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इस भाग में भिन्न खण्ड सं या दी जाते हैं जिससे कि यह अलग संग्रहण के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following report of the Joint Committee of the Houses of Parliament on the Bill to provide for Prevention 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 prevention of water pollution Boards, for conferring on such Boards functions relating thereto and for matters connected therewith was presented to

the Rajya Sabha on the 13th November, 1972:—

COMPOSITION OF THE JOINT COMMITTEE

RAJYA SABHA

2 Shri Nawal Kishore.

Members

2. Shri Nawal Kishore.
3. Chaudhary A. Mohammad.
- @4. Shri Nuthalapati Joseph.
5. Shri Balram Das.
- @6. Dr. Rajat Kumar Chakrabarti.
7. Shri Kalyan Chand.
8. Shri Jagdish Prasad Mathur.
9. Shri U. K. Lakshmana Gowda.
10. Shri G. A. Appan.
11. Shri Salil Kumar Ganguli.
12. Shri U. N. Mahida.

LOK SABHA

13. Shri Maganti Ankineedu.
14. Shri Kondajji Basappa.
15. Shri Onkar Lal Berwa.
16. Shri Chakleshwar Singh.
17. Shri Chhutton Lal.
18. Shri G. C. Dixit.
19. Shri T. H. Gavit.
20. Shri Mani Ram Godara.
21. Shri K. Gopal.
22. Shri Samar Guha.
23. Shri M. M. Hashim.
24. Shri A. K. Kisku.
25. Hazi Lutfal Haque.
26. Shri Yamuna Prasad Mandal.
27. Shri Nanubhai N. Patel.
28. Shri Mohan Swarup.
29. Shri Rajaram Dadasaheb Nimbalkar.
30. Shri Ramji Ram.
31. Shri P. Ganga Reddy.
32. Dr. Saradish Roy.
33. Shri S. A. Shamim.
34. Shri Ramavatar Shastri.
35. Shri S. D. Singh.
36. Shri R. P. Ulganambi.

*Re-appointed to the Committee on 14-4-1972.

@Appointed on 14-4-1972 *vice* Shri Baharul Islam who resigned his seat in the Rajya Sabha and Shri M. H. Samuel, who expired on 16-2-1972.

Representatives of the Ministries

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

1. Shri A. B. Malik, Joint Secretary.
2. Shri Satish Kumar, Deputy Secretary.
3. Shri S. K. Sudhakar, Under Secretary.
4. Shri J. M. Dave, Adviser (PHE).
5. Shri B. B. Rau, Deputy Adviser (PHE).
6. Shri V. Venugopalan, Deputy Adviser (PHE).
7. Shri T. Durairaj, Deputy Adviser (PHE).
8. Shri V. A. Anandadoss, Deputy Adviser (PHE).
9. Shri T. K. Vedaraman, Asstt. Adviser (PHE).
10. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist)
11. Shri R. N. Tewari, Deputy Director.

Ministry of Law and Justice

1. Shri Hari Har Iyer, Joint Secretary.
2. Shri A. K. Srinivasamurthy, Addl. Legislative Counsel.
3. Shri A. P. Pandey, Assistant Legislative Counsel.
4. Shri Des Raj Goel, Attache.

Secretariat

1. Shri S. S. Bhalerao, Joint Secretary.
2. Shri M. S. Panigrahi, Deputy Secretary.
3. Shri P. K. Bhor, Deputy Secretary.
4. Shri Sudarshan Agarwal, Deputy Secretary.
5. Shri A. Nandi, Deputy Secretary.
6. Shri M. K. Jain, Deputy Secretary.
7. Shri Kashmiri Lal, Under Secretary.

REPORT OF THE JOINT COMMITTEE

1. The Chairman of the Joint Committee to which the Bill* to provide for the prevention 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 Prevention of Water Pollution Boards, for conferring on such Boards functions relating thereto and for matters connected therewith was referred, as authorised by the Joint Committee, present, on its behalf this Report of the Committee along with the Bill as amended by the Committee, annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 22nd December, 1969.

3. The motion for reference of the Bill to a Joint Committee of the Houses (Appendix I) was moved in the Rajya Sabha by Shri U. N. Mahida on the 10th August, 1970, and was adopted by the House on the 18th August, 1970. A message was thereafter transmitted to the Lok Sabha on the 19th August, 1970, communicating to the Lok Sabha the adoption of the said motion by the Rajya Sabha. The Lok Sabha concurred in the motion on the 4th September, 1970, (Appendix II) and the message from the Lok Sabha was reported to the Rajya Sabha on the 5th September, 1970. Two meetings of this Committee were held. At the first meeting the Committee decided that a Press Communique be issued inviting memoranda on the Bill from individuals, associations, organisations and other bodies interested in the subject matter of the Bill by 5th November, 1970. The Committee also decided that all the State Governments and all the Municipal Corporations in the country and the Municipal Committees, where there are no Municipal Corporations, of the capital cities of the States, should be requested to send their comments on the various provisions of the Bill by the aforesaid date.

4. The Fourth Lok Sabha was, however, dissolved on the 27th December, 1970 and as such the Joint Committee could not complete its deliberations. The Fifth Lok Sabha was constituted on the 15th March, 1971. A fresh motion for reference of the Bill to a Joint Committee of the Houses was moved in and adopted by the Rajya Sabha on the 30th July, 1971 (Appendix III). The motion was transmitted to the Lok Sabha on the 31st July, 1971.

5. The Lok Sabha concurred in the motion of the Rajya Sabha at its sitting held on the 12th August, 1971 (Appendix IV). The message of the Lok Sabha was reported to the Rajya Sabha on the same day.

6. According to the fresh motion the Report of the Committee was to be presented to the House by the first day of the Seventy-eight (Winter) Session of the Rajya Sabha. The Committee, was, however, granted extension of time, first upto the first day of the Eighty-first Session and again upto the first day of the Eighty-second Session of the Rajya Sabha.

7. The Committee held 39 sittings in all (Appendix VII). In order to obtain first hand knowledge of the problems of pollution of water in the country, the Committee decided to visit certain important centres of

*Published in the Gazette of India, Extraordinary Part II, Section 2, dated the 22nd December, 1969.

industry located in various parts of the country, specially places where the problem of water pollution has become very acute. For this purpose, the Committee divided itself into three convenient study groups. Study Groups I, II and III which visited Eastern, Western and Southern parts of the country respectively.

The Committee also visited Haryana, Punjab, Delhi, Uttar Pradesh, Jammu and Kashmir for an on-the-spot study of the different aspects of the problem connected with the pollution of water.

8. At its first sitting held on Monday, the 16th August, 1971, the Committee decided that all memoranda containing the views and opinions on the Bill, received in pursuance of the steps mentioned in paragraph 3 of this report should be deemed to be memoranda to the (newly constituted) Joint Committee. The Committee also decided that a fresh communique be issued inviting opinions from various individuals, associations and other bodies interested in the subject matter of the Bill who have not so far submitted any memoranda on the Bill and advising them to send the same by the 30th September, 1971. The Committee also decided to call witnesses for giving oral evidence on the Bill and authorised the Chairman to decide after examining all the memoranda, as to who should be invited for the purpose. The Chairman also requested Members to suggest names of persons who might be invited for giving oral evidence before the Committee.

9. Eighty-two memoranda containing views, comments, suggestions, resolutions etc. on the various provisions of the Bill from individuals, associations and other bodies were received by the Committee (Appendix V).

10. The Committee heard evidence tendered by 62 witnesses (Appendix VI).

11. The Committee decided that the evidence tendered before it should be laid on the Table of the Houses.

12. The Committee considered and adopted the Draft Report at its sitting held on Friday, the 10th November, 1972.

13. Before dealing with the changes effected by the Committee in the various clauses of the Bill, the Committee would like to point out that the Bill seeks to tackle the problem of pollution of water, keeping in view the peculiar conditions of streams in the country. The Committee is aware of the magnitude of the problem and the serious proportions it has assumed with the rapid development of industries in the country and feels that the Bill has been introduced at a stage when control and prevention of water pollution does not present insurmountable difficulties.

Keeping in view the gravity of the problem and the threat it holds out to public health, the Committee has endeavoured to bring out the changes in the Bill with a view to make it more comprehensive and as practical as possible. The Committee has effected such changes in the Bill as would make the various procedures time-bound thus obviating the likelihood of delays in the implementation of the various provisions of the Bill.

The Committee also has in view the peculiar conditions of geography and terrain of the States of Assam, Meghalaya, Nagaland and Union Territories Mizoram and Arunachal and for this reason suggests that a common Board for the prevention of water pollution would be advantageous. A new chapter has, therefore, been incorporated in the Bill to enable Joint Boards being constituted by agreement between two or more States.

With a view to control the problem of pollution of water and leave no scope for individuals, associations, industries and other bodies to continue or enhance pollution, the Committee has made the provisions in the Bill relating to penalties more stringent and deterrent so that polluters do not find it easy to ignore the requirements of law.

14. The principal changes effected by the Committee in the Bill and the reasons therefor are set out in the succeeding paragraphs.

Clause 2

Paragraph (d) [original paragraph (c)].—(i) As pollution of water bodies from any premises could be direct as well as indirect, the Committee feels that there should be scope in the Bill for controlling the indirect pollution also. As such the Committee has modified the definition of "pollution" to include both direct and indirect pollution.

(ii) Pollution of water can affect the plants and other aquatics organisms besides animals. The Committee is of the opinion that plant life and the aquatic life should also be protected from water pollution and the paragraph has therefore been revised suitably.

Paragraph (f) [original paragraph (e)].—The Committee recognises that sewage and sewage effluents originating from sewage systems and sewage treatment works as well as sullage from open drains contribute in a large measure to the pollution of waters. The Committee has therefore made the definition of "sewage effluent" more comprehensive.

Paragraph (i) [original paragraph (h)].—The Committee is of the opinion that water pollution is not restricted to rivers and water courses or inland waters alone but may extend to estuaries, sea waters and subterranean waters as well, all of which need to be protected from pollution. There are instances where the rivers are non-perennial and become dry. The Committee has therefore made suitable provisions to prevent pollution of streams in different conditions of flow. In addition the definition of "stream" has been enlarged to include estuaries, water courses whether flowing or for the time being dry, tidal waters, sea and subterranean waters.

Clauses 3 and 4

The Committee is strongly of the view that as the functions to be entrusted to the Central and the State Boards under his Bill are predominantly of a technical nature, the Chairmen of such Boards should be persons possessing special knowledge or practical experience in respect of matters relating to use, conservation, control and prevention of water and water resources.

The Committee also feels that the Chairman of the Central and State Boards should be full time Chairmen.

The Committee further feels that the Member-Secretaries who have a very specialised role to play, in the Central and State Boards, should also be persons qualified in respect of water supply, sewerage treatment and disposal of sewage and trade effluents. Because of the nature of their duties they should also have administrative experience. The Committee is also of the opinion that the Member-Secretaries should be full time Member-Secretaries. The clauses have accordingly been suitably amended.

CHAPTER III—(New) Clauses 13—15 (New)

In view of the fact that under special situations, some contiguous States or Union Territories may prefer to establish a Board for their regions for the purpose of implementation of the provisions of this Act, the Committee considers that it will be useful to make provision for the constitution of Joint Boards.

Clause 16 (Original Clause 13)

Sub-clause (2) Paragraph (f) (Original).—The Committee feels that the Central Board or the State Boards should not be vested with the responsibility of enforcing the provisions of the Bill in regard to matters pertaining to prevention of water pollution and at the same time advising local bodies or industrial undertakings in regard to the method of treatment and disposal of sewage and trade effluents. It would be inappropriate for a pollution controlling agency to act as an accuser and be also responsible for the solution of the problems complained of. The Committee has accordingly deleted this paragraph.

Paragraph (h) (New).—The Committee feels that it is necessary to execute a nationwide programme for the prevention, control or abatement of water pollution and has added the new paragraph with this end in view.

Sub-clause (3) (New).—The Committee feels that in order to enable the Boards to perform their functions effectively and efficiently, including that of analysis of samples of water, from any stream or well or samples of any sewage or trade effluent, the Central Board should be empowered to establish or recognise laboratory or laboratories. Accordingly, the Committee has added a new sub-clause in this regard. The Committee also feels that State Boards should also be empowered to establish similar laboratories and has accordingly made a provision to this effect in Clauses 16 and 17 (original clauses 13 and 14).

Clause 17—(Original Clause 14)

Paragraph (g) (New).—The Committee is of the opinion that in a country like India, with flows in rivers varying very widely from season to season and scant water resources, greater attention will have to be given in formulation of standards and the utilisation of sewage and suitable trade effluents for agriculture. Methods of disposal of effluents, will have to be evolved to suit local conditions.

Accordingly, suitable provisions in this regard have been incorporated in the paragraph.

Paragraph (m) (New).—The Committee has decided that laying down effluent standards to be complied with by persons depending upon the circumstances is important in a realistic approach in tackling the problem of water pollution. The paragraph has, therefore, been included with this end in view.

Clause 20 (Original Clause 17)

Sub-Clause (3) (New).—The Committee feels that the existing Bill does not empower the Boards to obtain the information regarding the process details or of any disposal facilities meant for treating these wastes which power should be readily available to the Board. A special provision has, therefore, been included in this regard.

Clause 21 (Original Clause 18)

Sub-clause (3), (4) and sub-clause (5) (New).—The Committee feels that the samples collected for the purpose of analysis could deteriorate with the passage of time and the preservation of the samples for future reference would not therefore be meaningful and would not be acceptable in a court of law.

With a view to rectify such situations, the Committee has amended the sub-clauses suitably.

Clause 24 (Original Clause 20)

Sub-clause (3).—The Committee is of the opinion that sub-clause in its present form can be availed of by established industries in avoiding installation of treatment works. A suitable new clause has, therefore, been added.

Clause 26 (New)

The Committee is of the view that the provisions referred to above did not cover existing polluters. At the same time the Committee agrees that some time should be given to such polluters to enable them to put up the necessary treatment facilities and has therefore made a provision to give them time to comply with the requirements. The new clause has therefore been adopted to achieve this objective.

Clauses 41—45 (Original Clause 34—38)

The punishments provided in the present clauses are principally fines, occasionally combined with imprisonment. Such punishments may, on the opinion of the Committee, not act as sufficient deterrents. The penalty provisions have therefore, been suitably revised.

Clause 49 (Original Clause 40)

Sub-clause (2) (New).—The Committee feels that as there is a possibility that a person guilty under this Act could find escape under the provisions of some other Acts which could let him off with much lesser punishment, it has specifically added the sub-clause to provide that in such cases only the provisions of this Act should prevail.

Clause 58 (New)

The Committee considered the possibility of an aggrieved party going to a court of law directly without taking recourse to the procedure laid down for making an appeal to the appellate authority. The Committee feels that it is necessary to make a provision in the Bill to obviate such an action being taken by the party and hence the new clause has been added.

Clauses 61 and 62 (New)

The Committee is of the view that there should be provision in the Bill for supersession of a Board by the Central Government or the State Government, as the case may be, when the Board was not found to be operating satisfactorily with the objects delineated to it. The Committee, however, feels that such supersession should not be of a permanent character but steps should be taken to reconstitute the Board as quickly as possible. With these objectives in view, the Committee has added these clauses.

Clauses 63 and 64 (Original Clauses 49 & 50)

Sub-clause (1).—The Committee is of the opinion that usually it takes a long time to frame the rules after the constitution of the Boards and this acts as an impediment in their effective functioning. The Committee has amended the clauses accordingly so as to ensure that rules are framed and become operative simultaneously with the constitution of the Boards.

The Long Title

The long title has been modified to include control of water pollution besides its prevention since the Committee feels that prevention may not be practicable immediately in many cases and in such a situation at least control should be exercised.

Clause 1

Sub-clause (3).—The Committee feels that usually there is some time-lag between the date of adoption of an Act by a State Government and the date appointed for its coming into force. In order to avoid such delay, the Committee has provided that the Act should come into force in a State simultaneously with its adoption by the State Government concerned.

15. The other changes made in the Bill are of a consequential, verbal or drafting nature.

16. The Committee recommends that the Bill as amended be passed.

NEW DELHI;

November 10, 1972.

KRISHAN KANT,

Chairman of the Joint Committee,

THE PREVENTION OF WATER POLLUTION BILL, 1969

ARRANGEMENT OF CLAUSES

CLAUSES

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THE PREVENTION OF WATER POLLUTION BILL, 1969

(As reported by the Joint Committee)

(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions)

A

BILL

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

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

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

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution resolutions have been passed by all the Houses of the Legislatures of the States of Gujarat, Haryana, Jammu and Kashmir, Kerala and Mysore 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-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Water (Prevention and Control of Pollution) Act, 1972.

(2) it applies in the first instance to the whole of the States of Gujarat, Haryana, Jammu and Kashmir, Kerala and Mysore and the Union territories; and it shall apply to such other States 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 Gujarat, Haryana, Jammu and Kashmir, Kerala and Mysore and in the Union territories, and in any other State which adopts this Act under clause (1) of article

Short
title,
applica-
tion
and com-
mence-
ment.

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.

Defini-
tions.

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

- (a) “Board” means the Central Board or a State Board;
- (b) “Central Board” means the Central Board for the Prevention and Control of Water Pollution constituted under section 3;
- (c) “member” means a member of a Board and includes the chairman thereof;
- (d) “occupier” in relation to any factory or premises means the person who has control over the affairs of the factory or the premises and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory of the premises;
- (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;
- (h) “State Board” means a State Board for the Prevention and Control of Water Pollution constituted under section 4;
- (i) “State Government” in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution;
- (j) “stream” includes—
 - (i) river;
 - (ii) water course (whether flowing or for the time being dry);
 - (iii) inland water (whether natural or artificial);
 - (iv) subterranean waters;
 - (v) sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;

- (k) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any trade or industry, other than domestic sewage.

* * * * *

CHAPTER II

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

3. (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 Gujarat, Haryana, Jammu and Kashmir, Kerala and Mysore and in the Union territories) as it may, by notification in the Official Gazette, appoint, constitute a Central Board to be called the Central Board for the Prevention and Control of Water Pollution to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

Constitution of
Central
Board.

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

- (a) a full-time chairman having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources and the prevention and control of water pollution, to be nominated by the Central Government;
- (b) five officials to be nominated by the Central Government to represent that Government;
- (c) such number of persons, not exceeding five, to be nominated by the Central Government, from amongst the members of the State Boards, referred to in clause (c) of sub-section (2) of section 4;
- (d) three non-officials to be nominated by the Central Government, to represent the interests*** of agriculture, fishery or*** industry or trade or any other interest which, in the opinion of the Central Government, ought to be represented;
- (e) two persons to represent the companies or corporations owned, controlled or managed by the Central Government, to be nominated by that Government;
- (f) a full-time member-secretary qualified in respect of water supply, sewerage system, treatment and disposal of sewage and trade effluents and having administrative experience, to be appointed by the Central Government.

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

4. (1) The State Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the State) as it may, by notification in the Official Gazette, appoint, constitute

Constitution of
State
Boards.

a State Board, under such name as may be specified in the notification, to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

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

- (a) a full-time chairman having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources and the prevention and control of water pollution, to be nominated by the State Government;
- (b) five officials to be nominated by the State Government to represent that Government;
- (c) five persons to be nominated by the State Government from amongst the members of the local authorities functioning within the State;
- (d) three non-officials to be nominated by the State Government to represent the interests*** of agriculture, fishery or*** industry or trade or any other 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;
- (f) a full-time member-secretary qualified in respect of water supply, sewerage system, treatment and disposal of sewage and trade effluents and having administrative experience, to be appointed by the State Government.

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

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

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

Terms and
conditions
of service
of mem-
bers.

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

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

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

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

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

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

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

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

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

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

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

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

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

6. (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

Disqualifications.

- (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 a sewage or trade effluents; or
- (f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board for the carrying out of sewerage 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.

Vacation
of seats
by mem-
bers.

7. If a member of a Board becomes subject to any of the disqualifications specified in section 6, his seat shall become vacant.

Meetings
of Board.

8. 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.

Constitu-
tion of
commit-
tees.

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

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

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

10. (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.

Tempo-
rary asso-
ciation of
persons
with
Board
for parti-
cular pur-
poses.

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

11. No act or proceedings 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.

Vacancy in
Board
not to
invalidate
acts or
proceed-
ings.

12. (1) The terms and conditions of service of the member-secretary shall be such as may be prescribed.

Member-
secretary
and
officers
and
other
employees
of Board.

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

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

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

CHAPTER III

JOINT BOARDS

13. (1) Notwithstanding anything contained in this Act, an agreement may be entered into—

Consti-
tution
of Joint
Boards.

- (a) by two or more Governments of contiguous States; or
- (b) by the Central Government (in respect of one or more Union territories) and one or more Governments of States contiguous to such Union territory or Union territories, to be in force for such period and to be subject to renewal for such further period, if any, as may be specified in the agreement to provide for the constitution of a Joint Board,—
 - (i) in a case referred 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 State or States.

(2) An agreement under this section may—

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

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

Composi-
tion of
Joint
Boards.

14. (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 having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources and the prevention and control of water pollution, to be nominated by the Central Government.
- (b) two officials from each of the participating States to be nominated by the concerned participating State Government to represent that Government;
- (c) one person to be nominated by each of the participating State Governments from amongst the members of the local authorities functioning within the State concerned;

- (d) one non-official to be nominated by each of the participating State Governments to represent the interests of agriculture, fishery or of industry or trade in the State concerned or any other interest which, in the opinion of the participating State Government, is to be represented;
- (e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;
- (f) a full-time member-secretary qualified in respect of water supply, sewerage system, treatment and disposal of sewage and trade effluents and having administrative experience, to be appointed by the Central Government.

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

- (a) a full-time chairman having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources and the prevention and control of water pollution, to be nominated by the Central Government;
- (b) two officials to be nominated by the Central Government from the participating Union territory or each of the participating Union territories, as the case may be, and two officials to be nominated, from the participating State or each of the participating States, as the case may be, by the concerned participating State Government;
- (c) one person to be nominated by the Central Government from amongst the members of the local authorities functioning within the participating Union territory or each of the participating Union territories, as the case may be, and one person to be nominated, from amongst the members of the local authorities functioning within the participating State or each of the participating States, as the case may be, by the concerned participating State Government;
- (d) one non-official to be nominated by the Central Government and one person to be nominated by the participating State Government or State Governments to represent the interests of agriculture, fishery or of industry or trade in the Union territory or in each of the Union territories or the State or in each of the States, as the case may be, or any other interest which in the opinion of the Central Government or, as the case may be, of the State Government is to be represented;
- (e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the Central Government and situate in the participating Union territory or territories and two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;

- (f) a full-time member-secretary qualified in respect of water supply, sewerage system, treatment and disposal of sewage and trade effluent and having administrative experience, to be appointed by the Central Government.

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

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

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

Special provision relating to giving of directions.

15. 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 shall alone 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

Functions of Central Board.

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

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

- (a) ***advise the Central Government on any matter concerning the prevention and control of water pollution;
- (b) ***co-ordinate the activities of the State Boards and resolve disputes among them;
- (c) ***provide technical assistance and guidance to the State Boards, *** carry out and sponsor investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

- (d) *** plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of water pollution on such terms and conditions as the Central Board may specify;
- (e) organise through mass media a comprehensive programme regarding the prevention and control of water pollution;
- (f) *** collect, compile and publish *** technical and statistical data relating to water pollution and the measures devised for its effective prevention and control and *** prepare manuals, codes or guides relating to treatment and disposal of sewage and trade effluents and disseminate information connected therewith;

* * * * *

- (g) lay down, modify or annul, in consultation with the State Government concerned, the standards for a stream or well:

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

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

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

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

Functions
of State
Board.

- (a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;
- (b) to advise the State Government*** on any matter concerning the prevention, control or abatement of water pollution***;
- (c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;
- (d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
- (e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;

- (f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;
- (g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters resulting from the discharge of effluents and to classify waters of the State;
- (h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;
- (i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;
- (j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;
- (k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in the stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;
- (l) to make, vary or revoke any order—
 - (i) for the prevention, control or abatement of discharges of waste into streams or wells;
 - (ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution;
- (m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;
- (n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;
- (o) to perform such other functions as may be prescribed or as may from time to time, be entrusted to it by the Central Board of the State Government.

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

18. In the performance of its functions under this Act—

Powers
to give
directions.

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

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

CHAPTER V

PREVENTION AND CONTROL OF WATER POLLUTION

19. (1) Notwithstanding anything contained in this Act, if the State Government, 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.

Power
of State
Govern-
ment to
restrict
the appli-
cation of
the Act to
certain
areas.

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

Power
to obtain
informa-
tion.

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

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

Power to take samples of effluents and procedure to be followed in connection therewith.

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

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

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

(a) serve on the person in charge of, or having control over, the plant or vessel or in occupation of the place (which person is hereinafter referred to as the occupier) or any agent of such occupier, a notice, then and there in such form as may be prescribed of his intention to have it so analysed;

(b) in the presence of the occupier or his agent, divide the sample into two parts;

(c) cause each part to be placed in a container which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;

(d) send one container forthwith,—

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

- (ii) in any other case, to the laboratory established or recognised by the State Board under section 17;
- (e) on the request of the occupier or his agent, send the second container,—
 - (i) in a case where such sample is taken from any area situated in a Union territory, to the laboratory established or specified under sub-section (1) of section 51; and
 - (ii) in any other case, to the laboratory established or specified under sub-section (1) of section 52.

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

(5) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent a notice under clause (a) of sub-section (3) and the occupier or his agent who is present at the time of taking the sample does not make a request for dividing the sample into two parts as provided in clause (b) of sub-section (3), then, the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith 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. (1) Where a sample of any sewage or trade effluent has been sent for analysis to the laboratory established or recognised by the Central Board or, as the case may be, the State Board, the concerned Board analyst appointed under sub-section (3) of section 53 shall analyse the sample and submit a report in the prescribed form of the result of such analysis in triplicate to the Central Board or the State Board, as the case may be.

Reports of the result of analysis on samples taken under section 21.

(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.

Power of
entry and
inspection.

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

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

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

5 of 1898

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

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

24. (1) Subject to the provisions of this section,—

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

Prohibition on use of stream or well for disposal of polluting matter, etc.

(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, on the recommendation of the State Board, exempt, by notification in the Official Gazette, any person from the operation of sub-section (1) subject to such conditions, if any, as may be specified in the notification and any condition so specified may by a like notification be altered, varied or amended.

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

Restrictions on new outlets and new discharges.

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

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

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

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

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

(5) Where, without the consent of the State Board, a new or altered outlet is brought into use for the discharge of sewage or trade effluent into a stream or well or a new discharge of sewage or trade effluent is made, the State Board may serve on the person using the outlet or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent in respect to such outlet or discharge.

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

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

(8) For the purposes of this section—

- (a) the expression "new or altered outlet" means any outlet which is wholly or partly constructed on or after the commencement of this Act or which (whether so constructed or not) is substantially altered after such commencement;
- (b) the expression "new discharge" means a discharge which is not, as respects the nature and composition temperature,

volume, and rate of discharge of the effluent substantially a continuation of a discharge made within the preceding twelve months (whether by the same or a different outlet), so however that a discharge which is in other respects a continuation of previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

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

Provi-
sion re-
garding
existing
discharge
of sewage
or trade
effluent.

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

Refusal or
with-
drawal
of consent
by State
Board.

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

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

28. (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:

Appeals.

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

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

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

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

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

* * * * *

(a) where the appeal is in respect of the unreasonableness of any condition imposed, such authority may direct either that the condition shall be treated as annulled or that there shall be substituted for it such conditions 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.

Revi-
sion.

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

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

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

Power
of State
Board
to carry
out cer-
tain
works.

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

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

(3) All expenses incurred by the State Board for the execution of the aforesaid work, together with interest, at such rate as the State Government may, by order, fix, from the date when a demand for the expenses

is made until it is paid, may be recovered by that Board from the person concerned, as arrears of land revenue, or of public demand.

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

Furnish-
ing of
informa-
tion to
State
Boards
and
other
agen-
cies in
certain
cases.

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

Emer-
gency
measures
in case
of pol-
lution of
stream
or well.

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

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

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

Power
of
Board
to make
applica-
tions to
courts
for res-
training
apprehen-
ded pol-
lution of
water in
streams
or wells.

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

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

- (i) direct the person who is likely to cause or has caused the pollution of the water in the stream or well, to desist from taking

such action as is likely to cause pollution or, as the case may be, to remove from such stream or well, such matter, and

- (ii) authorise the Board, if the direction under clause (i) (being a direction for the removal of any matter from such stream or well) is not complied with by the person to whom such direction is issued, to undertake the removal and disposal of the matter in such manner as may be specified by the court.

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

CHAPTER VI

FUNDS, ACCOUNTS AND AUDIT

Contributions by Central Government.

34. 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.

Contributions by State Government.

35. 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 contribution to the State Board as it may think necessary to enable that Board to perform its functions under this Act.

Fund of Central Board.

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

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

Fund of State Board.

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

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

Budget.

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

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

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

40. (1) Every Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form Accounts and audit.
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 VII

PENALTIES AND PROCEDURE

41. (1) Whoever fails to comply with any direction given under sub-section (2) or sub-section (3) of section 20 within such time as may be specified in the direction or fails to comply with any orders issued under clause (c) of sub-section (1) of section 32 shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both and in case the failure continues, with an additional fine which may extend to 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.

one thousand rupees for every day during which such failure continues after the conviction for the first such failure.

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

Penalty
for
certain
acts.

42. (1) Whoever—

- (a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or
- (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or
- (c) damages any works or property belonging to the Board, or
- (d) fails to furnish to any officer or other employee of the Board any information required by him for the purpose of this Act, or
- (e) fails to intimate the occurrence of any accident or other unforeseen act or event under section 31 to the Board and other authorities or agencies as required by that section, or
- (f) in giving any information which he is required to give under this Act, knowingly or wilfully makes a statement which is false in any material particular, or
- (g) for the purpose of obtaining any consent under section 25 or section 26, knowingly or wilfully makes a statement which is false in any material particular,

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

(2) Where for the grant of a consent in pursuance of the provisions of section 25 or section 26 the use of a meter of gauge or other measure or monitoring device is required and such device is used for the purposes of those provisions, any person who knowingly or wilfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

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

Penalty for contravention of provisions of section 24.

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

Penalty for contravention of section 25 or section 26.

45. If any person who has been convicted of any offence under section 24 or section 25 or section 26 is again found guilty of an offence involving a contravention of the same provision, he shall, on the second and on every subsequent conviction, be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine:

Enhanced penalty after previous conviction.

Provided that for the purpose of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

46. If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

Publication of names of offenders.

47. (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:

Offences by companies.

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

Offences
by Gov-
ernment
Depart-
ments.

43. 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.

Cogni-
zance of
offences.

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

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the first class or for any Presidency Magistrate to pass a sentence of imprisonment for a term exceeding two years or of fine exceeding two thousand rupees on any person convicted of an offence punishable under this Act.

5 of 1898.

Members,
officers
and
servants
of Board
to be
public
servants.

50. All members, officers and servants of the 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

Central
Water
Labora-
tory.

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

(a) establish a Central Water Laboratory, or

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

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

(a) the functions of the Central Water Laboratory;

(b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or tests, the form of the laboratory's report thereunder and the fees payable in respect of such report;

(c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

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

State
Water
Labora-
tory.

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

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

- (a) the functions of the State Water Laboratory;
- (b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or 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. (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.

Analysts.

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

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

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

Reports
of
analysts.

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

Local
authori-
ties to
assist.

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

Compul-
sory
acqui-
sition of
land for
the State
Board.

Returns
and
reports.

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

Bar of
jurisdiction.

58. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an appellate authority constituted under the 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.

Protection of
action
taken
in good
faith.

59. 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.

Over-
riding
effect.

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

Power of
Central
Govern-
ment to
supersede
the
Central
Board
and
Joint
Boards.

61. (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 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 Central Government shall give a reasonable opportunity to the Central Board or such Joint Board, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Central Board or such Joint Board, as the case may be.

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

(a) all the members shall, as from the date of supersession vacate their offices as such;

(b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the Central Board or such Joint Board shall, until the Central Board or the

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

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

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

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

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

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

Power of
State Gov-
ernment
to super-
sede
State
Board.

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

Power of
Central
Govern-
ment to
make
rules.

63. (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) The matters in respect of which the Central Government may make rules, shall relate to all or any of the following:—

- (a) the terms and conditions of service of the members (other than the chairman and member-secretary) of the Central Board under sub-section (8) of section 5;
- (b) the intervals and the time and place at which meetings of the Central Board or of any committee thereof constituted under this Act, shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business under section 8 and under sub-section (2) of section 9;
- (c) the fees and allowances to be paid to such members of a committee of the Central Board as are not members of the Board under sub-section (3) of section 9;
- (d) the manner in which and the purposes for which persons may be associated with a Board under sub-section (1) of section 10.
- (e) the terms and conditions of service of the chairman and the member-secretary of the Central Board under sub-section (9) of section 5 and under sub-section (1) of section 12;
- (f) conditions subject to which a person may be appointed as a consulting engineer to the Central Board under sub-section (4) of section 12;
- (g) the powers and duties to be exercised and performed by the chairman and the member-secretary of the Central Board;
- * * * *
- (h) the prohibition or regulation of bathing in any stream or well or the washing or cleaning therein of things of any class or description, or the putting of litter or other objectionable matter, whether poisonous, noxious or polluting or not into any stream or well;
- (i) the prohibition or regulation of the keeping or use, on any stream, of vessels provided with sanitary appliances from which polluting matter passes into the stream;
- (j) the form of the report of the Central Board analyst under sub-section (1) of section 22;
- (k) the form of the report of the Government analyst under sub-section (3) of section 22;

- (l) the form in which, and the time within which, the budget and annual report of the Central Board may be prepared and forwarded to the Central Government under sections 38 and 39;
- (m) the form in which the accounts of the Central Board may be maintained under section 40;
- (n) any other matter relating to the Central Board, including the powers and functions of that Board in relation to Union territories;
- (o) any other matter which has to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

64. (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:

Power of State Government to make rules.

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

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

- (a) the terms and conditions of service of the members (other than the chairman and the member-secretary) of the State Board under sub-section (8) of section 5;
- (b) the time and place of meetings of the State Board or of any committee of that Board constituted under this Act and the procedure to be followed at such meeting, including the quorum necessary for the transaction of business under section 9 and under sub-section (2) of section 9;
- (c) the fees and allowances to be paid to such members of a committee of the State Board as are not members of the Board under sub-section (3) of section 9;
- (d) the manner in which and the purposes for which persons may be associated with the State Board under sub-section (1) of section 10;
- (e) the terms and conditions of service of the chairman and the member-secretary of the State Board under sub-section (9) of section 5 and under sub-section (1) of section 12:

- (f) the conditions subject to which a person may be appointed as a consulting engineer to the State Board under sub-section (4) of section 12;
- (g) the powers and duties to be exercised and discharged by the chairman and the member-secretary of the State Board;
- (h) the form of the notice referred to in section 21;
- (i) the form of the report of the State Board analyst under sub-section (1) of section 22;
- (j) the form of the report of the Government analyst under sub-section (3) of section 22;
- (k) the form of application for the consent of the State Board under sub-section (2) of section 25, and the particulars it may contain;
- (l) the manner in which inquiry under sub-section (3) of section 25, may be made in respect of an application for obtaining consent of the State Board and the matters to be taken into account in granting or refusing such consent;
- (m) the form and manner in which appeals may be filed, the fees payable in respect of such appeals and the procedure to be followed by the appellate authority in disposing of the appeals under sub-section (3) of section 28;
- (n) the form in which, and the time within which, the budget and annual report of the State Board may be prepared and forwarded to the State Government under sections 38 and 39;
- (o) the form in which the accounts of the State Board may be maintained under sub-section (1) of section 40;
- (p) any other matter which has to be, or may be, prescribed.