment for a term which shall not be less than <sup>1</sup>[one year and 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 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 <sup>2</sup>[two years] 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.

**<sup>3</sup>[45- A. Penalty for contravention of certain provisions of the Act :-** Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in case of a continuing contravention or failure with an additional fine which may extend to five thousand rupees for every day during which such contravention or failure continues after conviction for the first such contravention or failure].

**46. Publication of names of offenders :-** If any person convicted of an offence under this Act commits a like

- 
1. Subs for words "six months" by Act 53 of 1988 s. 23
  2. Substituted for words "1 year" by *ibid.*
  3. Ins. by Sec. 25 *ibid.*



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. Offence 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, 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 for 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 purpose 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** :- <sup>1</sup>[(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].

<sup>2</sup>[(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].

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1. Substituted by Act 53 of 1988, s. 26 for sub-section (1)

2. Inserted by Act 53 of 1988, s. 26

<sup>1</sup>[(3) Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, (2<sup>a</sup> of 1974)] it shall be lawful for any <sup>2</sup>[Judicial Magistrate of the first class or for any Metropolitan Magistrate] to pass a sentence of imprisonment for a term exceeding two years or of fine exceeding two thousand rupees on any person convicted of an offence punishable under this Act.

**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

1. Sub-Section (2) renumbered as Sub-Section (3) by Act 53 of 1988, s. 26.

2. Substituted by Act 44 of 1978, s. 19 for certain words.

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 State 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 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.

**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 person as it thinks fit and having the prescribed qualifications to be Government analyst for the purpose, of analysis 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 person 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, as the case may be under section 17.

**54. Reports of analysts** :- Any document purporting to be 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 of 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 function 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 the 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 in the Central and Joint Board :-** (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 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 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 as to 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-section



(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 the Central Board under sub-section (1) of section 10 and the fees and allowances payable to such persons];

(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 member-secretary of the Central Board;

<sup>1</sup>[\*\*\*\*\*]

(j) the form of the report of the Central Board analyst sub-section (1) of section 22;

(k) the form of the report of the Government analyst under sub-section (3) of section 22;

<sup>2</sup>[(l) 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 38;

(ll) the form in which the annual report of the Central Board may be prepared under section 39;]

(m) the form in which the accounts of the Central Board may be maintained under section 40;

<sup>3</sup>[(mm) the manner in which notice of intention to make a complaint shall be given to the Central Board or officer authorised by it under section 49;]

(n) any other matter relating to the Central Board, including the powers and functions of that Board in relation to Union territories;

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1. Clauses (h) and (i) omitted by Act 44 of 1978 S.20

2. Subs. by Act 53 of 1988, s. 27

3. Inserted by Act 53 of 1988, s. 27.

(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 <sup>1</sup>[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.

**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;

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1. Subs. by Act 44 of 1978 s. 20 for certain words

(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 [and the fees and allowances payable to such persons];

(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 repayable 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;

<sup>1</sup>[(n) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under section 38;

(nn) the form in which the annual report of the State Board may be prepared under section 39;]

(o) the form in which the accounts of the State Board may be maintained under sub-section (1) of section 40.

<sup>2</sup>[(oo) the manner in which notice of intention to make a complaint shall be given to the State Board or officer authorised by it under section 49;]

(p) any other matter which has to be, or may be, prescribed.

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1. Subs. by Act 53 of 1988 s. 28 for cl. (n)

2. Ins. by Sec. 28. *ibid*

**<sup>1</sup>[NOTIFICATION]**

**NO. VI - 3 (b) / 21 / 85**

<sup>2</sup>In exercise of the powers conferred by sub-section (3) of section 53 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Tamil Nadu Pollution Control Board, with the approval of the Government of Tamilnadu, hereby appoints Dr. K. Narayanan, Chief Scientific Officer, Tamilnadu Pollution Control Board Laboratory as a Board Analyst, for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to the Tamilnadu Pollution Control Board Laboratory, Madras.

Madras - 600 004.  
29th October, 1985

**G. RENGASAMY**  
Member-Secretary (In-charge)  
Tamilnadu Pollution Control Board.

**<sup>2</sup>[NOTIFICATION]**

G.O. Ms. No. 214 Environment & Forest dated 10.10. 1988.

Under sub-section (3) of section 53 of the water (Prevention and control of pollution) Act, 1974 (Central Act 6 of 1974) the Governor of Tamilnadu hereby approves the proposal of the Tamilnadu Pollution Control Board to appoint Dr. V.N.Rayudu and Dr. G.S. Thangaraj, Chief Scientific Officers of Regional Laboratories at Salem and Madurai respectively as Board Analysts for purpose of analysis of samples of water sent for Analysis to the Laboratory established or recognised under section 17 of the said Act.

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1. Inserted by T.N. Govt. Notification No VI-3 (b) / 21 / 85 dt. 29.10.85
  2. Inserted by G.O.Ms. No. 214 Environment Forest Dated 10.10.1988.

**<sup>1</sup>[NOTIFICATION]**  
**NO. VI(I) / 1099 / 98.**

<sup>2</sup>[In exercise of the powers conferred by sub-section (3) of section 53 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Tamil Nadu Pollution Control Board, Chennai, hereby appoints the following persons, to be Board Analysts, for the purposes specified therein :-

(1) Dr. V. Chandrasekaran, Additional Manager, Advanced Environmental Laboratory, Salem.

(2) Thiru R. Ganesan, Deputy Manager (Other Duty in the Board Office).

(3) Thiru P. P. Chandrasekaran, Deputy Manager, Mobile Environmental Laboratory, Coimbatore.

(4) Thiru R. Mohan, Deputy Manager, Mobile Environmental Laboratory, Trichy.

(5) Thiru P. Arumugam, Deputy Manager, District Environmental Laboratory, Ambattur.

(6) Thiru P.V. Marimuthu, Additional Manager (incharge), Advanced Environmental Laboratory, Madurai.

(7) Thiru N.A. Sekar, Deputy Manager, Advanced Environmental Laboratory, Salem.]

**M. Devaraj**  
Chairman  
Tamil Nadu Pollution Control Board.

**THE TAMIL NADU WATER (PREVENTION  
AND CONTROL OF POLLUTION) RULES, 1983**  
(G.O. Ms. No. 2, Environment Control,  
dated 26th September 1983)

**NO. SRO A-236 (a)/83.**- 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 rules, namely :-

**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 sub-section(1) of Section 9.

(e) "Form" means a Form set out in Schedule 1;

(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 the 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 costing 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 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 for 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 the members who attend the meeting and of the proceedings of the meeting in a book to be maintained for the purpose by 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 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

~~except~~

same expert 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 meeting 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, allowance 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 <sup>1</sup>[(Rs. 150 (Rupees one hundred and fifty only)] per any 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 <sup>2</sup>[Rs. 150 (Rupees one hundred and 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

- 
1. Substituted for the words "Rs. 50/-" by G.O. Ms. No. 101, E & F dated 6th February 1990.
  2. Substituted for the words "Rs. 50/-" by G.O. Ms. No. 101 E & F dated 6th February 1990.

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 & MEMBER-SECRETARY AND CREATION OF POSTS**

**15. Power 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, 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 exceeds <sup>1</sup>[Two thousand four hundred and thirty-five rupees but does not exceed three thousand and ninety rupees]

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1. Subs. by G.O. Ms. No. 23 Environment Control, dt. 15th April 1987

(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.

(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 <sup>1</sup>[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.

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1      Subs. for words "one thousand rupees" by G.O.Ms. No. 22 Environment Control dt. 21st August 1985.

(6) The member-secretary shall be competent to settle all bill 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 power 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 may specify the conditions and limitations subject to him 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 thousands 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, 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 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 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.

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1. First Proviso in rule 18 substituted by G.O. Ms. No. 331 Environment & Forests, dated 5th December, 1988

## **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 local body or any authority incharge of disposal of sewage effluent.

**<sup>1</sup>[26. A. Consent fee** - Consent fee shall be paid at the following rates by the Industries and the Local bodies specified in the Table below:-

**<sup>2</sup>[THE TABLE]**

Sl. No. 1.	Gross Fixed assets 2.	Amount of Consent Fee 3.		
		Red	Orange	Green
		(Rupees)		
01	Upto Rs. 1 Lakh	200	150	100
02	Above Rs. 1 Lakh and Upto Rs. 2 Lakhs	300	250	200
03	Above Rs. 2 Lakhs and Upto Rs. 3 Lakhs	400	350	300

1. Inserted by G.O. Ms. No. 15, Environment Control dated 24th July 1985.
2. Substituted by G.O. Ms. No 165, E & F (EC-1) dt 30th July 1996, published in the Tamilnadu Government, Gazette part III sec, 1(S), dt 21st August 1996 issue No. 32, PP,110-111.

Sl. No. 1.	Gross Fixed assets 2.	Amount of Consent Fee 3.		
		Red	Orange	Green
		(Rupees)		
04	Above Rs. 3 Lakhs and Upto Rs. 4 Lakhs	500	450	400
05	Above Rs. 4 Lakhs and Upto Rs. 5 Lakhs	600	550	500
06	Above Rs. 5 Lakhs and Upto Rs. 6 Lakhs	800	700	600
07	Above Rs. 6 Lakhs and Upto Rs. 7 Lakhs	900	800	700
08	Above Rs. 7 Lakhs and Upto Rs. 8 Lakhs	1,000	900	800
09	Above Rs. 8 Lakhs and Upto Rs. 9 Lakhs	1,100	1,000	900
10	Above Rs. 9 Lakhs and Upto Rs. 10 Lakhs	1,200	1,000	1,000
11	Above Rs. 10 Lakhs and Upto Rs. 15 Lakhs	1,700	1,450	1,250
12	Above Rs. 15 Lakhs and Upto Rs. 20 Lakhs	2,000	1,750	1,500
13	Above Rs. 20 Lakhs and Upto Rs. 25 Lakhs	2,300	2,000	1,750
14	Above Rs. 25 Lakhs and Upto Rs. 35 Lakhs	2,750	2,350	2,000
15	Above Rs. 35 Lakhs and Upto Rs. 45 Lakhs	3,400	2,900	2,500
16	Above Rs. 45 Lakhs and Upto Rs. 55 Lakhs	4,100	3,500	3,000
17	Above Rs. 55 Lakhs and Upto Rs. 65 Lakhs	4,800	4,100	3,500
18	Above Rs. 65 Lakhs and Upto Rs. 75 Lakhs	6,000	5,000	4,000

Sl. No. 1.	Gross Fixed assets 2.	Amount of Consent Fee 3.		
		Red	Orange	Green
		(Rupees)		
19	Above Rs. 75 Lakhs and Upto Rs. 1 Crore	7,500	6,000	5,000
20	Above Rs. 1 Crore and Upto Rs. 5 Crores	10,000	8,500	7,000
21	Above Rs. 5 Crores and Upto Rs. 10 Crores	17,500	12,600	10,000
22	Above Rs. 10 Crores and Upto Rs. 20 Crores	30,000	25,000	20,000
23	Above Rs. 20 Crores and Upto Rs. 30 Crores	35,000	30,000	25,000
24	Above Rs. 30 Crores and Upto Rs. 40 Crores	40,000	35,000	30,000
25	Above Rs. 40 Crores and Upto Rs. 50 Crores	50,000	40,000	35,000
26	Above Rs. 50 Crores and Upto Rs. 100 Crores	65,000	50,000	40,000
27	Above Rs. 100 Crores and Upto Rs. 200 Crores	70,000	55,000	45,000
28	Above Rs. 200 Crores and Upto Rs. 300 Crores	80,000	65,000	50,000
29	Above Rs. 300 Crores and Upto Rs. 400 Crores	90,000	70,000	55,000
30	Above Rs. 400 Crores and Upto Rs. 500 Crores	95,000	75,000	60,000
31	Above Rs. 500 Crores	1,00,000	90,000	75,000



**LOCAL BODIES**

Sl. No. 1	Type of Local Body 2	Amount of Consent fee 3 Rs.
01	Municipal Corporation	3,000
02	Special - Grade Municipality	2,750
03	Grade - I Municipality	2,500
04	Grade - II Municipality	2,000
05	Grade - III Municipality	1,500
06	Town Panchayat	750
07	Village Panchayat	100

**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, specifications 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 VII-A

### APPEALS

**1[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

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1. Inserted by G.O.Ms. No. 38, Environment Control, dated 27th August, 1984.

(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) Whether 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 of 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];

## CHAPTER VIII

### FURNISHING OF INFORMATION RELATING TO ACCIDENTS, ETC.

#### **28. Furnishing of information under Section 31 (1).** -

Every person incharge 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 VIII - A ANALYST**

**28.A. Qualification of Board Analyst.** - No person shall be eligible for appointment as Board Analyst in any laboratory established or recognised under sub-section (2) of Section 17 of the Act unless he has the following qualifications, namely :-

(i) Post-graduate or Honours Degree of any University in Chemistry, Biology or Microbiology or equivalent qualification in anyone or more of these subjects from any University or Institution recognised by the University or Institution recognised by the University Grants Commission as equivalent; and

(ii) Experience in a laboratory for a period of not less than five years in the physical, chemical and bacteriological analysis of water and waste water and a thorough knowledge of the maintenance of such a laboratory;

1. Inserted by G.O.M.S. No. 24, Environment and Control dated 8th June 1984.

Provided that preference shall be given to holders of Ph.D. in Chemistry, Biology or Microbiology if they have the requisite experience.

**28-B. Qualifications of Government Analyst.** - No person shall be eligible for appointment as Government Analyst in any laboratory established or specified under sub-section (1) of Section 52 of the Act, unless he has the following qualification, namely :-

(i) Post - graduate or Honours degree in Chemistry of any University or Institution recognised by the University Grants Commission for the purpose of its grant and evidence of having undergone a course of studies in Botany and Zoology during the collegiate course.

(ii) Experience in laboratory for a period of not less than five years in the physical, chemical and bacteriological analysis of water and waste water and a thorough knowledge on the maintenance of such a laboratory.

**[28-C, Fees payable for Laboratory's report,** - Fees payable for Laboratories report on the analysis of tests of samples of water or of sewage or trade effluent shall be as specified in the Annexures I and III to this rule.

#### ANNEXURE-I

#### FEES FOR INDUSTRY-WISE LABORATORY ANALYSIS REPORT.

Serial No.	Name of the Industries	Fees.
1.	2.	3.
01	Aluminium	1,040.00
02	Asbestos	845.00
03	Beverages	715.00

1. Substituted by G.O. Ms. No. 298 Environment and Forests (ECI) 3rd December 1996.

04	Cement, Concretes, Lime, Gypsum	845.00
05	Caustic Soda	890.00
06	Cold Storage / Refrigeration	845.00
07	Dairy	715.00
08	Distillery	1,102.00
09	Dyestuff	1,940.00
10	Engineering	1,855.00
11	Nitrogenous Fertilizer	1,755.00
12	Phosphatic-Fertilizer	1,215.00
13	Film producing unit	1,100.00
14	Glass / Ceramic	990.00
15	Glue Industries	715.00
16	Inorganic Chemicals Alkalies	2,370.00
17	Leather tanning	1,345.00
18	Meat / Slaughter Houses	960.00
19	Organic Chemicals	1,360.00
20	Petrol Refinery Use of Cr. in cooling systems	1,440.00
21	Pulp and Paper	1,170.00
22	Rubber products	845.00
23	Starch / Sugar	1,005.00
24	Steel	1,615.00
25	Textiles Bleaching	730.00
26	Textiles / Processing	1,135.00
27	Thermometres	810.00
28	Viscose Rayon	990.00

29	Polyester Fibre	1,120.00
30	Sewage	240.00
31	Petro-Chemicals	1,245.00
32	Pharmaceutical Manufacturing and Formulation	1,565.00
33	Pesticides Manufacturing (Inclusive of bio-assay charges)	1,635.00
34	Paint Industry	1,895.00
35	Sea Food Industries	930.00
36	Synthetic Rubber	715.00
37	Integrated Iron / Steel Plant	990.00
38	Food / Fruit Process Industry	715.00
39	Natural Rubber Processing Industries	960.00

## ANNEXURE II

### FEEES FOR BACTERIOLOGICAL ANALYSIS REPORT

Serial No. 1.	Name of the Industries 2.	Fees. 3.
01	Standard Plate count (colonies ml.)	50.00
02	Total Coliform	
	(a) Multiple tube technique MPN / 100 ml.	75.00
	(b) Membrane filter (colonies) technique 100 ml.	100.00
03	Faecal coliform	
	(a) Multiple tube MPN / 100 ml	70.00
	(b) Membrane filter technique (Colonies 100 ml.)	100.00



04	E. Coli	
	(a) Multiple tube techniques MPN / 100 ml.	70.00
	(b) Membrane filter colonies / 100 ml. techniques	-
05	Faecal Streptococci	
	(a) Multiple tube technique (MPN / 100 ml.)	70.00
	(b) Membrane filter technique (colonies / 100 ml.)	100.00

### ANNEXURE III

#### FEES FOR SPECIAL PARAMETER / SPECIAL DATA REPORT

Serial No.	Name of the Industries	Revised charges shall be collected Fees.
1.	2.	3.
01	Detergents	50.00
02	Tannin and lignin	50.00
03	Insecticides	150.00
04	Radioactivity - count test	100.00
05	Radioactivity - Count measurement	100.00
06	Oil and Grease at PPB level using Spectrofluorophoto meter	100.00
07	Spectral data (UV-visible) / Spectrophotometer	50.00
08	TC/TOC/TOD analysis	100.00
09	IR Spectrum using FTIR (for solids / liquids / gases)	100.00
10	Microbial and plankton studies using inverted microscope	150.00

**K.S. SRIPATHI**  
Secretary to Government

## CHAPTER IX

### REPORT OF ANALYSIS

**29. Form of report of Government Analyst.**- (1) 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 <sup>1</sup>[Form VII] <sup>2</sup>[VII-A] and submitted to the Government. <sup>3</sup>[\*\*\*\*\*]

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1. Form VII substituted for forms VII, VIII, IX, and X by G.O. Ms. No. 270, E & F dt. 10th July 1992.
  2. Inserted by G.O. Ms. No. 61, Environment Control, dated 2nd September 1986.
  3. Forms VIII, IX, X omitted by *ibid.*

(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. The annual statement of accounts, along with the audit report thereon of the Board, shall be submitted to the Government duly printed on or before the 31st December every year.

**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 I****FORM I****Tamilnadu Pollution Control Board**

(Notice of Intention to have sample analysed)

*(See rule 25 of the Tamil Nadu Water  
(Prevention & 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 today the ..... day of ..... 19 ..... from\*

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)

\* here specify the stream, well, plant, vessel or place from where the sample is taken.

To

**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.
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Sir,

1 / 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 the 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.

### **ANNEXURE TO FORM II**

#### **OUTLET / DISCHARGE EXISTING / 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 applicant with address, Tel No.	
2.	Full name of land / premises / institute / factory / industry with address, Telephone 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	
	Cononment	
	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 certified copy of the order under which the area has been declared as prohibited area.	

8. State working seasons per year for the industry / factory.		Full year 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. per month in metric tonnes : <b>METALS AND ALLOYS</b>		
CHEMICALS	1. Inorganic	Name Weight
	2. Organic	Name Weight
	3. Dyes	Name Weight
	4. Pesticides	Name Weight
OIL 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

10(b). Give the list of name of products and by-products manufactured per month.		
Serial Number	Name of Products	Quantity in Metric Tonnes per month

10(c) Give the list of intermediate products		
Serial Number	Name of Products	Quantity in Metric Tonnes per month

11. State daily quantity of water utilised (in Kilo Litre)			
USES			
Domestic	Industrial	Agriculture and Gardening	Others

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 effluent 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	Yes / No	Yes / No	
17.	Is there any provision for disposal of -	Already Made	Proposed to be made	
	a. Sewage effluents 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	Yes / No	Yes / No	
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 the 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 :-	
	parametres	Effluent before treatment
	1.	2.
(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	
ix.	C.O.D. mg/l	
x.	Oil and Grease mg/l	

1.	2.	3.
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 <sub>4</sub> )		
ix. Insecticides, mg/l		
x. Total residual chlorine, mg/l (as Cl <sub>2</sub> )		
xi. Fluorides mg/l (as F)		
Xii. 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. Total mg/l (as Cr)		
b. Hexa-valent mg/l (as Cr <sup>+6</sup> )		
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 for determination of above mentioned parameters.

22.	Indicate the facilities available for testing waste waters.				
23.	State details of solid waste.-				
		De- scrip- tion	Qty. (M.T. / Kg)	Method of collec- tion	Method of disposal
	1.	2.	3.	4.	5.
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 the form.

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



### **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 upto 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 - II**

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 industry. If proprietary names 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 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  
Tamilnadu 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 upto \_\_\_\_\_ 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 untill such consent is granted no change shall be made.

---

\* Strike out entries not relevant

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 fees as and when intimated by the Board.

Yours faithfully,

Signature \_\_\_\_\_

Name of the Applicant \_\_\_\_\_

Address of Applicant \_\_\_\_\_

**Accompaniments :-**

- (i) Index / site plan
- (ii) Detailed layout plan showing sources of water supply / river, 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.

**ANNEXURE TO FORM III**

**OUTLET / DISCHARGE EXISTING / 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, Telephone No.  Telegraphic Address	
2.	Full name of local body with address, Tel. 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?	
	(c) If yes, give details	
	(d) Is the drinking water supplied to the public regularly analysed and declared safe by a competent authority?	
	(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	Domes- tic	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)				
		Dom estic	Indust- rial	Comb- ined
	(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			
<p><b>NOTE :-</b> (1) Furnish a copy of analysis report of representative sample carried out by any one of the laboratories recognised by the Board.</p> <p>(2) Methods of determination as approved by the Board will have to be followed for determination of above mentioned parameters.</p> <p>(3) In case of local bodies accepting Industrial effluents into municipal sewage system the Board may prescribe additional parameters for submission of analysis reports.</p>				
18. State the details of solid waste in MT/Kg/day:-				
Description	Garbage/ Refuse	Night soil, septic Tank sludge	Industrial solid waste	Sludge from water waste treatment plants.
(a) Quantity				
(b) Method of collection				
<ol style="list-style-type: none"> <li>1. Mechanical / Manual</li> <li>2. Number of lorries, tankers used per day</li> <li>3. Number of persons employed.</li> </ol>				

(c) Method of disposal 1. Sanitary land filling reclamation 2. Composting 3. Incineration 4. Any other	
(d) Area used / available for handling / disposal solid waste (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, arrangement 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 Pollution) Act, 1974, (Central Act 6 of 1974) the following officers of the Board namely :-

- (i) Thiru \_\_\_\_\_
- (ii) Thiru \_\_\_\_\_
- (iii) Thiru \_\_\_\_\_

and the person 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)

Copy to :-

Member - Secretary

- 1.
- 2.

**\* 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 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)

Thiru \_\_\_\_\_ (Appellant)

Versus

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 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 ground on which appeal is made)

(4) In the light of what is stated above, the appellant respectfully prayeth that :-

(Here mention the 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 of the Appellant / Authorised Agent*

(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 the 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)
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**FORM V**

Tamil Nadu Pollution Control Board

**REPORT BY THE GOVERNMENT ANALYST**

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

Report No \_\_\_\_\_ Dated : \_\_\_\_\_

I hereby certify that \* \_\_\_\_\_  
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 \*\* \_\_\_\_\_  
day of \_\_\_\_\_ 19 \_\_\_\_\_ from \*\*\* \_\_\_\_\_  
a sample of \_\_\_\_\_ for analysis. The sample was  
in condition fit for analysis reported below :-

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

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

\*\*\*\*\* \_\_\_\_\_  
Signed this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

(Signature)  
Government Analyst

Address

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

- \* Here write the full name of the Government Analyst.
- \*\* Here write the date of receipt of the sample.
- \*\*\* Here write the name of the Board or person or body of the persons or Officer from whom the sample was received.
- \*\*\*\* Here write the conditions of the seals, fastening and container.
- \*\*\*\*\* Here write the date of analysis.
- \*\*\*\*\* 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 BY THE BOARD ANALYST

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

Report No. \_\_\_\_\_

Dated : \_\_\_\_\_

I hereby certify that \*I, \_\_\_\_\_  
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 \*\* \_\_\_\_\_  
day of \_\_\_\_\_ 19 \_\_\_\_\_  
from \*\*\* \_\_\_\_\_ 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 :-

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

- 
- \* Here write full name of the Board Analyst.
  - \*\* \* \* Here write the date of receipt of the sample.
  - \*\*\* Here write the name of the Board or person or body of persons or officer  
from whom the sample was received.
  - \*\*\*\* Here write the condition of the seals, fastenings and container.



- 
- \* Here write the date of analysis.
  - \* 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 VII**  
(See rule 31)  
**PROPOSALS FOR REVISED ESTIMATE FOR THE YEAR 19\_\_19\_\_ AND**  
**BUDGET ESTIMATE FOR THE YEAR 19\_\_19\_\_**

**1. REVENUE ACCOUNT**

**A. Receipts** (RUPEES IN LAKHS)

Sl. No.	Particulars	Actual expenditure in previous year 19__19__	Budget Estimate for the current year 19__19__	Actual expenditure up to 4 months of 19__19__	Expected expenditure for the remaining 8 months of 19__19__	Revised Estimate for the year 19__19__	Budget Estimate for the year 19__19__	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Operating Income (list 'a')							
2.	Grant received (list 'b') (a) From Government (b) From other Agencies							
3.	Other Income (List 'c')							
	Sub-Total - A							

1. Substituted by G.O. Ms. No. 270, Environment and Forests (EC-I) dated 10th July 1992.



## B. Expenditure

Sl. No.	Particulars	Actual expenditure in previous year 19__19__	Budget Estimate for the current year 19__19__	Actual expenditure up to 4 months of 19__19__	Expected expenditure for the remaining 8 months of 19__19__	Revised Estimate for the year 19__19__	Budget Estimate for the year 19__19__	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Salaries / Wages and Allowances Honoraria (List 'd')							
2.	Office and Administration expenses (List 'e') expes							
3.	Repair and Maintenance (List 'f')							
4.	Other Expenses (List 'g')							
5.	Depreciation							
6.	Interest							
	SUB-TOTAL - B							
	TOTAL (A-B)							
	Surplus (+) Deficit (-)							

**II. CAPITAL ACCOUNT**  
**C. Receipts**

Sl. No.	Particulars	Actual expenditure in previous year 19__19__	Budget Estimate for the current year 19__19__	Actual expenditure up to 4 months of 19__19__	Expected expenditure for the remaining 8 months of 19__19__	Revised Estimate for the year 19__19__	Budget Estimate for the year 19__19__	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Grant Received (a) From Government (b) From other Agencies							
2.	Ways and Means Advance							
3.	Loans and Advances							
4.	Other receipts (List 'h')							
	Sub Total - C							

## D. Expenditure

Sl. No.	Particulars	Actual expenditure in previous year 19__19__	Budget Estimate for the current year 19__19__	Actual expenditure up to 4 months of 19__19__	Expected expenditure for the remaining 8 months of 19__19__	Revised Estimate for the year 19__19__	Budget Estimate for the year 19__19__	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	Expenses on Capital Works							
2.	Repayment of Borrowings (a) Government Loan (b) Other Loan (c) Ways and Means Advance							
3.	Purchase of fixed assets (List 'i')							
4.	Other capital expenses (List 'j')							
	SUB - TOTAL - D							
	Total (C-D)							
	Surplus (+) / Deficit (-)							

**III. DEPOSIT AND ADVANCE ACCOUNTS**

Sl. No.	Particulars	Actual expenditure in previous year 19__19__	Budget Estimate for the current year 19__19__	Actual expenditure up to 4 months of 19__19__	Expected expenditure for the remaining 8 months of 19__19__	Revised Estimate for the year 19__19__	Budget Estimate for the year 19__19__	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
	<b>E. RECEIPTS</b>							
	<b>F. PAYMENTS</b>							
	Total (E-F)							
	Surplus (+) / Deficit (-)							
	<b>Grand Total (I+II+III)</b>							
	Surplus (+) / Deficit (-)							



Sl. No.	Particulars	Actual expenditure in previous year 19__19__	Budget Estimate for the current year 19__19__	Actual expenditure up to 4 months of 19__19__	Expected expenditure for the remaining 8 months of 19__19__	Revised Estimate for the year 19__19__	Budget Estimate for the year 19__19__	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
List 'd'	SALARIES, WAGES ALLOWANCES AND HONORARIA							
	1. Pay of Officers							
	2. Pay of Establishment							
	3. Travelling Expenses							
	4. Medical Expenses							
	5. Wages							
	6. Allowance and Honoraria							
	7. Gratuity and Pension Contribution							
	<b>TOTAL</b>							

Sl. No.	Particulars	Actual expenditure in previous year 19__19__	Budget Estimate for the current year 19__19__	Actual expenditure up to 4 months of 19__19__	Expected expenditure for the remaining 8 months of 19__19__	Revised Estimate for the year 19__19__	Budget Estimate for the year 19__19__	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
List 'e'	<b>OFFICE &amp; ADMINISTRATION EXPENDITURE</b> <ol style="list-style-type: none"> <li>1. Postage and Telegram</li> <li>2. Hot and Cold Weather Charges</li> <li>3. Electricity and Water Charges</li> <li>4. Rent, Rates and Taxes</li> <li>5. Advertisement and Publicity</li> <li>6. Insurance</li> <li>7. Entertainment</li> <li>8. Printing and Stationery</li> <li>9. Cost of Consent Form</li> <li>10. Telephones</li> <li>11. Running Expenses of Laboratory</li> <li>12. Running Expenses of Vehicles</li> </ol>							
	<b>TOTAL</b>							

Sl. No.	Particulars	Actual expenditure in previous year 19__19__	Budget Estimate for the current year 19__19__	Actual expenditure up to 4 months of 19__19__	Expected expenditure for the remaining 8 months of 19__19__	Revised Estimate for the year 19__19__	Budget Estimate for the year 19__19__	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
List 'f'	<b>REPAIR AND MAINTENANCE</b> 1. Furniture and Fixtures 2. Scientific Instruments / Equipments 3. Electrical Installation							
	<b>TOTAL</b>							
List 'g'	<b>OTHER EXPENSES</b> 1. Miscellaneous Expenses 2. Auditors' fees 3. Fees to Consultants Law Charges							
	<b>TOTAL</b>							



**1 [FORM VII-A]**  
**TAMILNADU POLLUTION CONTROL BOARD**  
**ADMINISTRATION**

**DETAILED BUDGET ESTIMATES FOR THE YEAR 19..... 19 .....**  
 (See rule 31 of the Tamil Nadu Water (Prevention Control of Pollution) Rules, 1983)

Head of Account	Actuals the past three years			Sanctioned estimate for the year 19__19__	Actuals of last six months i.e. 19__19__	Actuals of six months of the current year 19__19__
	19__19__	19__19__	19__19__			
1.	2.	3.	4.	5.	6.	7.
Revised estimate for the current year 19__19__	Budget estimate for the next year 19__19__	Variations between cols. (5) & (6)	Variations between cols. (8) & (9)	Explanation for column (10)	Explanation for column (11)	
8.	9.	10.	11.	12.	13.	

1. Inserted by G.O. Ms. No. 61, S.R.O. A-152-86, dated 2nd September 1986.

<sup>1</sup>[Form VIII \* \* \* \* \* ]

<sup>1</sup>[Form IX \* \* \* \* \* ]

<sup>1</sup>[Form X \* \* \* \* \* ]

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<sup>1</sup> Omitted by G.O.Ms. No. 270 Environment and Forest, dated 10th July 1992.

**FORM XI**  
**TAMILNADU POLLUTION CONTROL BOARD**  
**RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 31ST MARCH 19.....**  
 [See rule 36 of the TN Water (Prevention and Control of Pollution) Rules, 1983]

Previous Year	Receipts	Previous year	Payments
1.	2.	3.	4.
<b>Opening Balance</b>			
I. Grants received : (a) from Government (b) from other Agencies  II. Fees  III. Fines and Forfeitures IV. Interest on Investments V. Miscellaneous receipts VI. Miscellaneous Advances VII. Deposits	I. Capital Expenditure (i) Works (ii) Fixed Assets (iii) Other Assets (a) Laboratory Equipment (b) Vehicles (c) Furniture and Fixtures (d) Scientific Instruments and Office appliances (e) Tools and Plant II. Revenue Expenditure A. Administrative : i) Pay of Officers ii) Pay of Establishment iii) Allowances and Honoraria iv) Leave Salary and Pension contributions		

		<p>v) Contingent Expenditure Deduct Recoveries</p> <p>B. i) Board Laboratory ii) Charges to be paid to the State Water Laboratory</p> <p>C. Running and Maintenance of vehicles.</p> <p>D. Maintenance and Repairs</p> <p>i) Buildings and land including rents, if any</p> <p>ii) Works</p> <p>iii) Furniture and Fixtures</p> <p>iv) Scientific instruments and office appliances</p> <p>v) Tools and Plant</p> <p>vi) Temporary works (including maintenance and repairs)</p> <p>E. Fees to Consultants and Specialists</p> <p>F. Law Charges</p> <p>G. Miscellaneous</p> <p>H. Fees for Audit</p> <p>III. Purchases</p> <p>IV. Miscellaneous</p> <p>V. Advances</p> <p>VI. Deposits</p> <p>Closing Balance</p>	
<b>TOTAL</b>		<b>TOTAL</b>	
Accounts Officer		Member - Secretary	
		Chairman	

**Form XII**  
**TAMILNADU POLLUTION CONTROL BOARD**  
**ANNUAL STATEMENT OF ACCOUNT**  
**INCOME AND EXPENDITURE ACCOUNTS FOR THE YEAR ENDED 31ST MARCH, 19.....**  
 [See rule 36 of the Tamil Nadu Water (Prevention and Control of Pollution) Rules, 1983]

Previ- ous Year	2.	3.	4.	5.	6.	7.	8.
1.	Details of Expenditure	Total of subhead	Total of major head	Previ- ous Year	Details of Income	Total of subhead	Total of major head
	<b>TO REVENUE EXPENDITURE</b> A. Administrative i) Pay of Officers ii) Pay of establishment iii) Allowance and Honoraria iv) Leave Salary and pension contribution v) Board's contribution to the Staff Provident Fund vi) Contingent expenditure B. Running Expenditure of Laboratories Deduct recoveries i) Main Laboratory ii) Payments to be made to State Water Laboratory C. Running and Maintenance of vehicles				By (i) Grants Received : (a) From Government (b) From other Agencies Total Less Amount utilised for Capital Net grant available for Revenue expenditure		
					(ii) Fees (iii) Services, Rental Charges (iv) Fines and Forfeitures (v) Miscellaneous Receipts (vi) Interest on investments (vii) Excess of Expenditure over income		

<p>D. Maintenance and Repairs                  i) Buildings and Land                  ii) Works                  iii) Furniture and Fixures                  iv) Scientific Instruments and office appliances                  v) Tools and Plant                  E. Temporary Works (including maintenance and repairs)                  F. Fees to Consultants and Specialists                  G. Law Charges                  H. Depreciation                  i) Buildings                  ii) Laboratory Equipments                  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 by Audit                  K. Excess of income over expenditure</p>					
<b>TOTAL</b>				<b>TOTAL</b>	
Accounts Officer			Member - Secretary		Chairman



<p>iii. Value of land provided by Government (per contra)</p> <p><b>B. CAPITAL RECEIPTS</b></p> <p>C. i) Deposit received for works from outside bodies</p> <p><b>DEPOSITS</b></p> <p>Less Expenditure</p> <p>ii) Other Deposits</p> <p><b>D. Amounts due -</b></p> <p>i) Purchases</p> <p>ii) Others</p> <p><b>E. Excess of Income over Expenditure</b></p> <p>i. Upto 31st March 19</p> <p>ii. Add for the year</p> <p>iii. Deduct - Excess of Expenditure over Income</p>		<p>Less :-</p> <p>Depreciation during the year TOTAL</p> <p><b>3. OTHER ASSETS (As per Form XV)</b></p> <p>a) Laboratory equipment as per last Balance Sheet</p> <p>Additions during the year TOTAL</p> <p>Less :-</p> <p>Depreciation during the year TOTAL</p> <p>b) Vehicles</p> <p>As per last balance sheet</p> <p>Additions during the year TOTAL</p> <p>Less :-</p> <p>Depreciation during the year TOTAL</p> <p>(c) Furniture and Fixtures</p> <p>As per last balance sheet</p> <p>Additions during the year TOTAL</p> <p>Less :-</p> <p>Depreciation during the year TOTAL</p>		
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CAPITAL AND LIABILITIES				PROPERTY AND ASSETS			
Previ- ous Year	Details of Expenditure	Total of subhead	Total of major head	Previ- ous Year	Details of Expenditure	Total of subhead	Total of major head
1.	2.	3.	4.	5.	6.	7.	8.
					i. Scientific Instrument and others As per last Balance Sheet Additions during the year TOTAL  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 ii. Other sundry debtors		

					<p>5. ADVANCES</p> <p>a. Miscellaneous Advance</p> <p>b. Other amount recoverable</p> <p>6. CASH</p> <p>a. Notice / Short term Deposits</p> <p>b. Cash at Bank</p> <p>c. Cash in hand</p> <p>d. Cash in transit</p> <p>TOTAL</p>		
Accounts Officer	Member - Secretary						Chairman

**FORM XIV**  
**TAMILNADU POLLUTION CONTROL BOARD**  
**ANNUAL STATEMENT OF ACCOUNTS**  
**EXPENDITURE ON WORKS AS ON 31ST MARCH 19..... (ITEM 1..... ASSETS OF THE BALANCE SHEET)**  
 [See rule 36 of the Tamil Nadu Water (Prevention and Control Pollution) Rules, 1983]

UPTO 31ST MARCH 19.....				DURING THE YEAR 19..... 19.....		
Sl. No and name of work 1.	Direct Expenditure 2.	Over head charges 3.	Total Expenditure 4.	Direct Expenditure 5.	Overhead charges 6.	Total Expenditure 7.
<b>TOTAL</b>						
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.]

Sl. No.	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 & Control of Pollution) Rules, 1983]

**ADMINISTRATION**  
**HEADS OF ACCOUNTS (EXPENDITURE)**

1. Salaries	
2. Wages	
3. Travel Expenses	
4. Office Expenses :	
a) Furniture b) Postage c) Office Machines / Equipment d) Libraries 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. Fees and Honoraria	
6. Payment for professional and special services	
7. Rents, Rates and Taxes / Royalty	
8. Publications	
9. Advertising, Sales and Publicity Expenses	

10. Grant-in-aid / contributions / Subsidies	
11. Hospitality Expenses / Sumptuary Allowances etc.	
12. Pension / Gratuties	
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 to 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 committee constituted by it.	
4. Meetings of the Board.	
5. Activities of the Board including the various functions performed under (Sec 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.	

**THE WATER (PREVENTION  
AND CONTROL OF  
POLLUTION) CESS ACT, 1977**





# **THE WATER (PREVENTION AND CONTROL OF POLLUTION) CESS ACT, 1977<sup>1</sup>**

**(ACT NO.36 OF 1977)**

*(7th December, 1977)*

**MINISTRY OF LAW, JUSTICE  
AND COMPANY AFFAIRS**

**(Legislative Department)**

**New Delhi, the 7th December, 1977**

The following Act of Parliament received the assent of the President on the 7th December, 1977, and is hereby published for general information:-

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 Board and 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.

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1. Source : The Gazette of India, Extraordinary, Part II, Section 1, dated 7th December, 1977.

(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 dates 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 supplying the 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 purpose 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 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.

<sup>1</sup>[(2A) Where any person carrying on any specified industry or any local authority consuming water for domestic purpose liable to pay cess fails to comply with any of the provisions of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or any of the standards laid down by the Central Government under the Environment (Protection) Act, 1986, cess shall be, notwithstanding anything contained in sub-section (2) of this section, calculated and payable at such rate specified in column (3) of schedule II, 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 <sup>2</sup>[under sub-section (2) or sub-section (2A)] in respect of the water so supplied, then, notwithstanding anything contained <sup>2</sup>[in those sub-sections,] 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 local authority, as the case may be, until the contrary is proved.

(2) Where any person or local authority fails to affix

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1. Inserted by Act No. 53 of 1991, s. 2. w.e.f. 26.1.1992

2. Substituted by Act No. 53 of 1991 s.2. w.e.f. 26.1.1992

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 :-** <sup>1</sup>[(1)] 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.

<sup>2</sup>[(2) If a person carrying on any specified industry or a local authority, liable to pay the cess under section 3, fails to furnish any return under sub-section (1), the officer or the authority shall give a notice requiring such person or local authority to furnish such return before such date as may be specified in the notice].

**6. Assessment of cess. :-** (1) The officer of 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.

<sup>3</sup>[(1A) If the return has not been furnished to the officer or authority under sub-section (2) of section 5, he or it shall, after making or causing to be made such inquiry as he or it thinks fit, 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.]

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1. Renumbered by Act No. 53 of 1991, s. 3, w.e.f. 26.1.1992
  2. Inserted by *ibid.*, s. 3, w.e.f. 26.1.1992
  3. Inserted by Act No. 53 of 1991 s.4.

(2) An order of assessment made under sub-section(1) or sub-section(1A) 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) or sub-section(1A) 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, installs 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 <sup>1</sup>[twenty five percent] of the cess payable by such person or, as the case may be, local authority.

<sup>2</sup>[Provided that a person or local authority shall not be entitled to any rebate, if he or it :-

(a) consumes water in excess of the maximum quantity as may be prescribed in this behalf for any specified industry or local authority; or

(b) fails to comply with any of the provisions of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or any of the standards laid down by the Central Government under the Environment (Protection) Act, 1986 (29 of 1986)]

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1. Substituted by Act No. 53 of 1991 s.5. w.e.f. 26.1.1992

2. Inserted by Act No. 53 of 1991, s. 5. w.e.f. 26.1.1992

**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 if 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 <sup>1</sup>[interest on the amount to be paid at the rate of two percent for every month or part of a month comprised in the period 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

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1. Substituted by Act No. 53 of 1991, s. 6 w.e.f. 26.1.1992.



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 purpose 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 reassembly 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 <sup>1</sup>and the

1. Inserted by Act No. 53 of 1991, s. 7. w.e.f. 26.1.1992

maximum quantity of water in excess of consumption whereof any person or local authority shall not 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 certain period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the 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. <sup>1</sup>[including cotton synthetic and semi-synthetic fibres manufactured from these fibres];
11. Paper industry,
12. Fertilizer industry.
13. Coal(including coke)industry.
14. Power <sup>2</sup>[Thermal, Diesel and Hydel] generating industry.
15. Processing of animal or vegetable products industry <sup>1</sup>[including processing of milk, meat, hides, and skins, all agricultural products and their wastes].
16. <sup>3</sup>[Engineering industry].

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1 Added by Gazette Notification No. G.S.R. 14(E) dated 02.01.1992

2 Substituted Vide Notification No. G.S.R. 377 (E) dated 16.04.1993

3 Added Vide Notification No. G.S.R. 377 (E) dated 16.04.1993

**[SCHEDULE-II]**  
(See section 3)

<b>Purpose for which water is consumed</b>  1	<b>Maximum rate under sub-section (2) of section 3</b>  2	<b>Maximum rate under sub-section (2A) of section 3</b>  3
1. Industrial cooling, spraying in mine pits or boiler feed	One and a half paise per kilo litre	Two and one-fourth paise per kilo litre
2. Domestic purpose	Two paise per kilo litre	Three paise per kilo litre.
3. Processing whereby water gets polluted and the pollutants are easily bio degradable	Four paise per kilo litre	Seven and a half paise per kilo litre.
4. Processing whereby water gets polluted and the pollutants are not easily bio degradable and are toxic	Five paise per kilo litre	Nine and a half paise per kilo litre.

1 Specified in S.O. 182(E) dated 28.2.1992

**MINISTRY OF WORKS AND HOUSING**  
**NOTIFICATION**

New Delhi, the 23rd March, 1978

G.S.R. 189(E),...In exercise of the powers conferred by sub-section(4) of section I of the water (Prevention and Control of Pollution) Cess Act, 1977(36 of 1977,) the Central Government hereby appoints the 1st day of April, 1978, as the day on which the said Act shall come into force.

[No,917013/2/78-EPC]  
MIR NASRULLAH, Jt, Secy,

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**MINISTRY OF ENVIRONMENT AND FORESTS**

**NOTIFICATION**

New Delhi, the 26th January, 1992

S.O. 78(E). In exercise of the powers conferred by sub-section (2) of section 1 of the Water(Prevention and Control of Pollution)Cess(Amendment) Act, 1991(53 of 1991); the Central Government hereby appoints the 26th day of January, 1992 as the date on which the said Act shall come into force.

[No. 1(14)/91PL]  
MUKUL SANWAL, Jt, Secy.

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



THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
5780 SOUTH CAMPUS DRIVE  
CHICAGO, ILLINOIS 60637

RECEIVED

**THE WATER(PREVENTION AND CONTROL OF  
POLLUTION) CESS RULES, 1978.  
MINISTRY OF WORKS AND HOUSING**

**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 a Union Territory, the Member-secretary of the central pollution control Board and in those Union Territories where pollution control, committees have been constituted by the Administrator / Lt. Governor, a member nominated by the Administrator / Lt. Governor, a member nominated by the chairman thereof, and (substituted by Rule 2 of the water (P & C) Cess amendment / Rules 1992 published in the gazette No. S.O. 501E dated 6.7.1992)

(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 (1) 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 the meters and places where they are to be affixed :-** (1) For the purposes of measuring and recording the quantity of water reconsumed, 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 and where no standards have been laid down by that institution in conformity with such standard as may be specified by the Board.

(2) Wherever the meters referred to in sub-section (1) are not available, the consumer shall install Vee notches or rectangular notches with indicators and records or pressure guages 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 for 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 :-** <sup>1</sup>[(1) Every consumer shall furnish on or before the 5th of every calendar month, to the assessing authority, a return in Form - I showing the quantity of water consumed in the previous month]

<sup>2</sup>[(2) If the Consumer fails to submit the return as specified in sub-rule (1) the assessing authority or the officer authorised in this regard shall issue a notice in Form IA.

**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 calendar 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 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 through a Challan into Reserve

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1 & 2 Renumbered by Rule 2 of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311(E) dated 28.2.1992.

Bank of India, New Delhi, for the purpose of crediting under relevant Major Head.

**6. Rebate :-** Where a consumer installs 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.

[Provided that a consumer shall not be entitled to the rebate if he;

(a) Consumes water in excess of the maximum quantity specified in column (3) of the First Schedule appended to these rules for the category of industries specified in the corresponding entry in column (3) relating to the specified industry given in column (2) thereto or

(b) Fails to comply with any of the provisions of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or any of the standards laid down by the Central Government, under the Environment (Protection) Act, 1986 (29 of 1986)]

**6-A. Collection by States / Union Territories :** The cess collection Authority of the State / Union Territory shall furnish a statement with Central Government before the 10th day of the calendar month of January, April, July and October showing assessment of cess of specified industries, its collection and arrears.

**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

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1 Added by Rule 3 of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311(E), dated 28.2.1992.

powers referred to in clauses (a) and (b) of that section, the power to :-

i) inspect the manufacturing process or plants 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. The 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 (hereinafter referred to as the appellate committee) consisting of -

(a) where the assessing authority is the member-secretary of the Central Board, the Chairman of the Board who shall be the chairman of the committee, and two members of that Board, to be nominated by the Chairman thereof; and in those Union Territories where pollution control committees have been constituted by the Administrator / Lt. Governor, the Chairman of such committee and two members to be nominated by the chairman thereof; (added by the rule 2 of water (P & CP) cess (Amendment) Rules, 1992 published in the Gazette notification No. S.O. 501E dated 6.7.92.)

(b) where the assessing authority is the member-secretary of the State Board, the Chairman of that Board who shall be 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 of the appellant :

Provided that if the Chairman of the appellate Committee is satisfied that there was good and the sufficient reasons 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, of 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 .....

1 Name and Address of the consumer	2 Purpose for which water consumed	3 Reading at the beginning of the first day of the calendar month under report	4 Reading at the end of the last day of calendar month under report	5 Quantity of water consumed is kilo litres.	6 If the meter was out of order the monthly average consumption of water for the previous 3 months of working period	7 Quantity of water qualifying for rebate according to the assessee.	8 Remarks *
	1. Industrial cooling, spraying in mine pits or boiler feed - (i) from Municipal water supply, mains (ii) from well / tubewell (iii) from canal (iv) from river (v) from any other sources 2. Domestic purpose - (i) from Municipal water supply mains (ii) from well / tubewell (iii) from canal (iv) from river (v) from any other source			5		7	



	<p>3. Processing whereby water gets polluted and the pollutants are easily bio-degradable -</p> <ul style="list-style-type: none"> <li>(i) from Municipal water supply mains</li> <li>(ii) from well / tubewell</li> <li>(iii) from canal</li> <li>(iv) from river</li> <li>(v) from any other source</li> </ul> <p>4. Processing whereby water gets polluted and the pollutants are not easily bio-degradable and are toxic -</p> <ul style="list-style-type: none"> <li>(i) from Municipal water supply mains</li> <li>(ii) from well / tubewell</li> <li>(iii) from canal</li> <li>(iv) from river</li> <li>(v) from any other source</li> </ul>						
<p>* 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.</p> <p>Signature of the consumer _____</p> <p>Name _____</p> <p>Address _____</p>							

**ANNEXURE TO FORM - I**

**REPORT OF ANALYSIS OF TREATED EFFLUENT SHOWING PERFORMANCE OF 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 conditions	Concentration of range of parameters as per report	Dates on which	
				There was break down or failure of the plant	On which under performance was noticed
1	2	3	4	5	6

Date \_\_\_\_\_  
 Signature of the consumer \_\_\_\_\_  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_

**FORM 1-A**

[See rule 4(2)]

Name of the Board : \_\_\_\_\_

No.....

Dated :.....

**NOTICE UNDER SECTION 5(2) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) CESS ACT, 1977 (36 OF 1977)**

<p>To</p> <p>Name and Address of the Consumer</p> <p>_____</p> <p>_____</p> <p>Assessment period : _____</p>
--

Whereas you were required to furnish a return as provided under sub-section (1) of Section 5 of the Water (Prevention & Control of Pollution) Cess Act, 1977 (36 of 1977) read with the sub-rule (1) of Rule 4 of the Water (Prevention and Control of Pollution) Cess Rules, 1978, by the 5th of .....

And whereas you have failed to furnish the return by the said date :

Now, therefore, you are hereby called upon to furnish the return within 7 days from the date of this Notice.

In case no return is received within the said period of 7 days, action will be taken for making assessment as per sub-section (1A) of section 6 of the aforesaid Act, ex-parte, besides initiating any other legal action as per law against you.

Issuing authority

Place :

Name :.....

Date :

Address :.....

1 Inserted by Rule 4 of the Water (Prevention & Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311 (E), dated 28.2.1992.

**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 percent 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 is excessive and should be suitably reduced on the basis of the facts as stated.

2. The amount Rs..... (Rupees .....) as fee for this appeal has been paid to ..... vide receipt No. .... dated .....

Place :	Signature of the Appellant
Date :	Name
	Address

**SCHEDULE**

(See rule 6)

Sl. No. 1.	Name of the Industry 2.	Category 3.	Maximum quantity of water 4.
1.	Ferrous Metallurgical	Integrated Iron and Steel	20 Cubic metres per tonne of finished steel.
2.	Non-ferrous Metallurgical	(a) Copper Smelters (b) Zinc Smelters	100 Cubic metres per tonne of copper produced. 50 Cubic metres per tonne of Zinc metal produced.
3.	Chemical	(a) Caustic Soda (i) Mercury cell process  (ii) Membrane cell process	5 Cubic metres per tonne of caustic soda produced (excluding cooling water) and 5 Cubic metres per tonne of caustic soda) produced for cooling water 5 Cubic metres per tonne of caustic soda including cooling water.
4.	Textile	(a) Manmade fibre. (i) Nylon & Polyester (ii) Viscose rayon	170 Cubic metre per tonne fibre produced. 200 Cubic metre per tonne of fibre produced.
5.	Paper	(a) Small Pulp & paper (i) Agro-residue based (ii) Waste paper based (b) Large Pulp & Paper (i) Pulp and paper (ii) Rayon grade paper	200 Cubic meter tonne of paper 75 Cubic metre tonne of paper 250 Cubic metre per tonne of paper 200 Cubic metre per tonne of paper

1. Added by Rule 5 of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311 (E) dated 28th February, 1992.

Sl. No. 1.	Name of the Industry 2.	Category 3.	Maximum quantity of water 4.
6.	Fertilizer	(a) Straight nitrogenous fertiliser (b) Straight Phosphatic fertilizer (single super phosphate and Triple super phosphate) excluding manufacture of any acid. (c) Complex Fertilizer	15 Cubic metre per tonne of urea or equivalent produced  2 Cubic metre per tonne of single super phosphate / Triple super phosphate.  15 Cubic metre per tonne in case the primary product is nitrogenous fertilizer and 2 cubic metre per tonne in case the primary product is a phosphatic fertilizer.
7.	Processing of animal or vegetable products industry including processing of milk, meat, hides and skins all agricultural products and their waste.	(a) Tanneries (b) Natural rubber (c) Starch, glucose related products (d) Dairy (e) Jute (f) Sugar (g) Maltry (h) Brewery (i) Distillery	30 Cubic metre per tonne of raw hide. 6 Cubic metre per tonne of rubber. 10 Cubic metre per tonne of maize crushed. 4 Cubic metre per kilo litre of milk. 1.5 Cubic metre per tonne of jute produced. 2 Cubic metre per tonne of cane crushed. 8.5 Cubic metre per tonne of grain processed. 1 Cubic metre per kilo litre of beer produced. 15 Cubic metre per kilo litre of alcohol produced.

Note :- The Principal Rules were published in the Gazette of India vide Notification G.S.R. 378 (E) dated the 24th July 1978.

**THE AIR (PREVENTION AND  
CONTROL OF POLLUTION)  
ACT, 1981**





# **THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981**

**[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<sup>1</sup> as the Central Government may, by notification in the official Gazette, appoint.

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<sup>1</sup> 16.5.1981 : vide notification No. G.S.R. 351 (E), dated 15.5.1981, Gazette of India, Extraordinary, Part II, Section 3(i) page 9-44.

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

(a) "air pollutant" means any solid, liquid or gaseous substance <sup>1</sup>[(including noise)] 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 purpose 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 State Board;

(g) "Central Board" means the <sup>2</sup>[Central Pollution Control Board] constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974;

(h) "chimney" includes any structure with an opening or outlet from or through which any air pollutant may be emitted;

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1 Ins by Act 47 of 1987, s. 2 (w.e.f. 1.4.1988)

2 The words in brackets "Central Board for the Prevention and Control of Water Pollution" shall be subs, as "Central Pollution Control Board" by Act 47 of 1987, s. 2 (date to be notified).

(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;

<sup>1</sup>[(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].

(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 <sup>2</sup>[State Pollution Control Board] 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.

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1 Substituted by Act 47 of 1987 s 2 for clause(m) w.e.f. 1.4. 1988

2 Substituted for the words "State Board for the Prevention and Control of Water Pollution" by *ibid.*

## CHAPTER II

### CENTRAL AND STATE BOARDS FOR THE PREVENTION AND CONTROL OF AIR POLLUTION

<sup>1</sup>[3. **Central Pollution Control Board :-** 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.

<sup>2</sup>[4. **State Pollution Control Boards constituted under section 4 of Act 6 of 1974 to be State Boards under this Act-** 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.]

**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 <sup>2</sup>[State Pollution Control Board] under that Act, the State

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1 Substituted by Act 47 of 1987

2 Substituted for words "State Board for the Prevention and Control of Water Pollution" by Act 47 of 1987.

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;

1[(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;]

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

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1 Substituted by Act 47 of 1987 s 4 for clause (f) w.e.f. 1.4.1988

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 terms 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 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 Chairman, 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<sup>1</sup> [\* \* \*]

(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

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<sup>1</sup> The words "but not for more than two terms" omitted by Act 47 of 1987, s. 5 (w.e.f. 1.4.1988)

(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 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 renomination 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 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 condition of service of the member-secretary of a State Board constituted under this Act shall be such as may be prescribed.

<sup>1</sup>[(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.]

(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

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1 Subs. by Act 47 of 1987, s. 6, for sub-section (2) (w.e.f. 1.4.1988).

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;

'[(dd) perform such of the functions of any State Board as may be specified in any order made under sub-section (2) of section 18;]

(e) plan and organize 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) organize 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 guide 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 recognize 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.

**11 Functions of State Boards :-** Subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974 (Act 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 organizing 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 to 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 :-** <sup>1</sup>[(1) 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.]

<sup>2</sup>[(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.

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1 Section 18 renumbered as sub-section (1) thereof by Act 47 of 1987 s. 8 (w.e.f. 1.4.1988).

2 Inserted by Act 47 of 1987 s. 8 (w.e.f. 1.4.1988)

(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.]

## **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 an 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 (Act 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,

1 Substituted by Act 47 of 1987. s 9 for sub-section (1) (w.e.f. 1.4.1988).

establish or operate an 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.]

(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 <sup>1</sup>[\*\*\*\*] 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.

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1 Certain words omitted by Act 47 of 1987, s. 9 (w.e.f. 1.4.1988)

(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, "[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 consent.]

<sup>2</sup>[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 provision, a reasonable opportunity of being heard shall be given to the person concerned.]

(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;

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1 Substituted by Act 47 of 1987 s.9 for certain words (w.e.f 1.4.1988)

2. Ins by s.9 Act 47 of 1987 (w.e.f 1.4.1988)

(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 <sup>1</sup>[\*\*\*] 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.

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1 Certain words omitted by act 47 of 1987 s. 9 (w.e.f. 1.4.1988)

(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. Persons carrying on industry, etc. not to allow emission of air pollutants in excess of the standards laid down by State Board :-** No person <sup>1</sup>[\*\*\*] 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 standards laid down by the State Board under clause (g) of sub-section (1) of section 17.

**<sup>2</sup>[22-A. Power of Board to make application to court for restraining persons from causing air pollution :-** (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 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

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1 Certain words omitted by Act 47 of 1987 s. 10 (w.e.f. 1.4.1988)

2 Ins by s. 11, *ibid*, (w.e.f. 1.4.1988)

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) authorize 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.]

**23. Furnishing of information to State Board and other agencies in certain cases :-** (1) Where in any [\*\*\*] 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 measure to be taken as are necessary to mitigate the emission of such air pollutants.

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1 Certain words "air pollution control" omitted by act 47 of 1987 s. 12 (w.e.f. 1.4.1988)



(3) Expenses, if any, incurred by the State Board, authority or agency with respect to the remedial measures referred to in sub-section (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 the 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 <sup>1</sup>[\*\*\*] 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 this 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.

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1. Omitted certain words by Act 47 of 1987 s.13 (w.e.f. 1.4.1988)

**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 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 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.

**[31-A. Power to give directions :-** 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.

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.]

## 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 <sup>1</sup>[State Pollution Control Board] constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 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. Funds 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 <sup>2</sup>[State Pollution Control Board] 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.

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1 Substituted for words "State Board for the Prevention and Control of Water Pollution" by Act 47 of 1987 S. 15.

2 Substituted for words "State Board for the Prevention and Control of Water Pollution" by Act 47 of 1987.

**[33. A. Borrowing powers of Board :-** 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.]

**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.

**<sup>2</sup>[35. Annual Report :-** (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

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1. Inserted by Act 47 of 1987.s. 16 (w.e.f 1.4.1988)

2. Substituted by Act 47 of 1987.s. 17 for s. 35 (w.e.f 1.4.1988)

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 date of the previous financial year.]

**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 or section 22 or with the directions issued under section 31A :-** (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.

(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].

**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 <sup>1</sup>[ten thousand rupees] or with both.

**<sup>2</sup>[39. Penalty for contravention of certain provisions of the Act :-** 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 the term which may extend to three months or with fine 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].

**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

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1 Substituted for words "Five hundred rupees" by Act 47 of 1987 s. 19: (w.e.f.1.4.1988)

2 Substituted by *ibid.* s. 20 for s. 39 (w.e.f. 1.4.1988)

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 purpose 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 exercise 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 :-** (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].

**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 (1) 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 (Act 6 of 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, performed 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 (Act 6 of 1974), comes into force in any State and the State Government constitutes a <sup>1</sup>[State Pollution Control Board] 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 <sup>1</sup>[State Pollution Control Board].

(c) every officer and other employee serving under the State Board immediately before such dissolution shall be transferred to and become an officer or other employee of the <sup>1</sup>[State Pollution Control Board] 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

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1 The Words in brackets "State Board for the Prevention and control of Water Pollution" shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 15 (date to be notified).

had not been dissolved and shall continue to do so unless and until such tenure, remuneration and conditions of service are duly altered by the <sup>1</sup>[State Pollution Control Board].

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 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 <sup>1</sup>[State Pollution Control Board] 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 <sup>1</sup>[State Pollution Control Board].

**50. Power to amend the Schedule.-** Repealed by the Air (Prevention and Control of Pollution) Amendment Act, 1987 (47 of 1987), s. 22 (w.e.f. 1.4.1988).

**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 standard 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.

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1 Substituted for words "State Board for the Prevention and Control of Water Pollution" by Act 47 of 1987 s. 15.

**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 allowance to be paid under sub-section (3) of section 12 of 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 (1) of sub-section (2) of section 16;

<sup>1</sup>[(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;

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1. Subs. by Act 47 of 1987, s. 23 for cl. (f) (w.e.f. 1.4.198)

(ff) the form in which the annual report of the Central Board may be prepared under section 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 :-

<sup>1</sup>[(a) the qualifications, knowledge and experience of scientific, engineering or management aspect of pollution control required for appointment as member secretary of a State Board constituted under the Act ;]

<sup>2</sup>[(aa) the terms and conditions of service of the Chairman and other members (other than the member-

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1 Inserted by Act 47 of 1987 s.24 (w.e.f 1.4.1988)

2 Clause (a) renumbered as clause (aa) by Act 47 of 1987 s. 24 (w.e.f. 1.4.1988)

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 thereat, 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 purpose 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 any 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 analyst under sub-section (1) of section 29;

(u) the qualifications required for State Board analyst 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;

<sup>1</sup>[(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;]

<sup>1</sup>[(ww) the form in which the annual report of the State Board may be prepared under section 35;]

(x) the form in which the accounts of the State Board may be maintained under the sub-section (1) of section 36;

<sup>2</sup>[(xx) the manner in which notice of intention to make a complaint given under section 43;]

(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 <sup>3</sup>[in clause (aa) thereof] shall be made, varied, amended or repealed without consulting that Board.

[The Schedule] Omitted by the Air (Prevention and Control of Pollution) Amendment Act, 1987, s. 25 (w.e.f. 1.4.1988)

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1 Substituted by Act 47 of 1987 s.24 for cl(w) (w.e.f. 1.4.1988)

2 Inserted by Act 47 of 1981 s. 24 (w.e.f. 1.4.1988)

3 Substituted for the words "in clause" (a) by Act 47 of 1987. s. 24 (w.e.f. 1.4.1988)

**<sup>1</sup>[NOTIFICATION]**

G.O. Ms. No. 213, Environment and Forest (EC),  
10th October 1988

No. II (2) / EFR / 5869 / 88

Under sub-section (2) of section 29 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981), the Governor of Tamilnadu Pollution Control Board to appoint Dr. V.N. Rayudu and Dr. G.S. Thangaraj, Chief Scientific Offices of Regional Laboratory of Tamilnadu Pollution Control Board at Salem and Madurai respectively as Board Analysts to the laboratory established or recongnised under section 17 of the said Act.

**D. SUNDARESAN**

Commissioner and Secretary to Government

**<sup>2</sup>[NOTIFICATION]**

G.O. Ms. No. 97, Environment and Forest (EC) Dept,  
dt. 3rd April 1999

No. VI (1) / 1376 / 99

In exercise of the powers conferred by sub-section (2) of section 29 of the Air (prevention and control of Pollution) Act, 1981 (Central Act 14 of 1981) the Tamilnadu Pollution Control Board, Chennai, hereby appoints the following persons to be Board Analysts for the purposes specified therein.

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1. Inserted by T.N. Govt. Gazette Notification No II (2) EFR / 5869 / 88 Dt. 10.10.1988.
  2. Inserted by T.N. Govt. Gazette Notification No VI (1) 1376 / 99 Dt. 27.07.1999.

1. Dr. V. Chandrasekaran, Additional Manager
2. Thiru R. Ganesan, Deputy Manager
3. Thiru P.P. Chandrasekaran, Deputy Manager
4. Thiru R. Mohan, Deputy Manager
5. Thiru P. Arumugam, Deputy Manager
6. Thiru PV. Marimuthu, Additional Manager (Incharge)
7. Thiru N.A. Sekar, Deputy Manager

Chennai - 32  
27th July, 1999

**M. DEVARAJ,**  
Chairman  
Tamilnadu Pollution Control Board

## National Ambient Air Quality Standards NOTIFICATION

Delhi, the 11th April, 1994

**S.O. 384(E)** - The Central Pollution Control Board in exercise of its powers conferred under section 16(2) (h) of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) hereby notify the National Ambient Air Quality Standards with immediate effect.

### SCHEDULE - I

(1) Pollutant	(2) Time Weighted average	(3) Concentration In Ambient Air			(5) (4)	(6) Method of measurement
		Industrial Area	Residential, Rural and other Area	Sensitive Area		
Sulphur Dioxide (SO <sub>2</sub> )	Annual Average*	80 µg/m <sup>3</sup>	60 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>	1. Improved West and Gaeke method 2. Ultraviolet fluorescence	
	24 hours**	120 µg/m <sup>3</sup>	80 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>		
Oxides of Nitrogen as No <sub>2</sub>	Annual Average*	80 µg/m <sup>3</sup>	60 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>	1. Jacob & Hochheiser modified (Na-Arsenite) Method 2. Gas Phase Chemiluminescence	
	24 Hours **	120 µg/m <sup>3</sup>	80 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>		
Suspended Particulate Matter (SPM)	Annual Average*	360 µg/m <sup>3</sup>	140 µg/m <sup>3</sup>	70 µg/m <sup>3</sup>	(Average flow rate not less than 1.1 m <sup>3</sup> /minute).	
	24 hours**	500 µg/m <sup>3</sup>	200 µg/m <sup>3</sup>	100 µg/m <sup>3</sup>		

(1)	(2)	(3)	(4)	(5)	(6)
Respirable Particulate matter (size, less than 10 $\mu\text{m}$ ) (RPM)	Annual average* 24 hours**	120 $\mu\text{g}/\text{m}^3$ 150 $\mu\text{g}/\text{m}^3$	60 $\mu\text{g}/\text{m}^3$ 100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$ 75 $\mu\text{g}/\text{m}^3$	
Lead (Pb)	Annual Average* 24 hours**	1.0 $\mu\text{g}/\text{m}^3$ 1.5 $\mu\text{g}/\text{m}^3$	0.75 $\mu\text{g}/\text{m}^3$ 1.00 $\mu\text{g}/\text{m}^3$	0.50 $\mu\text{g}/\text{m}^3$ 0.75 $\mu\text{g}/\text{m}^3$	-AAS Method after sampling using EPM 2000 or equivalent filter paper.
Carbon Monoxide (CO)	8 hours** 1 hour	5.0 $\text{mg}/\text{m}^3$ 10.0 $\text{mg}/\text{m}^3$	2.0 $\text{mg}/\text{m}^3$ 4.0 $\text{mg}/\text{m}^3$	1.0 $\text{mg}/\text{m}^3$ 2.0 $\text{mg}/\text{m}^3$	-Non-dispersive, Infrared spectroscopy.

\* Annual Arithmetic mean of minimum 104 measurements in a year taken twice a week 24 hourly at uniform interval.

\*\* 24-hourly/8-hourly values should be met 98% of the time in a year. However, 2% of the time, it may exceed but not on two consecutive days.

#### NOTES.-

1. National Ambient Air Quality Standard : The levels of air quality necessary with an adequate margin of safety, to protect the public health, vegetation and property.
2. Whenever and wherever two consecutive values exceed the limit specified above for the respective category, it would be considered adequate reason to institute regular/ continuous monitoring and further investigations.
3. The State Government/State Board shall notify the sensitive and other areas in the respective states within a period of six months from the date of Notification of National Ambient Air Quality Standards.

**THE TAMILNADU AIR  
(PREVENTION AND  
CONTROL OF POLLUTION)  
RULES, 1983**



## **TAMIL NADU AIR(PREVENTION AND CONTROL OF POLLUTION) RULES, 1983**

**(G.O. Ms No. 3, Environment Control, dated 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:-

### **CHAPTER 1**

#### **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 :-

[THE TABLE]

Sl.No.	Gross Fixed Assets	Amount of Consent Fee		
		Red	Orange	Green
		(Rupees)		
01.	Upto Rs.1 Lakh	200	150	100
02.	Above Rs.1 Lakhs and Upto Rs.2 Lakhs	300	250	200
03.	Above Rs.2 Lakhs and Upto Rs.3 Lakhs	400	350	300
04.	Above Rs.3 Lakhs and Upto Rs.4 Lakhs	500	450	400
05.	Above Rs.4 Lakhs and Upto Rs.5 Lakhs	600	550	500

1 Substituted by G.O.Ms. No. 166, Environment and Forests (EC-1), dated 30th July 1996 Published in the Tamil Nadu Government Gazette Part III Section 1 (a) dated 21st August 1996. Issue No. 32 PP.114 - 116

Sl.No.	Gross Fixed Assets	Amount of Consent Fee		
		Red	Orange	Green
		(Rupees)		
06.	Above Rs.5 Lakhs and Upto Rs.6 Lakhs	800	700	600
07.	Above Rs.6 Lakhs and Upto Rs.7 Lakhs	900	800	700
08.	Above Rs.7 Lakhs and Upto Rs.8 Lakhs	1,000	900	800
09.	Above Rs.8 Lakhs and Upto Rs.9 Lakhs	1,100	1,000	900
10.	Above Rs.9 Lakhs and Upto Rs.10 Lakhs	1,200	1,100	1,000
11.	Above Rs.10 Lakhs and Upto Rs.15 Lakhs	1,700	1,450	1,250
12.	Above Rs.15 Lakhs and Upto Rs.20 Lakhs	2,000	1,750	1,500
13.	Above Rs.20 Lakhs and Upto Rs.25 Lakhs	2,300	2,000	1,750
14.	Above Rs.25 Lakhs and Upto Rs.35 Lakhs	2,750	2,350	2,000
15.	Above Rs.35 Lakhs and Upto Rs.45 Lakhs	3,400	2,900	2,500
16.	Above Rs.45 Lakhs and Upto Rs.55 Lakhs	4,100	3,500	3,000
17.	Above Rs.55 Lakhs and Upto Rs.65 Lakhs	4,800	4,100	3,500
18.	Above Rs.65 Lakhs and Upto Rs.75 Lakhs	6,000	5,000	4,000
19.	Above Rs.75 Lakhs and Upto Rs.1 Crores	7,500	6,000	5,000
20.	Above Rs.1 crores and Upto Rs.5 Crores	10,000	8,500	7,000
21.	Above Rs.5 Crores and Upto Rs.10 Crores	17,500	12,500	10,000
22.	Above Rs.10 Crores and Upto Rs.20 Crores	30,000	25,000	20,000
23.	Above Rs.20 Crores and Upto Rs.30 Crores	35,000	30,000	25,000
24.	Above Rs.30 Crores and Upto Rs.40 Crores	40,000	35,000	30,000
25.	Above Rs.40 Crores and Upto Rs.50 Crores	50,000	40,000	35,000
26.	Above Rs.50 Crores and Upto Rs.100 Crores	65,000	50,000	40,000
27.	Above Rs.100 Crores and upto Rs.200 Crores	70,000	55,000	45,000
28.	Above Rs.200 Crores and Upto Rs.300 Crores	80,000	65,000	50,000
29.	Above Rs.300 Crores and Upto Rs.400 Crores	90,000	70,000	55,000
30.	Above Rs.400 Crores and Upto Rs.500 Crores	95,000	75,000	60,000
31.	Above Rs.500 Crores	1,00,000	90,000	75,000

**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 for 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 VI-A

### ANALYSTS

**[10-A. Qualification for the post of Board and Government Analyst.**- No person shall be eligible for appointment to the post of Board Analyst in any Laboratory established or recognised under sub-section (2) of Section 17 or Government Analyst in any laboratory established or recognised under sub-section (1) of section 28 of the Act unless he possess the following qualification, namely:-

Post Graduate Degree with at least second class in any one of the subjects, namely, Chemistry, Physics, Botany, Zoology-Special, Micro-Biology, Marine Biology, Bio Chemistry, Environmental Toxicology, Environmental Chemistry of any University or Institution recognised by the University Grants Commission :

Provided that preference shall be given to holders of Ph.D. in any of the subjects mentioned above.]

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1 Chapter VI-A and Rule 10-A inserted by G.O. Ms. No. 3, Environment Control dated 4th March 1986

## 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 platform forms 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 IX-A

**14-A. Fees for analysis report by Government Analyst.**- Fees shall be paid at the following rates in respect to the Laboratory's report on the analysis of the emissions:-

Sl.No. 1	Name of Test 2	Fees 3
(Rupees)		
1.	Suspended Particulate Matter	75
2.	Sulphur Dioxide (SO <sub>2</sub> )	70
3.	Hydrogen Sulphide (H <sub>2</sub> S)	60
4.	Carbon Monoxide (CO)	50
5.	Ammonia (NH <sub>3</sub> )	50
6.	Nitrogen Oxide (NO <sub>x</sub> )	50
7.	Hydro Carbons	50
8.	Lead	120
9.	Mercaptans	70
10.	Fluoride	90
11.	Chlorine	50
12.	Hydrogen Chloride	50

1 Chapter IX-A and Rule 14-A Inserted by G.O.Ms.No. 52, Environment Control, dated 18th December 1984.



## 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 revelant 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 appeal 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 its 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

DATE.....

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

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<sup>1</sup> ..... for a period upto<sup>2</sup> .....

2. The Annexure, appendices, plans and other particulars 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 a change either of a 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 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 report 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 _____ Rs. _____ drawn on bank towards consent fee. _____	

**ANNEXURE TO FORM I**  
**CHIMNEY EXISTING / NEW / ALTERED**

**NOTE.-** Any applicant knowingly giving incorrect information or suppressing 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.

1(a)	Full name of the applicant with address with Telephone 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, designation and full addresses of partners / directors	
(f)	Under what category does the industry fall? (tick appropriate box)	<input type="checkbox"/> Major <input type="checkbox"/> Medium <input type="checkbox"/> Small  <div style="text-align: right;">Yes    No</div> State Govt. <input type="checkbox"/> <input type="checkbox"/> Central Govt. <input type="checkbox"/> <input type="checkbox"/> Prohibited area <input type="checkbox"/> <input type="checkbox"/> Airport Authority <input type="checkbox"/> <input type="checkbox"/>

<p>2(a)</p> <p>(b)</p> <p>(c)</p>	<p>Full Name of the Land/ Premises/ Institute/Factory/ industry/local body with address</p> <p>Location of the industrial plant in respect of which consent is sought with full postal address</p> <p>Telephone No.</p> <p>Telegraphic address</p> <p>Name of the local body in whose jurisdiction the industrial plant is located</p>	
3.	<p>Details of land in which the industrial plant is located</p> <p>Village/Town</p> <p>Town Survey No.</p> <p>Revenue Survey No.</p> <p>Area in hectares</p>	
4.	<p>State month and year in which the plant was actually put into commission or is proposed to be put into commission</p>	
5.	<p>Give details of the Civil Military authority under whose administrative jurisdiction the industrial plant is situated.</p> <p>Corporation/ Municipality/ Town/Village Panchayat/ Cantonment/Defence Department.</p> <p>Port Trust</p> <p>State Government</p> <p>Prohibited Area</p> <p>Central Government</p> <p>Airport Authority</p>	

<p>6(a)</p> <p>(b)</p>	<p>State Whether the site for the industrial plant has been declared as prohibited area</p> <p>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</p>	<p>Yes/No</p>
<p>7.</p>	<p>State annual working season of the plant</p> <p>Continuous /batch wise</p>	<p>From..... To.....</p> <p>From..... To.....</p> <p>From..... To.....</p> <p>Every year.....</p>
<p>8(a)</p> <p>(b)</p>	<p>Average number of persons attending the factory per day</p> <p>Number of persons residing in the premises</p>	
<p>9.</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p> <p>(v)</p> <p>(vi)</p>	<p>Indicate the present use of the land in the vicinity (5Km.radius) of the industrial plant/site for the industrial plant</p> <p>Human settlement of more than 1000 population (Specify population and distance from the plant/site)</p> <p>Commercial</p> <p>Industrial</p> <p>Fisheries</p> <p>Sanctuary/ National parks/ Hills/Mountains</p> <p>Ancient Monuments</p>	



10.	Climatological and meteorological details (if available)					
(a)	Indicate the climatic conditions at the site (eg. arid and, 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			
			Rs.			
A process flow diagram along with descriptive manufacturing process must be included with this statement showing entry and exit points of all raw materials, inter mediate 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)	Other (specify)					



14.(c) (i) Particulate analysis (if available) size distribution  (ii) Chemical composition (if available)	50n% Stack No. 10n% Stack No. 5n% Stack No. 3n% Stack No. 1n% Stack No.	
15. Give details of flue gas sampling arrangement		
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 system (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 equipment 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 year wise investments along with physical progress achieved. The application 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 THE FORM AND THE ANNEXURE**

The notes are given only 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 upto 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 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 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 plant 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 \_\_\_\_\_

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

---

\* 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 ANALYSTS.**

[See rule 13(1) of the Tamil Nadu Air (Prevention and Control of Pollution) Rules, 1983]

Report No \_\_\_\_\_

Dated \_\_\_\_\_

I hereby certify that<sup>1</sup> \_\_\_\_\_  
Board Analyst duly appointed under sub-section (2) of section 29 of the Air (Prevention and Control of Pollution) Act, 1981 received on the<sup>2</sup> \_\_\_\_\_ day of 19 \_\_\_\_\_ from<sup>3</sup> \_\_\_\_\_ a sample of \_\_\_\_\_ for analysis. The sample was in a condition fit for the analysis reported below.

<sup>4</sup>The condition of the seals, fastening and container on receipt was as follows :-

I further certify that I have analysed the aforementioned sample on<sup>5</sup> \_\_\_\_\_ 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.....

I hereby certify that <sup>1</sup>.....  
Government Analyst duly appointed under sub-section (1) of section 29 of the Air (Prevention and Control of Pollution) Act, 1981 received on the <sup>2</sup> .....day of 19.....from<sup>3</sup> ..... a sample of..... for analysis. The sample was in a condition fit for the analysis reported below.

<sup>4</sup>The condition of the seals, fastening and container on receipt was as follows:-

I further certify that I have analysed the aforementioned sample on<sup>5</sup> ..... 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 seal, 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 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 longitudes must be to the nearest 15 seconds):-	
	(a) nearest City _____ (b) Latitude _____ (c) Is it located in air pollution control area. If Yes, identification of air pollution control area	District _____ Longitude _____ Yes/No
III.	Type of operation or process- (a) Name of operation or process- (b) Schedule identification number	
IV.	Classification of consent:- (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	Yes/No

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 No.	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
Versus	
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 cases 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 grounds on which appeal is made)
--

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 \_\_\_\_\_

Dated \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### VERIFICATION

\_\_\_\_\_  
(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 \_\_\_\_\_

Dated \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 \_\_\_\_\_

**PART II - Section 2'**

Notifications or orders of interest to a section of the public issued by Secretariat Departments.

**NOTIFICATIONS BY GOVERNMENT.**

ENVIRONMENT CONTROL DEPARTMENT.

DECLARATION OF ENTIRE AREA WITHIN THE STATE OF TAMIL NADU AS AIR POLLUTION CONTROL AREA FOR PURPOSE OF AIR (PREVENTION AND CONTROL OF POLLUTION) ACT.

*(G.O.Ms. No. 4, Environment Control, 28th September 1983.)*

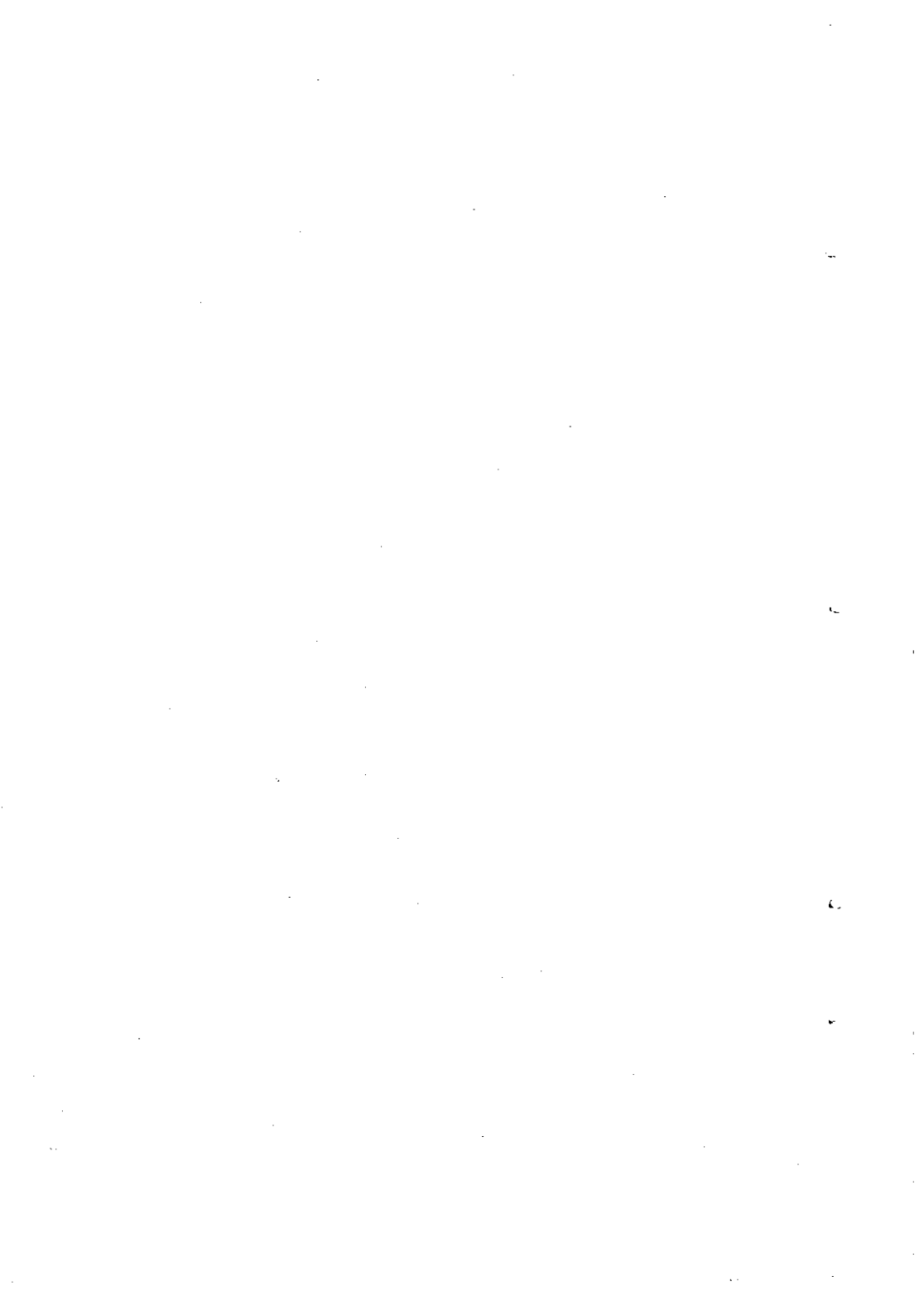
No.II(2)/EC/5776(C)/83.

In exercise of the powers conferred by sub-section (1) of section 19 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 declares with effect on and from the 1st day of October 1983, the entire area within the State of Tamil Nadu as air pollution control area for the purposes of the said Act.

**M. AHMED**

Commissioner and Secretary to Government.





**Pollution  
Control  
Legislations**

**TAMIL NADU POLLUTION CONTROL BOARD  
100, Mount Road, Chennai - 600 032.**