

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(Under Section 18(1) read with Sections 14, 15 of National
Green Tribunal Act 2010)

Original Application No.....127.....of 2025

IN THE MATTER OF:

Md Imran Ahmad

...Applicant

vs.

Central Pollution Control Board (CPCB)

& Ors.

. Respondents

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Place: New Delhi

Date: 26.08.2025

Md Imran Ahmad FILED BY:

Md Imran Ahmad
(Applicant-In-Person)

A-11, First Floor, Defence Colony

Mob: 9430517414

Email: magikimranahmad@gmail.com

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ANNEXURE- A-1

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Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 127/2025
(I.A. No. 249/2025)

Md. Imran Ahmad

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 01.08.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Md. Imran Ahmad, in Person

ORDER

1. In spite of the opportunity granted on the previous date, the applicant has not placed the additional material on record in support of the plea taken in the OA.
2. A prayer for further grant of time has been made by the Applicant. As of last opportunity further four weeks' time is granted.
3. I.A. No. 249/2025 is an application for early hearing. With the afflux of time nothing survives in the said application which is accordingly dismissed as infructuous.
4. List on 04.11.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

August 01, 2025
Original Application No. 127/2025
(I.A. No. 249/2025)
AS

Md Imran Ahmad

True Copy

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ANNEXURE- A-2

SPEED POST

B-29016/04/06/PCI-I/

5401

February 05, 2014

To

The Chairman
All SPCBs/PCCs (as per list enclosed)

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 IN THE MATTER OF POLLUTION CONTROL IN 17 CATEGORY OF HIGHLY POLLUTING INDUSTRIES , CETPs AND COMMON HAZRDOUS WASTE & BIOMEDICAL WASTE INCINERATORS- REGARDING SELF MONITORING OF COMPLIANCE

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the function of the State Pollution Control Boards(SPCBs)/Pollution Control Committees(PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the State/Union territory and to secure the execution thereof; and

WHEREAS, under section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, the SPCBs and PCCs are empowered to stipulate standards for discharge of environmental pollutants for various categories of industries and common effluent treatment plants (CETPs) , Common Hazardous waste and Biomedical waste incinerators even more stringent than those notified by the Central Government, under the Environmental (Protection) Act, 1986 and rules framed there under; and

WHEREAS, Pharmaceuticals, Chlor Alkali, Fertilizers, Oil Refinery, Dye and dye intermediate, Pesticides, Petrochemical, Large Power plants, Cement, Aluminium, Zinc, Copper, Iron & steel, Large Pulp & paper, Distillery, Sugar and Tannery industries located in States/UTs have been discharging environmental pollutants directly or indirectly into the ambient air and water, which pose constant threat to cause adverse effect on the water and air quality ; and

WHEREAS, Common Hazardous waste and Biomedical waste incinerators and Common Effluent Treatment Plants(CETPs) located in States/UTs have been discharging environmental pollutants directly or indirectly into the ambient air and water; and

WHEREAS, the SPCBs and PCCs are also required to ensure installation and regular operation of the requisite pollution control facilities in the polluting industries; and

WHEREAS, there is need to inculcate habit of self monitoring mechanism within the industries for complying the prescribed standards and this can be achieved by the methods like installing online effluent and emission monitoring devices; and

WHEREAS, number of industries (as per list) under 17 category (Annexure-I) which are operating in the state/UT have been identified can be suitably directed for installation and commissioning of online monitoring systems (emission and or effluent); and

WHEREAS, number of Common Hazardous waste and Biomedical waste incinerators and CETPs operating in the state/UT (as per list) can also be considered for installation and commissioning of online monitoring systems (emission and or effluent);and

WHEREAS, for strengthening the monitoring and compliance through self regulatory mechanism ,online source and effluent monitoring systems need to be

installed and operated by the developers and the industries on 'polluter pays principle' ;and

WHEREAS, some of the SPCBs have already given specific conditions in consent to operate of 17 categories of highly polluting industries/ and Common Hazardous waste and Biomedical waste incinerators to install continuous emission and effluent monitoring systems; and

WHEREAS, it is envisaged in "National Environment Policy- 2006" that to strengthen the testing infrastructure and network for monitoring ambient environmental quality and progressively ensure real-time, and online availability of the monitoring data; and

WHEREAS, CPCB had earlier issued letter dated January 12,2011 to SPCBs /PCCs to direct all the 17 categories of highly polluting industries to install automatic air and water quality stations to monitor the ambient quality; and

WHEREAS ,it is becoming a need and necessity to regulate and minimize inspection of industries on routine basis and instead efforts need to be made to bring self discipline in the industries to exercise self monitoring & compliance and transmit data of effluent and emission compliance to SPCBs/PCCs and to CPCB on continuous basis; and

WHEREAS, there could be some time needed for getting such devices standardised and requiring confidence on data generated but needless to emphasize that efforts towards setting up to continuous monitoring devices is essential; and

WHEREAS, the ground truthing of the values indicated by the online devices need to be done before bringing them in public domain for proper interpretation and such measures need to be taken at the level of SPCBs/PCCs .And whereas for regulatory purposes and for purposes of actions to be taken against non complying industries /facilities, the existing methods of sampling,

analysis and related procedures under the existing statutes need to be continued; and

WHEREAS, SPCBs and PCCS have prescribed standards for various parameters as per the notified standards under Environment(Protection) Act,1986 and the State Boards may refer to the parameters which should be monitored by installing continuous effluent and emission monitoring devices(Annexure -II);and

Whereas, continuous effluent and emission monitoring devices can be installed in those industries which are continuously letting out effluents and emissions out of their premises: and

Now, therefore, in exercise of the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 and keeping in view strengthening of the monitoring mechanism for effective compliance through self regulatory mechanism,you are directed to issue the following directions to all the industries under 17 categories of highly polluting industries, and CETPs, Common Hazardous waste and Biomedical waste incinerators:

- a. To Install online continuous Stack Emission Monitoring Systems (CSEMS) in 17 categories of highly polluting industries and in Common Hazardous waste and Biomedical waste incinerators for the parameters(industry/sector specific parameter) mentioned in the consent to operate/authorisation not later than by March 31,2015;
- b. To install online effluent quality monitoring system at the outlet of effluent treatment plants of the 17 category industries and in CETPs for the measurement of the parameters(industry/sector specific parameter) like flow, pH, COD, BOD, TSS and for other consented parameters as per the guidelines provided; not later than by March 31, 2015;
- c. To connect and upload the online emission and effluent monitoring data at SPCBs/PCCs and CPCB server in a time bound manner but not later than by March 31,2015;

- d. To ensure regular maintenance and operation of the online system with temper proof mechanism having facilities for online calibration;
- e. To submit bank guarantee of 25 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems within 90 days from the date of receipt of directions issued by SPCBs/PCCs to the industries;

The SPCB shall install the necessary software and hardware in their headquarter for centralized data collection, analysis and corrective action .The action taken report along with time bound action plan for each industry under the 17 category of industry and CETPs, Common Hazardous waste and Biomedical waste incinerators for installation of online monitoring systems (emission and or effluent) shall be submitted to the Central Pollution Control Board within 120 days from the date of receipt of these directions.


(Susheel Kumar)
Chairman

Copy to:

1. The Advisor(CP Division)
Ministry of Environment & Forests
Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi - 110 003
2. I/C PCI-I,II,III and HWMD
3. All Zonal Officer ,CPCB
4. ✓ I/c IT Division, CPCB
5. I/c. ESS, CPCB


(Susheel Kumar)

State/UT wise List of CETP/ Common Hazardous Waste and Bio medical Waste Incinerators

S. No.	State/ UT	CETP	Common Hazardous Waste incinerator	Bio medical waste incinerator	Total
1.	Andhra Pradesh	6	2	15	23
2.	Assam	-	-	5	5
3.	Bihar	-	-	2	2
4.	Chandigarh	-	-	1	1
5.	Chhattisgarh	-	-	6	6
6.	Daman & Diu and Dadra & Nagar Haveli	-	1	1	2
7.	Delhi	13	-	3	16
8.	Gujarat	27	5	13	45
9.	Haryana	13	1	7	21
10.	Himachal Pradesh	-	-	2	2
11.	J&K	1	-	2	3
12.	Jharkhand	-	-	1	1
13.	Karnataka	9	5	15	29
14.	Kerala	3	-	1	4
15.	Madhya Pradesh	1	1	15	17
16.	Maharashtra	27	3	34	64
17.	Meghalaya	-	-	1	1
18.	Odisha	-	-	6	6
19.	Puducherry	-	-	1	1
20.	Punjab	4	-	4	8
21.	Rajasthan	14	1	12	27
22.	Tamilnadu	49	1	10	60
23.	Tripura	-	-	1	1
24.	Uttarakhand	3	1	1	5
25.	Uttar Pradesh	4	3	13	20
26.	West Bengal	1	1	7	9
	Total	175	25	179	379

Annexure-II

Sl No	Category	Effluent Parameters	Emission Parameters
1.	Aluminium	pH, BOD, COD, TSS	PM, Fluoride
2.	Cement	pH, BOD, COD, TSS	PM, NO _x , SO ₂
3.	Distillery	pH, BOD, COD, TSS	PM
4.	Dye and dye intermediate	pH, BOD, COD, TSS, Cr	-
5.	Chlor Alkali	pH, BOD, COD, TSS	Cl ₂ , HCl
6.	Fertilizers	pH, BOD, COD, TSS, Ammonia	PM, Fluoride, Ammonia
7.	Iron & steel	pH, BOD, COD, TSS	PM, SO ₂
8.	Oil refinery	pH, BOD, COD, TSS	PM, CO, NO _x , SO ₂
9.	Petrochemical	pH, BOD, COD, TSS	PM, CO, NO _x , SO ₂ ,
10.	Pesticides	pH, BOD, COD, TSS, Cr, As	-
11.	Pharmaceuticals	pH, BOD, COD, TSS, Cr, As	-
12.	Power Plants	pH, BOD, COD, TSS	PM, NO _x , SO ₂
13.	Pulp & paper	pH, BOD, COD, TSS, AO _x	-
14.	Sugar	pH, BOD, COD, TSS	-
15.	Tannery	pH, BOD, COD, TSS	-
16.	Zinc	pH, BOD, COD, TSS	PM SO ₂
17.	Copper	pH, BOD, COD, TSS	PM SO ₂

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List of SPCBs/ PCCs

Sl. No.	State/ UT
1.	The Chairman A.P. Pollution Control Board Paryavaran Bhawan Industrial Estate, Sanath Nagar Hyderabad – 500 038
2.	The Chairman Arunachal Pradesh Pollution Control Board Office of Principal Chief Conservator of Forests and Secretary (E & F) Govt. of Arunachal Pradesh Itanagar – 791 111
3.	The Chairman Assam State Pollution Control Board Bamunimaidan Guwahati – 781 021
4.	The Chairman Bihar State Pollution Control Board IInd Floor, Beltron Bhawan Jawaharlal Nehru Marg Shastri Nagar, Patna – 800 023
5.	The Chairman Chandigarh Pollution Control Committee Additional Town Hall Bldg. 2 nd Floor, Sector 17-C Chandigarh – 110 017
6.	The Chairman Chattisgarh State Env. Conservation Board Nanak Niwas, Civil Lines Raipur, Chattisgarh – 492 001
7.	The Chairman Daman, Diu, Dadra & Nagar Haveli Pollution Control Committee Office of the Dy. Conservator of Forests Moti Daman, Daman – 396 220
8.	The Chairman Delhi Pollution Control Committee 6th level, B-wing, Delhi Secretariat IP Estate, New Delhi – 110 002
9.	The Chairman Goa State Pollution Control Board Dempe Tower, 1 st Floor Patto Plaza, Panaji Goa – 403 001
10.	The Chairman Gujarat State Pollution Control Board Sector 10-A Gandhi Nagar – 382 043

11.	The Chairman Haryana State Pollution Control Board C-11, Sector – 6 Panchkula, Haryana
12.	The Chairman H.P. State Environment Protection and Pollution Control Board Paryavaran Bhawan Phase-III, Below BCS New Simla – 171 009
13.	The Chairman J & K State Pollution Control Board Super Bazar Building, 3 rd Floor, City Chowk Jammu
14.	The Chairman Jharkhand Pollution Control Board TA Building, HEC Campus At + P.O. – Dhurba Ranchi
15.	The Chairman Karnataka State Pollution Control Board 6, 7, 8 & 9 th Floors Public Utility Building, MG Marg Bangalore – 560 001
16.	The Chairman Kerala State Pollution Control Board Plamoodu Junction Pattam Palace P.O. Thiruvananthapuram – 695 004
17.	The Chairman M.P. State Pollution Control Board Paryavaran Parisar E-5, Arera Colony Bhopal – 462 016
18.	The Chairman Maharashtra State Pollution Control Board Kalpataru Point, 3 rd & 4 th floors Sion Matunga Scheme, Road No. 8 Opp. Cine Planet, Sion Circle, Sion (E) Mumbai – 400 022
19.	The Chairman Meghalaya State Pollution Control Board Arden, Lumbyngngad Shillong – 793 014
20.	The Chairman Mizoram State Pollution Control Board M.G. Road, Khatna Aizwal
21.	The Chairman Orissa State Pollution Control Board

	A-118, Nilkanta Nagar, Unit – VIII Bhubaneswar – 751 012
22.	The Chairman Pondicherry Pollution Control Committee Department of Science Technology & Environment Housing Board Complex 3 rd Floor, Anna Nagar Pondicherry – 600 005
23.	The Chairman Punjab State Pollution Control Board Vatavaran Bhawan, Nabha Road Patiala – 147 001
24.	The Chairman Rajasthan State Pollution Control Board A-4, Jalane Dungri Institutional Area Jaipur – 302 004
25.	The Chairman Sikkim State Pollution Control Board State Land Use & Environment Cell Govt. of Sikkim, Deorali Gangtok, Sikkim
26.	The Chairman Tamilnadu State Pollution Control Board No. 100, Anna Salai Guindy, Chennai – 600 032
27.	The Chairman Tripura State Pollution Control Board Vigyan Bhawan, Pt. Nehru Complex Gorkhabasti P.O., Kunjaban Agartala (W) – 799 006
28.	The Chairman Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun, Uttarakhand" Pincode- 24800
29.	The Chairman U.P. State Pollution Control Board 3 rd Floor, PICUP Bhawan Vibhuti Khand, Gomti Nagar Lucknow – 226 020
30.	The Chairman West Bengal State Pollution Control Board Paribesh Bhawan 10A, Block LA, Sector 3, Salt Lake City Kolkata – 700 091

Md Imran Ahmad
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ANNEXURE- A-3

Direction 80 Misc
Sec 13(b)

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7/26-7216

SPEED POST

March 02, 2015

B-29016/04/06/PCI-1/
To

The Chairman
(All SPCBs/PCCs)

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 IN THE MATTER OF POLLUTION CONTROL IN 17 CATEGORY OF HIGHLY POLLUTING INDUSTRIES , CETPs AND COMMON HAZRDOUS WASTE & BIOMEDICAL WASTE INCINERATORS- REGARDING SELF MONITORING OF COMPLIANCE

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the function of the State Pollution Control Boards(SPCBs)/Pollution Control Committees(PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the State/Union territory and to secure the execution thereof; and

WHEREAS, under section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, the SPCBs and PCCs are empowered to stipulate standards for discharge of environmental pollutants for various categories of industries and common effluent treatment plants (CETPs) , Common Hazardous waste and Biomedical waste incinerators even more stringent than those notified by the Central Government, under the Environmental (Protection) Act, 1986 and rules framed there under; and

WHEREAS, Pharmaceuticals, Chlor Alkali, Fertilizers, Oil Refinery, Dye and dye intermediate, Pesticides, Petrochemical, Large Power plants, Cement, Aluminium, Zinc, Copper, Iron & steel, Large Pulp & paper, Distillery, Sugar and Tannery industries located in States/UTs have been discharging environmental

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14/3/15

pollutants directly or indirectly into the ambient air and water, which pose constant threat to cause adverse effect on the water and air quality ; and

WHEREAS, Common Hazardous waste and Biomedical waste incinerators and Common Effluent Treatment Plants(CETPs) located in States/UTs have been discharging environmental pollutants directly or indirectly into the ambient air and water; and

WHEREAS, the SPCBs and PCCs are also required to ensure installation and regular operation of the requisite pollution control facilities in the polluting industries; and

WHEREAS, there is need to inculcate habit of self monitoring mechanism within the industries for complying the prescribed standards and this can be achieved by the methods like installing online effluent and emission monitoring devices; and

WHEREAS, number of industries under 17 category which are operating in the state/UT have been identified can be suitably directed for installation and commissioning of online monitoring systems (emission and or effluent); and

WHEREAS, number of Common Hazardous waste and Biomedical waste incinerators and CETPs operating in the state/UT can also be considered for installation and commissioning of online monitoring systems (emission and or effluent);and

WHEREAS, for strengthening the monitoring and compliance through self regulatory mechanism ,online source and effluent monitoring systems need to be installed and operated by the developers and the industries on 'polluter pays principle' ;and

WHEREAS, some of the SPCBs have already given specific conditions in consent to operate of 17 categories of highly polluting industries/ and Common

Hazardous waste and Biomedical waste incinerators to install continuous emission and effluent monitoring systems; and

WHEREAS, it is envisaged in "National Environment Policy- 2006" that to strengthen the testing infrastructure and network for monitoring ambient environmental quality and progressively ensure real-time, and online availability of the monitoring data; and

WHEREAS, CPCB had earlier issued letter dated January 12,2011 to SPCBs /PCCs to direct all the 17 categories of highly polluting industries to install automatic air and water quality stations to monitor the ambient quality; and

WHEREAS ,it is becoming a need and necessity to regulate and minimize inspection of industries on routine basis and instead efforts need to be made to bring self discipline in the industries to exercise self monitoring & compliance and transmit data of effluent and emission compliance to SPCBs/PCCs and to CPCB on continuous basis; and

WHEREAS, there could be some time needed for getting such devices standardised and requiring confidence on data generated but needless to emphasize that efforts towards setting up to continuous monitoring devices is essential; and

WHEREAS, the ground truthing of the values indicated by the online devices need to be done before bringing them in public domain for proper interpretation and such measures need to be taken at the level of SPCBs/PCCs .And whereas for regulatory purposes and for purposes of actions to be taken against non complying industries /facilities, the existing methods of sampling, analysis and related procedures under the existing statutes need to be continued; and

WHEREAS, SPCBs and PCCS have prescribed standards for various parameters as per the notified standards under Environment(Protection) Act,1986

and the State Boards may refer to the parameters which should be monitored by installing continuous effluent and emission monitoring devices(Annexure -II);and

WHEREAS, continuous effluent and emission monitoring devices can be installed in those industries which are continuously letting out effluents and emissions out of their premises: and

WHEREAS following direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on 05.2.2014;

- a) To Install online continuous Stack Emission Monitoring Systems (CSEMS) in 17 categories of highly polluting industries and in Common Hazardous waste and Biomedical waste incinerators for the parameters(industry/sector specific parameter) mentioned in the consent to operate/authorisation not later than by March 31,2015;
- b) To install online effluent quality monitoring system at the outlet of effluent treatment plants of the 17 category industries and in CETPs for the measurement of the parameters(industry/sector specific parameter) like flow, pH, COD, BOD, TSS and for other consented parameters as per the guidelines provided; not later than by March 31, 2015;
- c) To connect and upload the online emission and effluent monitoring data at SPCBs/PCCs and CPCB server in a time bound manner but not later than by March 31,2015;
- d) To ensure regular maintenance and operation of the online system with temper proof mechanism having facilities for online calibration;
- e) To submit bank guarantee of 25 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems within 90 days from the date of receipt of directions issued by SPCBs/PCCs to the industries;

WHEREAS In order to sensitize the issues among SPCBs/PCCs ,CPCB also highlighted the status of compliance of setting up online monitoring system in the conference of Chairman and Member Secretaries(February 21-22,2014 at

Bangalore and January 09,2015 at Chandigarh) at the National as well as Regional level on online monitoring system; and

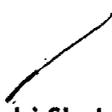
WHEREAS CPCB has organized five interaction meets on 06/8/2014,19/09/2014,29/09/2014,8/10/2014 and 16/10/2014 respectively to have an interaction with SPCBs, representative of industries, industrial associations and instrument suppliers on online monitoring system; and

WHEREAS CPCB has already published a guidelines for online continuous monitoring system for effluents on 07.11.2014; and

WHEREAS a letter has been issued to all SPCBs/PCCs on October 31, 2014 and subsequent reminder sent on December 24,2014 to provide action taken report to CPCB in the format before January 10, 2015; and

Now, therefore, in exercise of the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 and keeping in view strengthening of the monitoring mechanism for effective compliance through self regulatory mechanism, you are directed to

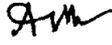
- (i) All the industries will submit bank guarantee of 100 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems by 30.06.2015 and such bank guarantee will be discharged if they install the system before June 30,2015.
- (ii) If the industries will not install the online monitoring system by June 30, 2015 their consent to operate of the industry shall be withdrawn and bank guarantee shall be forfeited.


(Shashi Shekhar)
Chairman

Copy to:

1. The Advisor(CP Division)
Ministry of Environment, Forests and Climate Change
Prithvi Wing, 2nd Floor, Room No. 216
Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi - 110003

2. I/C PCI-I,II,III and HWMD
3. All Zonal Officer ,CPCB
4. I/c IT Division, CPCB
- ✓ 5. I/c. ESS, CPCB


(A.B. Akolkar)
Member Secretary

Md Imran Ahmad
True Copy

Speed Post

B-400(S)/PCI-III/2016-17 3510-33

August 05, 2015

To,

The Chairman,
As per list attached

Direction under section 18(1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 to ensure compliance of notified standards by Sugar Manufacturing Units

WHEREAS, among others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Board (SPCB)/Pollution Control Committee (PCC), constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive programme for prevention, control of abatement of pollution of streams and wells located in the State/UT and to secure the execution there; and

WHEREAS, the Central Government has notified the standards for discharge of environmental pollution from various categories of industries under the Environment (Protection) Act, 1986 and the rule framed there under; and

WHEREAS, the CPCB and SPCBs have been pursuing the polluting industries to install effluent treatment plants (ETPs) to comply with the effluent discharge standards as notified under the Environment (Protection) act, 1986 and the Rules framed there under; and

WHEREAS, the SPCBs/PCCs can stipulate stringent standards for discharge of environmental pollution from various categories of industries than those notified by the Central Government, under the Environment (Protection) Act, 1986 and rules framed there under; and

WHEREAS, various industrial units including sugar manufacturing units located in the state of Maharashtra discharge effluent in the River Ganga and its tributaries or in catchment of Ganga basin, which adversely affect the water quality of River Ganga; and

WHEREAS, CPCB issued direction dated 03-11-2014 under section 18 (1) (b) of the Water Act 1974 to all State Pollution Control Boards for ensuring overall compliance w.r.t. discharge standards as well as house-keeping, record keeping, etc in the Sugar Mills.

WHEREAS, CPCB issued directions dated 24-02-2015 under section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 to all Ganga Basin states for taking adequate steps to rejuvenate River Ganga and ensuring implementation of action plan for water conservation and water management in Sugar Manufacturing Units.

WHEREAS, revised effluent discharge standards including treated effluent irrigation protocol and waste water conservation/waste water management in Sugar industries were

notified vide Gazette Notification no. G.S.R. 35(E) dated January 14, 2016 under Schedule I of Environment (Protection) Rules, 1986. [Available at <http://www.cpcb.nic.in/Industry-Specific-Standards/Effluent/Sugar.pdf>]

NOW THEREFORE, you are hereby directed to comply following directions:

1. Ensure strict compliance of revised effluent discharge standards including treated effluent irrigation protocol and waste water conservation/waste water management points as listed in above mentioned notification by all Sugar Manufacturing units in your state well before the start of crushing season 2016-17.
2. The 'Consent to Operate' (CTO) issued/to be issued to all the Sugar manufacturing units in the State shall be suitably modified incorporating the above notified standards and conditions. The validity of the 'Consent to Operate' shall be linked with the compliance of the notification so that the consent issued to industries shall stand automatically withdrawn if failed to comply the standards.
3. Ensure installation of Online Continuous Effluent Monitoring System (OCEMS) alongwith the connectivity to CPCB/SPCB server before commencement of crushing season 2016-17.

The present direction shall supersede all the previous directions from CPCB related to Sugar manufacturing sector.

The action taken report shall be submitted within **30 working days** from the date of receipt of these directions.

we


(S.P. SINGH PARIHAR)
CHAIRMAN

Copy to:

- 1) **The Advisor (CP Division)**
Ministry of Environment, Forest & C.C
Prithvi Block, Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003
- 2) **The In-charge, Zonal Office**
Central Pollution Control Board
PICUP Bhawan, Ground Floor
Vibhuti Khand, Gomati Nagar,
Lucknow - 226 010
- 3) The In-charge, PCI-III Division, CPCB
- 4) The In-charge, NGRBA Cell, CPCB
- 5) The In-charge, IT Division, CPCB


(A B AKOLKAR)
MEMBER SECRETARY

Sr. No.	Name of State/Uts.
1	A.P.
2	Goa
3	Karnataka
4	Puducherry
5	Tamil Nadu
6	Telangana
1	Chattisgarh
2	Madhya Pradesh
3	Rajasthan
10	Bihar
11	Orissa
12	West Bengal
13	Haryana
14	Punjab
15	U.P.
16	Uttarakhand
17	Gujarat
18	Maharashtra

Md Imran Ahmad
True Copy

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPALAppeal No. 03/2015
M/s Kareli Sugar Mills Pvt. Ltd Vs. MPPCB & Anr.CORUM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBERPRESENT : Appellant : Shri Dharamvir Sharma, Advocate
Respondent No. 1 : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent CPCB : Shri Sandeep Singh, Advocate
Respondent MoEF: Shri Rajendra Babbar, Advocate

Date and Remarks	Order of the Tribunal
<p>Item No. 8, 9 & 10 (Connected) 3rd November, 2015</p>	<p>These three Appeals has been filed against the notice issued by the MPPCB under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 Annexure 5 whereby direction under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 whereby the MPPCB Respondent No. 1 has directed the Appellant to comply with the directions issued by the CPCB vide their letter No. B-29016/04/06/PC1-1/5401 dtd. 05.02.2014 whereby the Appellant industry which is a sugar industry has been directed "to install online continuous effluent monitoring system at the outlet of the ETP for measurement of parameters like flow, PH, COB, BOD, TDS or some industry specific parameters notified under the Environment (Protection) Act/Rules or as detail in Annexure 2 not later than 31.03.2015".</p> <p>The submission of the Appellant is that they have already installed of pollution control measures and device as well as effluent treatment plant. It is further submitted that after treatment and the water being recycled it is used for cooling of the power house, Fiberiser Turbine, Mill turbines, wind turbine</p>

and again used for cooling compressor etc. The treated waste water after treatment from the ETP is used for spraying on the Bagasse and further in the plantation and gardening inside the premises of the Appellant itself. As such it is submitted that based upon the aforesaid procedure and utilisation, clearances and consents have been given by the MPPCB and their units are being continuously inspected and the discharge etc. monitored. It is submitted that based upon the directions issued by the Respondent for installation of the online monitoring system it was also required that a bank guarantee of Rs. 25 lakhs to be submitted being 25% of the cost of the online monitoring system which was stated to be costing approximately Rs. 1 crore.

It was further submitted that the sugar industry of the Appellant is a seasonal industry and as such having an online monitoring system to operate throughout the year would not be of any use and its dis-use during the period when the factory of the Appellant are not in operation would render the said device of no use and require maintenance and re-commissioning at the time of re-commissioning of the plant in the succeeding seasons.

It was also submitted that the sugar industry is going through a very lean period and such huge expenditure would put further financial burden on the industry which is already having problems of payment of the sugarcane growers which is in arrears.

After filing the Appeal notices were directed to be issued to the Respondents vide order dtd. 15.01.2015 and an interim order was also passed whereby the Respondent No. 1 was directed not to take any coercive action for insisting on the bank

guarantee against the Appellant on the condition that the Appellant shall place the orders for procurement and instalment of the equipment for the continuous online monitoring system.

The Respondents put in their appearance and on 24.02.2015 after hearing the parties it was observed as follows :

“These three Appeals have been filed by sugar industries located in MP.

Firstly, it is contended that the industries in question are only seasonal industries and run between December to March i.e. for a maximum period of not more than 120 days in a year. It is accordingly submitted that the cost of installation of the equipment is very onerous upon such industry.

Secondly, it is contended that none of the industries are in fact discharging any effluent into any water body and are in fact confining the discharge of the effluent within their premises in pakka lagoons constructed for the said purpose and as such the question of any contamination or pollution of any water body i.e. river, lake, etc. arising as a result of the same, does not arise and even the issue of contamination of ground water has been taken care of by construction of pakka lagoons which do not involve seepage through the soil. In other words, it is submitted that the notice issued by the MPPCB in terms of the direction issued by the CPCB in their letter dated 05.02.2014, has not taken into account the specific conditions prevailing and has mechanically issued these directions making them applicable to all the industries based upon the product being manufactured without taking into account the duration of operation of industry process and the matter of discharge, etc.

Since the letter of the CPCB dated 05.02.2014 has taken into account the reason for issuing such directions based upon “for prevention, control or abatement of pollution of stream, wells and air pollution

It is submitted that while the MPPCB has itself decided to withdraw the condition with regard to installation of CSEMS as per the letter of the CPCB (Annexure 2, Item No. 14), the same is not required and only Online Effluent Quality Monitoring system is required. It is further submitted that since the object behind issuing the directions is for controlling the pollution in streams, rivers wells, etc., but in the facts and circumstances of the present case, where there is no discharge of effluents into any stream, river, well or any other water bodies and is contained in lagoons, the same may not be immediately required to be complied with.

It is further submitted that the required equipment is also not indigenously available and in all probability will have to be imported based upon the specifications for the same and for such seasonal sugar industries, the cost

itself may be too much to be borne by such industries which are already suffering with various hardships and in some cases, not even making it even. It was submitted that since, the letter of the CPCB itself takes into account the fact for issuing the said directions on the ground that "it is becoming a need and necessity to regulate and minimise inspection of industries on routine basis", which is a job to be carried out by the State Pollution Control Board, the industry itself may not be saddled with the entire burden of performing the task of the SPCBs and making it more onerous for the industry. The Government, therefore, must consider sharing of burden for installation of such equipment which as per the assessment made by the SPCB itself may require incurring of huge expenditure, as stated in the letter of 10.12.2014 (Annexure A/5) of approximately Rs. 1 Crore with additional Bank Guarantee required to be given by the industry for Rs. 25 lakhs in favour of the MPPCB. It was contended by the Learned Counsel that in case where such equipment is indigenously not available or not being manufactured requiring import, the least that the Government can do is to waive the requirement of payment of custom duty for the specified equipment.

Having heard the Learned Counsel for the parties, we feel that in the facts and circumstances of the present case, it would be necessary to have the view of the Ministry of Environment, Forests & Climate Change, Government of India and it must take a considered stand on these issues which have been raised in these appeals. We would accordingly, direct the MoEF & CC to be impleaded as party and direct that notices be issued to the MoEF & CC for seeking their response in all these three cases on the issues highlighted above.

Prima facie, we are of the view that based upon the fact situation, a further classification of some heads of the industry of the 17 categories mentioned in the notification may be possible based upon the intelligible differentia which needs to be examined by the CPCB / Ministry."

After the aforesaid order was passed the interim direction was issued whereby it was directed that the PCB shall not insist upon the submission of the bank guarantee of Rs. 25 lakhs as mentioned in their letter dtd. 10.12.2014 in the case of the Appellant.

On 11.05.2015 Counsel for the MoEF appeared submitted that they will adopt the reply submitted by the CPCB.

The CPCB on its part submitted their reply on 08.05.2015

	<p>and justified their stands as per the notification dtd. 05.02.2014 for the installation of the online monitoring system. In the reply filed by CPCB it was submitted that while it is true that the industry of the Appellant is a seasonal one that by itself not ground for excluding the application and installation of the online monitoring system by the said sugar industry as it was a water intensive industry and it was not possible for the entire water to be re-utilised by the industry itself and there was every possibility of the discharge water entering into the underground water system and thereby pollution the same. It was further submitted that all the issues had been reviewed and the CPCB had only reiterated its decision to go ahead with the installation of the online monitoring system with rider that the date for implementation was extended upto 30.06.2015 & the remaining conditions remained intact. In that light so far as the condition imposed by the PCB for installation of the online monitoring system is concerned we find that the same is in accordance with the considered opinion of the CPCB and no fault can be found with the requirement for instalment of the online monitoring system particularly in the case of the present industries where huge quantities of water are being utilised and thereafter discharged by the industry itself. The mere fact that the industry is a seasonal one by itself will not prevent the application of the requirement to install online monitoring system as the same is required to be installed for monitoring of the level of discharge and the type of contamination for pollution which are there in and such water to be discharged by industrial units. The mere fact that it is run for a limited period even then such</p>
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contaminated or polluted discharge would be in violation of the provisions of section 26 of the Water Act, 1974. In that light the installation of the online monitoring system by the 17 categories of the industries as mentioned in the notification dtd. 05.02.2015 cannot be vitiated or called into question. As regards the issues which have been raised by the Appellant with regard to the cost likely to be incurred and also the fact that they are required to submit the bank guarantee, we would direct that the MPPCB need not insist upon the said bank guarantee where it is satisfied by the Appellant that orders have been placed for the equipment to be installed in their units. For the aforesaid purpose we would grant ten days time to the Appellant to satisfy the PCB that the orders have been placed and the installation date has been given, so that they would waive the said condition of submission of the bank guarantee.

With the aforesaid direction, the Appeal Nos. 01/2015, 02/2015 and 03/2015 stand disposed of.

.....JM
(DALIP SINGH)

.....EM
(PROF. A.R. YOUSUF)

Md Imran Ahmad
True Copy

ANNEXURE- A-6

B-29016/04/06/IPC-1/
To

SPEED POST

February 09, 2017

All SPCBs/ PCCs
(as per the list)

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 IN THE MATTER OF POLLUTION CONTROL IN 17 CATEGORY OF HIGHLY POLLUTING INDUSTRIES and ROG- REGARDING SELF MONITORING OF COMPLIANCE

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the function of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the State/ Union territory and to secure the execution thereof; and

WHEREAS, under section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, following direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on 05.02.2014 for installation of online monitoring systems in the 17 category of highly polluting industries and grossly polluting industries located in Ganga basin area;

- a) To Install Online Continuous Stack Emission Monitoring Systems (OCSEMS) in 17 categories of highly polluting industries and in Common Hazardous waste and Biomedical waste incinerators for the parameters (industry/sector specific parameter) mentioned in the consent to operate/authorisation not later than by March 31,2015;
- b) To install online effluent quality monitoring system at the outlet of effluent treatment plants of the 17 category industries and in CETPs for the measurement of the parameters (industry/sector specific parameter) like flow, pH, COD, BOD, TSS and for other consented parameters as per the guidelines provided; not later than by March 31, 2015;
- c) To connect and upload the online emission and effluent monitoring data at SPCBs/PCCs and CPCB server in a time bound manner but not later than by March 31,2015;
- d) To ensure regular maintenance and operation of the online system with temper proof mechanism having facilities for online calibration;

- e) To submit bank guarantee of 25 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems within 90 days from the date of receipt of directions issued by SPCBs/PCCs to the industries;

WHEREAS, In order to sensitize the issues among SPCBs/PCCs, CPCB also highlighted the status of compliance of setting up online monitoring system in the conference of Chairman and Member Secretaries (February 21-22, 2014 at Bangalore and January 09, 2015 at Chandigarh) at the National as well as Regional level on online monitoring system; and

WHEREAS, CPCB has organized five interaction meets on 06/8/2014, 19/09/2014, 29/09/2014, 8/10/2014 and 16/10/2014 respectively to have an interaction with SPCBs, representative of industries, industrial associations and instrument suppliers on online monitoring system; and

WHEREAS, CPCB has already published guidelines for online continuous monitoring system for effluents on 07.11.2014; and

WHEREAS, a letter has been issued to all SPCBs/PCCs on October 31, 2014 and subsequent reminder sent on December 24, 2014 to provide action taken report to CPCB in the format before January 10, 2015; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, following modified direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on March 02, 2015;

- (i) All the industries will submit bank guarantee of 100 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems by 30.06.2015 and such bank guarantee will be discharged if they install the system before June 30, 2015.
- (ii) If the industries will not install the online monitoring system by June 30, 2015 their consent to operate of the industry shall be withdrawn and bank guarantee shall be forfeited.

WHEREAS, the issues were also discussed in the 59th Conference of Chairman & Member Secretaries held on April 08, 2015 at Delhi; and

WHEREAS, a letter vide dated May 29, 2015 was issued by the Chairman CPCB to all the SPCBs/ PCCs informing that no further extension of time will be given after June 30, 2015 and withdrawal of consent to operate along with forfeiture of bank guarantee of non-complying units will be the only option; and

WHEREAS, it was observed that despite of efforts made by the SPCBs/PCCs in their state for installation of online monitoring system, it had not yielded desired results and till June 30,2015, most of the industries were not transmitted on line data to the CPCB server; and

WHEREAS, a notice u/s 5 of the E(P) Act,1986 was issued to all the 17 category of highly polluting industries during July-August 2015 by the CPCB for installation of online monitoring system and provide connectivity with CPCB; and

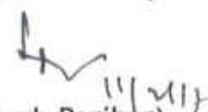
WHEREAS, direction under section 5 of the E(P) Act,1986 was issued to the units vide letter dated July 27,2016 directing the unit to close down operation and not to restart the production till the online monitoring system installed and connected; and

WHEREAS, it has been observed that some of the industries have been operating without valid consent of SPCBs/PCCs; and

Now, therefore, in exercise of the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 the following directions are issued;

- (i) That State Pollution Control Boards (SPCBs)/ PCCs shall direct the all such units (Orange, red and green category) not to continue its operations till the Unit obtains valid consent to operate (CTO) from the SPCB/PCC.
- (ii) SPCB/PCC shall place names of all such defaulter units on its website and issue notices under Water and Air Act to seek consent and comply with stipulated standards.

CPCB shall not revoke direction of closure in respect of all such units even after installation of online monitoring system and connectivity, till they possess valid consent of SPCBs/PCCs.


(S. P. Singh Parihar)
Chairman

Mullick
10/2/17

Copy to:

1. The Advisor (CP Division)
Ministry of Environment, Forests and Climate Change
Prithvi Wing, 2nd Floor, Room No. 216, Indira
Paryavaran Bhawan Aliganj, JorBagh Road, New Delhi - 110003
2. I/C IPC-I, II, III, and IV.
3. All Regional Directors, CPCB
4. ✓ I/c IT Division, CPCB
5. I/c IPC-V, CPCB


(A.B. Akolkar)
Member Secretary

Md Imran Ahmad
True Copy

o/c

B-29016/04/06/IPC-1/

SPEED POST

March 03, 2017

To

All SPCBs/ PCCs
(as per the list)

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 IN THE MATTER OF POLLUTION CONTROL IN 17 CATEGORY OF HIGHLY POLLUTING INDUSTRIES and ROG- REGARDING SELF MONITORING OF COMPLIANCE

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the function of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the State/ Union territory and to secure the execution thereof; and

WHEREAS, under section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, following direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on 05.02.2014 for installation of online monitoring systems in the 17 category of highly polluting industries and grossly polluting industries located in Ganga basin area;

- a) To Install Online Continuous Stack Emission Monitoring Systems (OCSEM5) in 17 categories of highly polluting industries and in Common Hazardous waste and Biomedical waste incinerators for the parameters (industry/sector specific parameter) mentioned in the consent to operate/authorisation not later than by March 31,2015;
- b) To install online effluent quality monitoring system at the outlet of effluent treatment plants of the 17 category industries and in CETPs for the measurement of the parameters (industry/sector specific parameter) like flow, pH, COD, BOD, TSS and for other consented parameters as per the guidelines provided; not later than by March 31, 2015;
- c) To connect and upload the online emission and effluent monitoring data at SPCBs/PCCs and CPCB server in a time bound manner but not later than by March 31,2015;

- d) To ensure regular maintenance and operation of the online system with temper proof mechanism having facilities for online calibration;
- e) To submit bank guarantee of 25 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems within 90 days from the date of receipt of directions issued by SPCBs/PCCs to the industries;

WHEREAS, In order to sensitize the issues among SPCBs/PCCs, CPCB also highlighted the status of compliance of setting up online monitoring system in the conference of Chairman and Member Secretaries (February 21-22, 2014 at Bangalore and January 09, 2015 at Chandigarh) at the National as well as Regional level on online monitoring system; and

WHEREAS, CPCB has organized five interaction meets on 06/8/2014, 19/09/2014, 29/09/2014, 8/10/2014 and 16/10/2014 respectively to have an interaction with SPCBs, representative of industries, industrial associations and instrument suppliers on online monitoring system; and

WHEREAS, CPCB has already published guidelines for online continuous monitoring system for effluents on 07.11.2014; and

WHEREAS, a letter has been issued to all SPCBs/PCCs on October 31, 2014 and subsequent reminder sent on December 24, 2014 to provide action taken report to CPCB in the format before January 10, 2015; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, following modified direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on March 02, 2015;

- (i) All the industries will submit bank guarantee of 100 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems by 30.06.2015 and such bank guarantee will be discharged if they install the system before June 30, 2015.
- (ii) If the industries will not install the online monitoring system by June 30, 2015 their consent to operate of the industry shall be withdrawn and bank guarantee shall be forfeited.

WHEREAS, the issues were also discussed in the 59th Conference of Chairman & Member Secretaries held on April 08, 2015 at Delhi; and

WHEREAS, a letter vide dated May 29, 2015 was issued by the Chairman CPCB to all the SPCBs/ PCCs informing that no further extension of time will be given after June 30, 2015 and withdrawal of consent to operate along with forfeiture of bank guarantee of non-complying units will be the only option; and

WHEREAS, it was observed that despite of efforts made by the SPCBs/PCCs in their state for installation of online monitoring system, it had not yielded desired results and till June 30,2015, most of the industries were not transmitted on line data to the CPCB server; and

WHEREAS, a notice u/s 5 of the E(P) Act,1986 was issued to all the 17 category of highly polluting industries during July-August 2015 by the CPCB for installation of online monitoring system and provide connectivity with CPCB; and

WHEREAS, direction under section 5 of the E(P) Act,1986 was issued to the units vide letter dated July 27,2016 directing the unit to close down operation and not to restart the production till the online monitoring system installed and connected; and

WHEREAS, it has been observed that some of the industries have been operating without valid consent of SPCBs/PCCs; and

WHEREAS, following direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on February 09, 2017;

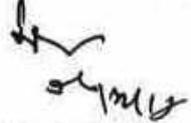
- (i) That State Pollution Control Boards (SPCBs)/ PCCs shall direct the all such units (Orange, red and green category) not to continue its operations till the Unit obtains valid consent to operate (CTO) from the SPCB/PCC.
- (ii) SPCB/PCC shall place names of all such defaulter units on its website and issue notices under Water and Air Act to seek consent and comply with stipulated standards.
- (iii) CPCB shall not revoke direction of closure in respect of all such units even after installation of online monitoring system and connectivity, till they possess valid consent of SPCBs/PCCs.

WHEREAS, revocation of direction by CPCB in respect of industries is contingent on compliance of its direction by those industries;

Now therefore, in exercise of the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 the following fresh directions are issued in partial modification of the above direction dated February 09, 2017;

1. That State Pollution Control Boards (SPCBs)/ PCCs shall direct all such units (Orange, red and green category) not to continue their operations till the Units obtain valid consent to operate (CTO) from the SPCB/PCC.

2. SPCB/PCC shall place names of all such defaulter units on its website and issue notices under Water and Air Act to seek consent and comply with stipulated standards.



(S. P. Singh Parihar)
Chairman



Copy to:

1. The Advisor (CP Division)
Ministry of Environment, Forests and Climate Change
Prithvi Wing, 2nd Floor, Room No. 216, Indira
Paryavaran Bhawan Aliganj, JorBagh Road, New Delhi - 110003
2. I/C IPC-I, II, III, and IV
3. All Regional Directors, CPCB
4. I/c IT Division, CPCB
5. I/c IPC-V, CPCB



(A.B. Akolkar)
Member Secretary

o/c

Md Imran Ahmad
True Copy



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

F.No PJ-14011(11)/2/2021-WQM-II-HO-CPCB-HO-Part(2)

1238 Date: 8.05.2023

To

Member Secretary,
Uttar Pradesh Pollution Control Board
Building No. TC-12 V, Vibhuti Khand
Gomti Nagar, Lucknow - 226010
Uttar Pradesh

DIRECTIONS UNDER SECTION 18 (1) (b) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 REGARDING ANNUAL INSPECTION OF GROSSLY POLLUTING INDUSTRIES (GPIs) UNDER NAMAMI GANGE PROGRAMME

WHEREAS, the Central Board, has delegated powers vested under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act 1974 to the Member Secretary, Central Pollution Control Board vide its resolution made in 196th Board meeting dated 29th March, 2022 to issue direction under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 to State Boards; and

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Board (SPCB), constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to plan a comprehensive programme for prevention, control or abatement of pollution of streams and wells located in the State and to secure the execution thereof; and

WHEREAS, amongst others, under section 16 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees (PCCs) and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, the Central Government has notified standards for discharge of environmental pollutants from industries and Common Effluent Treatment Plants (CETPs), under the Environmental (Protection) Act, 1986 and rules framed there under; and

WHEREAS, the SPCBs and PCCs are empowered to stipulate standards for discharge of environmental pollutants for various categories of industries and CETPs more stringent than those notified by the Central Government, under the Environmental (Protection) Act, 1986 and rules framed there under; and

WHEREAS, Grossly Polluting Industries (GPIs) are defined as industrial units having potential to discharge 100 kg/day BOD load and/or handling hazardous chemicals as specified in Manufacturing, Import and Storage of Hazardous Chemicals Rules 1989 and as amended; and

‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, Chemical (Pharmaceuticals, Organic, Inorganic, Fertilizers, Refinery and Pesticides), Distillery, Sugar, Pulp & Paper, Textile, Dying, Bleaching, Slaughter House, Tannery, Food & Dairy and Others categories of industry located in states of Uttarakhand, Uttar Pradesh, Jharkhand, Bihar, Delhi, Haryana and West Bengal have been identified as GPIs having potential to discharge effluent directly or indirectly into the rivers Ganga & Yamuna through drains or tributaries, which cause adverse effect on the water quality of these rivers and their tributaries; and

WHEREAS, it has been decided that inspection of Grossly Polluting Industries (GPIs) operating in river Ganga & Yamuna main stem states should be made an annual exercise under Namami Gange Programme and joint teams of experts/officials from third party technical institutes like IITs, NITs etc, SPCBs, State Mission Clean Ganga (SMCG)/District Ganga Committee (DGC) shall carry out inspections of GPIs; and

WHEREAS, a meeting was held on October 01, 2022 with officials of CPCB, National Mission for Clean Ganga (NMCG), SPCBs and technical institutions to discuss modalities of annual inspection of GPIs (2022-23) wherein following decisions were taken:

- i. Technical institutions shall be engaged for carrying out the inspection of the GPIs located in the main stem states of rivers Ganga & Yamuna and their tributaries to verify the compliance w.r.t. notified norms and consent conditions, ETP adequacy assessment, water audit etc.
- ii. Concerned SPCBs and SMCGs/DGCs shall nominate a nodal officer who will coordinate with technical institutions for participation in joint inspection. SPCBs shall attach atleast one officer with each technical institute to facilitate the surprise inspection.
- iii. Concerned SPCBs shall nominate officer of rank of Scientist B or above to participate in inspections.
- iv. Closure directions shall be issued by SPCBs to all temporary closed units except GPIs which are seasonally closed or have provided prior intimation of closure to concerned SPCB/CPCB. After consideration of re-opening request, unit shall be re-inspected by joint team consisting of technical institutes and SPCBs.
- v. If technical institutes not allowed to enter in industries, SPCBs shall issue closure direction and random inspection of such units shall be carried out by SPCB officials.
- vi. In case of by-pass reported by technical institutes, SPCBs shall issue suitable directions including issuance of closure direction and levying environmental compensation.
- vii. SPCBs shall take appropriate action within 15 days of receipt of inspection report and upload the same on CPCB Portal.
- viii. In case of non-compliance, SPCBs shall issue directions (either show-cause notice for closure or closure directions) within 15 days of receipt of inspection reports. Further in case of Show Cause Notices, the unit shall be re-inspected and closure directions shall be issued in case of non-compliance within 30

days. Follow up inspections of show-cause notices shall be carried out by SPCB officials.

- ix. SPCBs shall follow the guidelines prepared by CPCB for initiating action, based on the inspection reports of the technical institutes, as well as for revocation of closure directions.
- x. Concerned SPCBs shall provide the complete list of GPs in their state. If any unit found non-complying and not in the list of GPs provided by SPCBs, the concerned SPCBs shall be levied environmental compensation.

AND WHEREAS, Central Pollution Control Board vide letter dated January 25, 2023, February 21, 2023, April 24, 2023 and May 01, 2023 issued sanction order to authorize the following technical institutions for carrying out inspection of GPs during February- May 2023:

1	Indian Institute of Technology, Delhi (IIT-D)
2	Indian Institute of Technology, Roorkee (IIT-R), Uttarakhand
3	Indian Institute of Technology, Kharagpur (IIT-Kgp), West Bengal
4	National Institute of Technology, Patna (NIT-P), Bihar
5	Motilal Nehru National Institute of Technology, Allahabad (MNNIT), Uttar Pradesh
6	Central Pulp & Paper Research Institute (CPPRI), Saharanpur, Uttar Pradesh
7	Jadavpur University, Kolkata, West Bengal
8	Aligarh Muslim University, Aligarh (AMU), Uttar Pradesh
9	Jamia Millia Islamia University (JMI), New Delhi
10	Harcourt Butler Technical University (HBTU), Kanpur, Uttar Pradesh
11	National Sugar Institute (NSI), Kanpur, Uttar Pradesh
12	CSIR-National Environmental Engineering Research Institute, Delhi (CSIR-NEERI)
13	CSIR-Indian Institute of Toxicology Research (CSIR-IITR) , Lucknow
14	Vasantdada Sugar Institute (VSI), Pune
15	Indian Institute of Engineering Science and Technology (IEST), Shibpur
16	CSIR-Central Leather Research Institute (CSIR-CLRI)
17	Delhi Technological University (DTU), Delhi

AND WHEREAS, out of 1647 GPs in Uttar Pradesh, 1053 have been inspected out of which 676 reports have been made available to UPPCB. Out of 676 reports, UPPCB has completed 334 actions. Out of these, 219 units are reported as complying, 62 self-closed and 53 non-complying. Out of 53 non-complying GPs, 44 were issued show-cause notices and 09 GPs were issued closure directions; and

WHEREAS, 35 cases of by-pass of effluent/unauthorized operation/non-operational ETP/denied entry by industries is reported by technical institutes and same has been

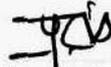
forwarded to UPPCB and as of now action is initiated only on 32 such type of industries (*Annexure-I*).

NOW, THEREFORE, in view of above observations and in exercise of the power conferred under section 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974, you are hereby directed to take appropriate measures for compliance of the following:

1. UPPCB shall nominate a nodal officer who will coordinate with technical institutions for participation in joint inspection. SPCBs shall attach atleast one officer of rank of Scientist B or above with each technical institute to facilitate the surprise inspection.
2. UPPCB shall follow the guidelines prepared by CPCB for issuance & revocation of directions based on industrial inspections (*Annexure-II*).
3. UPPCB shall take appropriate action within 15 days of receipt of inspection report. Action to be uploaded on CPCB GPI portal (<https://cpcbinspection.co.in/gpi/>).
4. In case of by-pass of effluent/unauthorized operation/non-operational ETP/entry denied by industries, closure direction including levying environmental compensation shall be issued to these units. Such GPIs shall also be directed to submit the action plan to curb the pollution and adequacy assessment report of their effluent treatment plant (ETP) and same may be forwarded to CPCB within 30 days.
5. In case of non-compliance, UPPCB shall issue directions (either show-cause notice for closure or closure) within 15 days of receipt of inspection reports. Further in case of Show Cause Notices, the unit shall be re-inspected and closure directions shall be issued in case of non-compliance within 30 days. Follow up inspections of show-cause notices shall be carried out by UPPCB officials.
6. Follow up actions on Show cause notices to be completed within one month, including issuance of closure directions in case of non-compliance.
7. Closure directions shall be issued by UPPCB to all temporary closed units except GPIs which are seasonally closed or have provided prior intimation of closure to UPPCB /CPCB. After consideration of re-opening request, unit shall be re-inspected by joint team consisting of technical institutes and UPPCB.
8. If technical institutes not allowed to enter in industries, UPPCB shall issue closure direction. The compliance verification of such units shall be carried out by technical institutes/ UPPCB officials after request for revocation from the industry.
9. UPPCB shall provide complete inventory of GPIs in their state.
10. UPPCB officials participating in the joint inspection shall sign inspection reports at the inspection site.

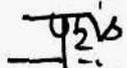
11. In case samples are being analysed by UPPCB labs, sample results shall be provided to the institutions within 15 days of samples being made available to labs.
12. UPPCB shall submit a tabulated weekly report on status of inspection reports processed and action taken on weekly basis for preceding week on every Monday.

The action taken report by UPPCB shall be intimated to CPCB within 15 days of receipt of this direction.


(Prashant Gargava)
MEMBER SECRETARY

Copy to:

1.	Director General, National Mission for Clean Ganga (MoWR, RD & GR) 1 st Floor, Major Dhyan Chand National Stadium India Gate, New Delhi - 110002	: for kind information please
2.	Additional Secretary (CP Division), Ministry of Environment, Forests, & Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi - 110013	: for kind information please
3.	Regional Director, Regional Directorate (North), Central Pollution Control Board, PICUP Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow - 226 010	: for kind information and to ensure compliance of the direction please
4.	Incharge, IT Division, CPCB	: for uploading on CPCB website
5.	Master File, CPCB	: for record


(Prashant Gargava)
MEMBER SECRETARY

Md Imran Ahmad

True Copy



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

IT-11/11/2021-IT-HO-CPCB-HO

Date: 12.08.2025

To

The Member Secretary

State Pollution Control Board/Pollution Control Committee

(As per the list)

Sub: Directions under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 in the matter of ensuring adherence to the revised OCEMS protocols for calibration and alerts – regarding self-monitoring of Compliance.

WHEREAS, under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the function of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for the prevention, control or abatement of air pollution in the State/Union territory and to secure the execution thereof; and

WHEREAS, under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, the SPCBs and PCCs are required to ensure installation and regular operation of the requisite pollution control facilities in the polluting industries; and

WHEREAS, there is need to inculcate habit of self-monitoring mechanism within the industries for complying the prescribed standards and this can be achieved by the methods like installing online effluent and emission monitoring devices; and

WHEREAS, for strengthening the monitoring and compliance through self-regulatory mechanism, online emission and effluent monitoring systems need to be installed and operated by the industries on 'polluter pays principle'; and

WHEREAS, it is becoming a need and necessity to regulate and minimize inspection of industries on routine basis and instead efforts need to be made to bring self-discipline in the industries to exercise self-monitoring & compliance and transmit data of effluent and emission compliance to SPCBs/ PCCs and to CPCB on continuous basis; and

WHEREAS, directions u/s 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and u/s 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all the SPCBs/ PCCs on March 2, 2015 for further directing 17 categories of industries and common treatment facilities for installation of online continuous emission/effluent monitoring system (OCEMS) by 30.06.2015; and

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष / Tel : 43102030, 22305792, वेबसाइट / Website: www.cpcb.nic.in

O/c

WHEREAS, CPCB website <http://cpcb.nic.in/Online-Monitoring-Industrial-Emission-Effluent/> contains all the details related to on-line monitoring system like parameters to be monitored, data submission procedure, guidelines, FAQ etc. which may be referred; and

WHEREAS, CPCB vide directions dated 29.12.2017 u/s 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 directed 4 SPCBs/PCCs namely- Delhi, Uttar Pradesh, Rajasthan and Haryana to direct all the Red category – air polluting industries located in 23 districts of National Capital Region and Delhi to Install online continuous Stack Emission Monitoring Systems in red category - air polluting industries for the consented parameters mentioned in the consent to operate/authorisation and ensure connection of OCEMS with the servers of CPCB/SPCB/PCC within stipulated time frame; and

WHEREAS, CPCB vide directions dated 18.06.2019 u/s 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 directed the aforesaid 4 SPCB/PCC of NCR Delhi to ensure closure of all medium and large scale red category air polluting industries, which have not installed and connected online continuous stack emission monitoring systems with CPCB & SPCB/PCC servers.

WHEREAS, CPCB has constituted a technical committee on 22.03.2024 to revise the OCEMS protocol for calibration and alerts, as per the directions of Hon'ble NGT in the OA no. 256 of 2020 (SZ), Suo Moto registered by the Tribunal based on the newspaper report published in "News Desk Magazine" dated 11.11.2020 under the caption "These six industries in North Chennai are polluting the air for more than half the year".

WHEREAS, the committee has finalized the said protocols, namely, (i) Online Automated Alerts Generation Protocol for OCEMS (Emission & Effluent) and (ii) Revised OCEMS Calibration Protocol, and have been made available on CPCB Website <https://cpcb.nic.in/ocems2/>

NOW, THEREFORE, in the exercise of the powers delegated under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18(1)(b) of the Air (Prevention & Control of Pollution), Act, 1981, it is hereby directed that all industries, who have installed OCEMS or require to install the same under jurisdiction of respective SPCB/PCC, be directed to adhere to the aforesaid revised OCEMS protocols for calibration and alerts. Further, compliance of the same be also ensured by respective SPCB/PCC.

The SPCB/PCC shall acknowledge the receipt of this direction and submit the "Action Taken Report" in compliance with these directions to CPCB within 15-days.


(Bharat Kumar Sharma)
Member Secretary

Copy to:

1. All Regional Directorates, CPCB
(As per the list)

Md Imran Ahmad


(Bharat Kumar Sharma)

True Copy

QC



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

SPEED POST

PJ-99/6/2024-WQM-II-HO-CPCB-HO-Part(2)

Date: 03.07.2024

To

Sh. Saif Shakeel,
N-84, 5th floor,
n-Block, Shaheen Bagh,
Southwest Delhi-110025 (New Delhi)

Sub: Information under Right to Information Act, 2005.

Sir,

This has reference to your RTI application dated 20.06.2024, having online registration no. CPCBD/R/E/24/00476/1, which was received in WQM-II Division on 25.06.2024 from IPC-VI Division, CPCB for reply to para no. 1, 7 and 8. The available information from this division is as follows:

Point no. 1: During 2024, CPCB in association with concerned State Pollution Control Boards (SPCBs)/Pollution Control Committee (PCC) inventorized 4246 Grossly Polluting Industries (GPIs) in seven Ganga and Yamuna main stem states of Uttarakhand, Uttar Pradesh, Haryana, Delhi, Bihar, Jharkhand and West Bengal. The list of GPIs is attached as Annexure-I.

Point no. 7: The list of sugar industries covered in GPIs is placed at Annexure-I. It is obligatory on the part of industries to install effluent treatment plants (ETPs) to comply with the effluent discharge standards as notified under the Environment (Protection) Act, 1986 and the rules framed thereunder and to meet the consent conditions granted by SPCBs/PCC. Industries have ETPs consisting of primary (equalization tank, pH correction, chemical dosing & flocculation, primary clarifier), secondary (biological treatment & secondary clarifier) and tertiary (filtration unit like pressure sand filter and activated carbon filter) treatment system for treatment of industrial effluents to meet the prescribed discharge standards. The general- and industry specific-standards are notified under The Environment (Protection) Rules, 1986. As per the norms, all sugar industries are required to meet the final wastewater discharge limit up to 200 litre per tonne of cane crushed (gazette notification is attached as Annexure-II). Since 2015, CPCB has made it mandatory for GPIs to install OCEMS and supply un-interpreted data to CPCB & SPCB server.

Point no. 8: GPIs discharging effluents above 10 KLD (Kiloliters per day) must install Online Continuous Effluent Monitoring System (OCEMS) for the parameters of pH, flow, BOD, COD and TSS. However, GPIs discharging effluents below 10 KLD, must install flow meters at the outlet along-with web-camera.

The Appellate Authority in this case is Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.

Encl.: As above (Page no. 1-42)

Yours faithfully,

Md Imran Ahmad
True Copy

(Dr. A.K. Vidyarthi)
Director & DH-WQM-II

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 886]

नई दिल्ली, शुक्रवार, अक्टूबर 27, 2017/कार्तिक 5, 1939

No. 886]

NEW DELHI, FRIDAY, OCTOBER 27, 2017/KARTIKA 5, 1939

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 25 अक्टूबर, 2017

सा.का.नि. 1343(अ).—अधिसूचना का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 की धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) अधिनियम, 1986, नियम 5 के उपनियम (3) की अपेक्षानुसार, जनसाधारण की जानकारी के लिए, प्रकाशित करने का विचार रखती है; जिनके उससे प्रभावित होने की संभावना है, और यह सूचित किया जाता है कि उक्त प्रारूप अधिसूचना पर, उस तारीख से, जिसको इस अधिसूचना को अंतर्विष्ट करने वाले भारत के राजपत्र की प्रतियां जनसाधारण को उपलब्ध करा दी जाती हैं, साठ दिन की अवधि की समाप्ति पर या उसके पश्चात् विचार किया जाएगा;

ऐसा कोई व्यक्ति, जो प्रारूप अधिसूचना में अंतर्विष्ट प्रस्तावों के संबंध में कोई आपत्ति या सुझाव देने का इच्छुक है, वह इस प्रकार विनिर्दिष्ट अवधि के भीतर, केन्द्रीय सरकार द्वारा विचार किए जाने के लिए, अपनी आपत्ति या सुझाव सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, इंदिरा पर्यावरण भवन, जोर बाग रोड, नई दिल्ली-110003 को या एम एस, सीपीसीबी और वैज्ञानिक 'डी' को ई-मेल mscp.cpcb@nic.in और h.kharkwal@nic.in पर लिखित रूप में भेज सकेगा।

प्रारूप अधिसूचना

केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है:—

- संक्षिप्त नाम और प्रारम्भ**—(1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) संशोधन नियम, 2017 है।
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
- पर्यावरण (संरक्षण) नियम, 1986 में अनुसूची-1 में क्र. सं. 105 और उससे संबंधित प्रविष्टियों में निम्नलिखित क्रम संख्या और प्रविष्टियां अन्तर्विष्ट की जाएंगी, अर्थात्:—

क्र.सं.	औद्योगिक बायलर का प्रकार (ईंधनवार)	मानदण्ड	
		SO ₂	NO _x
105 क	कृषि आधारित ईंधन*	-	-
105 ख	प्राकृतिक गैस*	-	-
105 ग	पेटकोक और पेटकोक मिश्रण**	ठोस ईंधन के लिए 6% शुष्क O ₂ और तरल ईंधन के लिए 3% शुष्क O ₂ पर 600 मिलीग्राम / Nm ³	ठोस ईंधन के लिए 6% शुष्क O ₂ और तरल ईंधन के लिए 3% शुष्क O ₂ पर 300 मिलीग्राम / Nm ³
105 घ	अन्य ईंधन		

*यह सा.का.नि. 176 (अ) दिनांक, 02 अप्रैल, 1996 के द्वारा अधिसूचित चट्टे की ऊंचाई के अनुपालन के लिए अपेक्षित है।

इन उद्योगों अर्थात् (1) चीनी (2) सूती कपड़ा (3) समिश्रित ऊन मिल (4) सिन्थेटिक रबर (5) लुग्दी और कागज (6) आसवनियां (7) चमड़ा उद्योग (8) कैल्शियम कार्बाइड (9) कार्बन ब्लैक (10) प्राकृतिक रबर (11) एस्वेस्टोस (12) कॉस्टिक सोडा (13) छोटे बायलर (14) अल्यूमीनियम संयंत्र (15) चर्म शोधनालय (16) अकार्बनिक रसायन (17) चूना भट्टा (18) शीशा उद्योग (19) सिरेमिक (20) ढलाई के कारखाने और (21) पुनः तापन भट्टियों में प्रयुक्त बायलर उक्त अधिसूचना में दिये गये उत्सर्जन मानदण्डों का पालन करेंगे। ** सतत ऑन लाइन SO₂ उत्सर्जन निगरानी प्रणाली को प्रतिष्ठापित किया जाएगा और उसे केन्द्रीय प्रदूषण नियंत्रण बोर्ड और राज्य प्रदूषण नियंत्रण बोर्ड की ऑन लाइन प्रदूषण निगरानी प्रणाली से जोड़ा जाएगा।

नोट:

ठोस ईंधनों जैसे कोयला, लिग्नाइट इत्यादि का प्रयोग करने वाले आबद्ध विद्युत संयंत्रों के लिए अधिसूचना सं. का.सा. 3305(अ), दिनांक 07 दिसंबर, 2015 के द्वारा अधिसूचित उत्सर्जन सीमा लागू होगी

[फा. सं. क्यू-15017/20/2017-सीपीडब्ल्यू]

डॉ. ए. सेंथिल वेल, वैज्ञानिक 'जी'

नोट : मूल नियम भारत का राजपत्र असाधारण भाग-II खंड-3, उपखंड-(i) का.आ. सं. 844(अ), दिनांक 19 नवंबर, 1986 में प्रकाशित किये गये थे और अंतिम बार अधिसूचना सा.का.नि. 1016(अ), दिनांक 28 अक्टूबर, 2016 के द्वारा संशोधित किये गये थे।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 25th October, 2017

G.S.R. 1343(E) .—The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the public.

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period specified above to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003, or send it to MS, CPCB and Scientist 'D' Ministry at the e-mail address i.e. ms.cb.cpcb@nic.in and h.kharkwal@nic.in.

Draft Notification

The Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Environment (Protection) Amendment Rules, 2017.
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986, in Schedule-I, after serial number 105 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

Sl. No.	Type of industrial boiler (fuel wise)	Standards	
		SO ₂	NO _x
105A	Agro based fuel*	-	-
105B	Natural gas*	-	-
105C	Petcoke and Petcoke blend**	600 mg/Nm ³ at 6% dry O ₂ , for solid fuel and 3% dry O ₂ for liquid fuel	300 mg/Nm ³ at 6% dry O ₂ , for solid fuel and 3% dry O ₂ for liquid fuel
105D	Other fuels		

* It is required to meet stack height criteria notified vide GSR 176 (E), dated April 02, 1996.

The boiler used in the industries, namely (1) sugar (2) cotton textiles (3) composite woollen mills (4) synthetic rubber (5) pulp and paper (6) distilleries (7) leather industries (8) calcium carbide (9) carbon black (10) natural rubber (11) asbestos (12) caustic soda (13) small boilers (14) aluminium plants (15) tannery (16) inorganic chemical (17) lime kiln (18) glass industry (19) ceramic (20) foundries and (21) re-heating furnaces, shall adhere to emission norms in the said notification. **Continuous online SO₂ emission monitoring system to be installed and linked with Central Pollution Control Board and State Pollution Control Board online pollution monitoring System.

Note:

For captive power plants using Solid fuels such as coal, lignite, etc. the emission limit notified for Thermal Power Plants vide notification no S.O. 3305(E), dated December 07, 2015 shall be applicable.

[F. No. Q-15017/20/2017-CPW]

Dr. A. SENTHIL VEL, Scientist 'G'

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number S.O. 844(E), dated the 19" November, 1986 and lastly amended vide notification G.S.R. 1016(E), dated the 28" October, 2016.

Md Imran Ahmad

True Copy



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, सोमवार, जनवरी 29, 2018/माघ 9, 1939

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 29 जनवरी, 2018

सा.का.नि. 96(अ).—भारत के राजपत्र, असाधारण में भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की दिनांक 25 अक्टूबर, 2017 की अधिसूचना संख्या सा.का.नि. 1343 (अ) द्वारा औद्योगिक बॉयलरों (ईंधन-वार) के संबंध में एक प्रारूप अधिसूचना प्रकाशित की गई थी जिसमें उन सभी व्यक्तियों, जिनके उससे प्रभावित होने की संभावना थी, से उस तारीख से जिसको उक्त अधिसूचना की राजपत्र की प्रतियां जन साधारण को उपलब्ध कराई गई थीं, साठ दिन की अवधि के भीतर आपत्तियां और सुझाव मांगे गए थे।

और, राजपत्र की प्रतियां दिनांक 25 अक्टूबर, 2017 को जन साधारण को उपलब्ध कराई गई थीं।

और, केन्द्र सरकार द्वारा इस प्रारूप अधिसूचना के प्रत्युत्तर में सभी व्यक्तियों और पक्षों से प्राप्त सभी आपत्तियों और सुझावों पर विधिवत रूप से विचार किया गया है।

अतः अब, पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (3) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 और 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा, पर्यावरण (संरक्षण) नियम, 1986 में और संशोधन करने के लिए निम्नलिखित संशोधन करती है, अर्थात्:-

1. **संक्षिप्त नाम और प्रारम्भ** - (1) इन नियमों को पर्यावरण (संरक्षण) संशोधन नियम, 2018 कहा जाएगा।
(2) ये राजपत्र में प्रकाशन की तारीख को लागू होंगे।
2. पर्यावरण (संरक्षण) नियम, 1986 में अनुसूची-I में, क्र. सं. 105 और उससे संबंधित प्रविष्टियों के बाद, निम्नलिखित क्रम संख्या और प्रविष्टियां अन्तःस्थापित की जाएंगी, अर्थात्:-

क्र.सं.	औद्योगिक बॉयलर का प्रकार (ईंधन-वार)	मानदण्ड	
		SO ₂	NO _x
106	कृषि आधारित ईंधन*	-	-
106 क	प्राकृतिक गैस*	-	-
106 ख	अन्य ईंधन**	ठोस ईंधन के लिए 6% शुष्क O ₂ और तरल ईंधन के लिए 3% शुष्क O ₂ पर 600 मिलिग्राम/Nm ³	ठोस ईंधन के लिए 6% शुष्क O ₂ और तरल ईंधन के लिए 3% शुष्क O ₂ पर 300 मिलिग्राम/Nm ³

इन उद्योगों अर्थात् (1) चीनी (2) सूती कपड़ा (3) मिश्रित ऊनी मिलों (4) सिन्थेटिक रबर (5) लुग्दी और कागज (6) आसवनियां (7) चमड़ा उद्योग (8) कैल्शियम कार्बाइड (9) कार्बन ब्लैक (10) प्राकृतिक रबर (11) एस्वेस्टोस (12) कॉस्टिक सोडा (13) छोटे बॉयलरों (14) अल्यूमीनियम संयंत्रों (15) चर्म-शोधनालयों (16) अकार्बनिक रसायन और ऐसे अन्य उद्योगों में प्रयुक्त बॉयलरों के लिए उक्त अधिसूचना में दिए गए उत्सर्जन मानदंडों का पालन किया जाएगा।

* अधिसूचना संख्या सा.का.नि. 176 (अ), दिनांक 2 अप्रैल, 1996 के द्वारा अधिसूचित स्टेक की ऊंचाई के मानदण्डों को पूरा करना अपेक्षित है।

** इस प्रकार की उद्योगों से होने वाले उत्सर्जनों की निगरानी आवश्यक है और सारणी की क्रम सं. 105 (ग) पर दिए गए ऐसे सभी उद्योगों के लिए केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा समय-समय पर बनाए गए ऑनलाइन निगरानी क्षेत्र के अनुसार ऑनलाइन निगरानी प्रणाली संस्थापित करना आवश्यक है।

नोट:

- कोयला, लिग्नाइट इत्यादि जैसे ठोस ईंधनों का प्रयोग करने वाले कैप्टिव विद्युत संयंत्रों के लिए ताप विद्युत संयंत्रों के संबंध में अधिसूचित अधिसूचना सं. का. आ. 3305 (अ) दिनांक 07 दिसंबर, 2015 में निर्धारित उत्सर्जन सीमा लागू होगी।
- इसमें निर्धारित मानक सक्षम प्राधिकारी द्वारा लगाए गए किसी प्रतिबंध या निषेध और गैर-लाभकारी शहरों के मामले में लागू नहीं होंगे, राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति उपलब्ध आंकड़ों के आधार पर पेट कोक और फर्नेश ऑयल के प्रयोग को विनियमित या प्रतिबंधित कर सकती है।

[फा. सं. क्यू-15017/20/2017-सीपीडब्ल्यू]

डॉ. ए. सेंथिल वेल, वैज्ञानिक 'जी'

नोट : मूल नियम भारत के राजपत्र असाधारण भाग-II खंड-3, उपखंड-(i) में का.आ. सं. 844(अ) दिनांक 19 नवंबर, 1986 में प्रकाशित किये गये थे और पिछली बार अधिसूचना सा.का.नि. 1607(अ) दिनांक 29 दिसम्बर, 2017 के द्वारा संशोधित किये गये थे।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th January, 2018

G.S.R. 96(E).— Whereas, a draft notification, for industrial boilers (fuel wise) was published in the Gazette of India, Extraordinary, vide notification of the Government of India in the erstwhile Ministry of Environment, Forest and Climate Change vide no. G.S.R. 1343 (E), dated the 25th October, 2017, inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the dated on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the Gazette were made available to the public dated 25th October, 2017;

And Whereas, all objections and suggestions received from all persons and stakeholders in response to the draft notification have been duly considered by the Central Government;

NOW THEREFORE, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:-

1. **Short title and commencement.**-(1) These rules may be called the Environment (Protection) Amendment Rules, 2018.
(2) They shall come into force on the date of their final publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986, in Schedule-1, after serial number 105 and the entries relating thereto, the following serial number and entries shall be inserted, namely:-

Sl. No.	Type of industrial boiler (fuel wise)	Standards	
		SO ₂	NO _x
106	Agro based fuel*	-	-
106A	Natural gas*	-	-
106B	Other fuels **	600 mg/Nm ³ at 6% dry O ₂ , for solid fuel and 3% dry O ₂ for liquid fuel	300 mg/Nm ³ at 6% dry O ₂ , for solid fuel and 3% dry O ₂ for liquid fuel

The boiler used in the industries, namely (1) sugar (2) cotton textiles (3) composite woollen mills (4) synthetic rubber (5) pulp and paper (6) distilleries (7) leather industries (8) calcium carbide (9) carbon black (10) natural rubber (11) asbestos (12) caustic soda (13) small boilers (14) aluminium plants (15) tannery (16) inorganic chemical and other such industries using boilers, shall adhere to emission norms in the said notification.

* It is required to meet stack height criteria notified *vide* G.S.R. 176(E), dated the 2nd April, 1996.

** The emissions from such industries need to be monitored and, all such industries as referred at Sl.No.105C of the Table would be required to install online monitoring system as per online monitoring mechanism put in place by Central Pollution Control Board from time to time.

Note:

- ***For captive power plants using Solid fuels such as coal, lignite, etc. the emission limit notified for Thermal Power Plants vide notification no S.O. 3305 (E), dated 7th December, 2015 shall be applicable.***
- ***The standards set herein will not apply to any ban or restriction put in place by Competent Authority and for non-attainment cities, State Pollution Control Board or Pollution Control Committee may regulate or ban use of Pet Coke and Furnace Oil on the basis of available data.***

[F. No. Q-15017/20/2017-CPW]

Dr. A. SENTHIL VEL, Scientist 'G'

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number S.O. 844(E), dated the 19th November, 1986 and lastly amended *vide* notification G.S.R. 1607(E), dated the 29th December, 2017.

Md Imran Ahmad
True Copy

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 30th January, 2025

G.S.R. 85(E).—In exercise of the powers conferred by section 27A of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Central Government, after consultation with Central Pollution Control Board, hereby makes the following guidelines, namely: -

CHAPTER 1

PRELIMINARY

1. Short title and commencement.—(1) These guidelines may be called the Control of Water Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025.

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

2. Definitions. (1) In these guidelines, unless the context otherwise requires, -

(a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974;

(b) "Central Board" means the Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(c) "Fee" means fee charged by State Boards for granting consent to establish or operate,

(d) "Form" means a form set out under the First Schedule appended to these rules,

(e) 'Industrial Unit' means industry, operation or process, or treatment and disposal system.

(f) 'Red', 'Orange', 'Green' and 'Blue' are categories of industrial sectors / activities as categorised by Central Pollution Control Board from time to time.

(g) "Schedule" means a Schedule appended to these guidelines;

(h) "State Board" includes the Union Territory Pollution Control Committee.

(i) The words and expression used but not defined in these guidelines and defined in the Act or rules shall have the meaning respectively assigned to them in Act and rules.

CHAPTER 2

APPLICATION FOR CONSENT AND FEES

3. Form of application for consent and fees. - (1) Every application for consent to establish or operate an industrial unit under section 25 of the Act shall be made in the Form set out under the First Schedule and shall contain the particulars of the industrial unit and such other particulars as set out in the Form and also shall be accompanied by the fee as specified by state government or Union Territory Administration, as the case may be in accordance with provisions of para 5 of these guidelines.

(2) Every application under section 25 of the Act shall be provided five per cent rebate on fees for submitting application for renewal of consent to operate four months prior to the expiry of the validity period.

(3) Every consent renewal application under section 25 of the Act shall be liable to pay late fee, at the rate specified in the Table below:

TABLE

Sl. No.	Period of applying	One time additional fee as late fee
(1)	(2)	(3)
1	Between 120 - 45 days of the validity	25 % of the fee.
2	Between 45 days to till the validity	50 % of the fee.
3	After expiry of validity	100 % the fee.

4. Validity period of consent. - (1) The consent to establish shall be valid for a period of five years from the date it is granted.

(2) The validity period of five years may be extended by a maximum period of two years, if an application is made in this regard, thereby making the total period of validity seven years from the date of grant of consent to establish.

(3) The consent to operate shall be valid for a period of-

(a) five years, in case of industrial unit of red category;

- (b) ten years, in case of industrial unit of orange category;
- (c) fifteen years, in case of industrial unit of green category.
- (d) Additional two years, in case of blue category

5. The fee for Consent --- (1) The fee for consent to establish or operate shall be specified by the state government or union territory administration which shall not be more than that specified in the second schedule.

(2) The amount of fee specified under the Second Schedule is the upper limit of such fee and the State Government may prescribe any lower amount of fee in this regard and there shall be no lower limit for fee, which may be of any level.

(3) The amount of fee shall not be increased by more than ten per cent from the existing amount of fee within the limit prescribed in para 5(1) and shall not be increased more than once in two years:

Provided that the amount of fee may be reduced any number of times.

6. Procedure for making enquiry on application for consent. (1) On receipt of an application for consent, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(2) The officer referred to in sub-paragraph (1), for that purpose, may inspect any place or premises where solid, liquid or gaseous emission from the chimney or fugitive emissions from any location within the premises are discharged, and such officer may require the applicant or the occupier to furnish to him any plans, specifications or other data relating to control equipment or systems or any part thereof that he considers necessary.

(3) The officer referred to in sub-paragraph (1) shall, before visiting any of the premises of the applicant, give notice to the applicant of his intention to do so.

(4) The applicant shall furnish to such officer all information and provide all facilities for inspection as reasonably may be necessary.

(5) The officer referred to in sub-paragraph (1) may, before or after carrying out the inspection, require the applicant to furnish him orally or in writing such additional information or clarification or to produce before him such document as he may consider necessary for the purpose of investigation of the application and may for that purpose summon the applicant or his authorised agent to the office of the State Board.

7. Common Consent and authorization for hazardous and other wastes. -A single-step procedure shall be adopted for granting consent under section 25 of the Act along with authorization under the Hazardous and other wastes (Management and Transboundary movement) Rules, 2016, as amended from time to time, for managing hazardous and other wastes.

8. Period for granting consent. - (1) Every application under section 25 of the Act shall be granted or refused consent from the date of receipt of application in all respects within the period specified in the table below:

TABLE

Sl. No.	Application	Period (in days)		
		Red	Orange	Green
(1)	(2)	(3)	(4)	(5)
1	Grant or refusal of consent to establish	60	45	30
2	Grant or refusal of consent to operate, first time	90	60	30
3	Grant or refusal of renewal of consent or expansion or amendment	120	60	30

(2) In case the application for consent is not decided by the State Board within the period specified under sub-paragraph (1), the case shall be referred to State Level Monitoring Committee constituted under paragraph 15 which shall dispose of the application within thirty days from the date of its receipt.

(3) In case of an application falling under sub-paragraph (2), the Member Secretary of the State Board shall present the case before the Committee.

(4) While deciding on such application, the Committee shall look into causes of delay in grant or refusal of the consent and recommend appropriate disciplinary action where the reasons of delay are not justified and the State Board shall comply with such decision. The Committee may also recommend presenting the case for contravention of the Act before concerned adjudicating officer under section 45B of the Act.

CHAPTER 3

CRITERIA FOR ESTABLISHMENT OF INDUSTRIAL PLANT

9. Procedure for selection of location. - (1) Restrictions on establishing an industrial unit at a location may be imposed taking into account the technological and scientific developments that have taken place in industrial planning and manufacturing process in order to protect the sensitive areas, such as national parks, sanctuaries, wetlands and archaeological monuments.

(2) The industrial unit shall comply with respective criteria fixed by the Central Government or the State Government or the Union territory Administration, as the case may be.

(3) While establishing an industrial plant, the following minimum distance shall be maintained, namely:-

(a) from the nearest boundary of surface water body (flood plain/ HFL/Red line) as per the revenue records in case of industrial unit of-

- (i) red category, beyond five hundred meters;
- (ii) orange category,
 - (A) with effluent generation, beyond seventy-five meters;
 - (B) without effluent generation, beyond thirty meters;
- (iii) green category, beyond thirty meters;

(b) from the settlement, educational institute, worship place, archaeological monuments, national park, reserve forest, heritage site, in case of industrial unit of -

- (i) red category, beyond five hundred meters;
- (ii) orange category, beyond two hundred meters;
- (iii) green category, beyond one hundred meters.

(c) The State Board shall ensure that other laws, rules, and regulations, and notifications are complied with by the industrial plant.

(d) The natural or storm drain passing through the location of industrial unit shall not be disturbed.

CHAPTER 4

GRANT, REFUSAL OR CANCELLATION OF CONSENT

10. Grant of consent to establish. - (1) Every application for consent to establish an industrial unit under section 25 of the Act shall be made in Form I and shall contain the particulars of the industrial unit and also shall be accompanied by the fee for new plant and in case of expansion, modernisation, change of products or process before commissioning of the industrial plant.

(2) The industrial unit shall comply with criteria relating to location specified under paragraph 9.

(3) No industrial unit shall be allowed to set up in non-conforming areas or restricted or prohibited areas.

(4) On receipt of an application for consent, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any location, place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(5) Consent shall be granted with following conditions under sub-section (4) of section 25 of the Act, based on the report made under sub-paragraph (4), namely: -

- (i) the control equipment of such specifications as the State Board may approve shall be installed and operated in the premises where the industry is proposed to be carried on;
- (ii) the control equipment shall be kept at all times in good running condition;
- (iii) the outlet, wherever necessary, of such specifications as the State Board may approve in this behalf shall be established in such premises; and
- (iv) such other conditions as the State Board, may specify in this behalf.

(6) The conditions referred to in sub-paragraph (5) shall be complied with within such period as the State Board may fix in this behalf.

11. Grant of consent to operate. --- (1) Once the industrial unit established with the requisite pollution control system and ready to operate, the occupier is required to obtain consent to operate.

(2) Every application of consent to operate an industrial unit under section 25 of the Act shall be made in Form II and shall contain the particulars of the following and also shall be accompanied by fees for grant of consent to operate, with the following reports, namely: -

- (a) Compliance report of conditions stipulated in the consent to establish;
- (b) Compliance report of the conditions stipulated in the environment clearance, if applicable.

(3) On receipt of an application for consent to operate, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(4) Consent to operate shall be granted with following conditions under sub-section (4) of the section 25 of the Act, based on the report made under sub- paragraph (3), namely:-

- (i) the control equipment of such specifications as approved by the State Board shall be operated in the premises where the industry is carried on;
- (ii) the existing control equipment, if any, shall not be altered or replaced without the approval of the State Board;
- (iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;
- (iv) outlet, wherever necessary, of such specifications as approved by the State Board shall be operated and maintained in the premises; and shall be connected to online continuous emission monitoring system, as applicable.

(5) The conditions referred to in sub-paragraph (4) shall be complied with within such period as the State Board may specify in this behalf.

(6) Consent to operate granted shall specify the validity period of the consent.

12. Renewal of consent to operate. - (1) Every application for renewal of the consent to operate under section 25 of the Act shall be made in Form II and shall contain the particulars of the following and also shall be accompanied by fee for renewal of the consent to operate, namely:-

- (a) compliance report of conditions stipulated in the consent to operate
- (b) compliance report of the conditions stipulated in the environment clearance, if applicable
- (c) submission of Environmental Statement as specified under the Environment (Protection) Rules, 1986;
- (d) submission of annual returns as specified under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016; and
- (e) declaration on no change in the manufacturing process, production capacity, pollution load, emissions.

(2) On receipt of an application for renewal of the consent to operate, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(3) Consent to operate shall be granted with following conditions under sub-section (4) of the section 25 of the Act, based on the report made under sub- paragraph (2), namely:-

- (i) the control equipment of such specifications as approved by the State Board shall be operated in the premises where the industry is carried on;
- (ii) the existing control equipment, if any, shall not be altered or replaced without the approval of the State Board;
- (iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;
- (iv) outlet, wherever necessary, of such specifications as approved by the State Board shall be operated and maintained in the premises; and shall be connected to online continuous emission monitoring system, as applicable.

(4) The conditions referred to in sub-paragraph (3) shall be complied with within such period as the State Board may fix in this behalf.

(5) Renewal of Consent granted shall specify the validity period of the consent.

13. Refusal and cancellation of consent. - (1) The State Board may cancel such consent before expiry of the period for which it is granted or refuse the renewal of the consent expiry if the conditions subject to which such consent has been granted are not fulfilled.

(2) The consent may be refused or cancelled on any of the following grounds, namely: -

(i) the industrial unit does not satisfy the criteria relating to location of such industrial plant;

(ii) non-compliance of conditions of such consent;

(iii) non-compliance of the conditions under the prior environment clearance;

(iv) variation in their process and its operations;

(v) non-compliance of the effluent discharge standards and failure to upgrade the control equipment or any other prescribed equipment, etc.;

(vi) non-compliance of court directions, guidelines, notifications and standard operating procedures;

(vii) accidental discharges of effluent or emission causing grave injury to the environment or human health;

(viii) occurrence of accident resulting in damage to the existing systems and environment;

(ix) non-payment of any fee, environmental compensation or bank guarantee as may be required under any law for the time in force;

(x) industrial unit is proposed or set up in a prohibited area;

(xi) submission of incomplete information or false information or concealment of any material facts pertaining to the industrial plant;

(xii) violations of the provisions of any other applicable rules and regulations.

(3) Before refusing or cancelling a consent, a reasonable opportunity of being heard shall be given to the person concerned.

(4) The reasons for refusal or cancellation of the consent shall be recorded in writing and duly communicated to the person to whom the consent is refused with necessary directions, as deemed fit.

CHAPTER 5

MONITORING COMMITTEE

14. National Level Monitoring Committee. - (1) A monitoring committee at national level consisting of the following members shall oversee and monitor the implementation of these guidelines, namely: -

a) Additional Secretary or Joint Secretary to the Government of India in the Ministry of Environment, Forests and Climate Change, dealing with the Act-Chairman;

b) Member Secretary of the Central Board – Member secretary

c) Member Secretaries of five State Boards to be nominated by the Central Government by rotation for three years -Member.

d) any other member as may be co-opted by the committee with the approval of the central government.

(2) The monitoring committee shall have at least one meeting in every quarter of the year.

15. State Level Monitoring Committee. - (1) A monitoring committee at state level consisting of the following members shall oversee and monitor the implementation of these guidelines, namely: -

a) Secretary to the State Government in-charge of the Department of Environment of the State or Union territory- Chairman;

b) Member Secretary of the State Board- Member,

c) An officer of the state Environment Department nominated by state Government – Member Secretary

d) Regional Director of the Central Board having jurisdiction - Member.

- (2) The monitoring committee shall also dispose of the matters presented before it.
 (3) The monitoring committee shall have at least one meeting in every calendar month.

CHAPTER 6

MISCELLANEOUS

16. Portal for implementation of these guidelines. - The Central Board, in consultation with the State Boards, develop an online portal for the purposes of these guidelines, preferably within six months, and not later than one year from the date of notification of these guidelines.

2) After the portal is operational, all applications for grant of consent under section 25 of the Act, its renewal, verification, site inspection, refusal or cancellation, shall be processed and disposed of only through such portal, in all states and union territories.

(3) Till the portal becomes operational, applications for grant of consent under section 25 of the Act, including its renewal, verification, site inspection, refusal or cancellation may be processed through the existing arrangement in accordance with these guidelines.

(4) The portal shall act as a single point data repository with respect to management and implementation of these guidelines.

(5) The Central Board may charge five per cent of the fee received with applications for consent to establish and operate, as service fee which shall be credited to the fund of the Central Pollution Control Board in accordance with the section 36 of the Act.

17. Additional conditions. The State Board may incorporate additional conditions in the consent in accordance with local conditions and policies, but shall not relax any of the conditions or standards specified in these guidelines.

18. Violations. -- In case of failure to comply with any of the provisions of these guidelines, the person in violation shall be liable to action under provisions of the Act.

THE FIRST SCHEDULE

[See paragraphs 2(1)(d), 3(1), 10(1), 11(2) and 12(1)]

FORMATE FOR APPLICATION

FORM I

[See paragraph 10(1)]

APPLICATION FOR CONSENT TO ESTABLISH AN INDUSTRIAL PLANT, UNDER SECTION 25 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

From

To

The Member Secretary

-----State Pollution Control Board / Committee

Sir,

I / We hereby apply for consent to establish an industrial unit under section 25 of the Water (Prevention and Control

of Pollution) Act, 1974, (6 of 1974) or for consent to amended product, operation or process, or treatment and disposal system to bring into use any outlet for discharge of sewage / trade effluent.

from a land / premises owned by M/s. _____

at location _____

as per the details given below:

TO BE FILLED IN BY APPLICANT

PART A: GENERAL

S. No.	Required Details	:	
1.0	Project Details :		
1.1	Name of the Project / Industry / TSDf	:	
1.2	Project Proposal	:	New / Expansion
1.3	Details of Environment Clearance	:	
1.4	Address of the Site / Unit	:	Plot / Survey No
		:	Village
		:	Tehsil
		:	District
		:	State / UT
		:	Pin code
2.0	Details of Applicant / Occupier:		
2.1	Name of the Applicant / Occupier	:	
2.2	Designation	:	
2.3	Nationality of the Occupier	:	
2.4	Correspondence Address	:	Plot / Survey No/ Street Name
		:	Village / Town / City
		:	Tehsil / Taluk
		:	District
		:	State / UT
		:	Pin code
2.5	Contact Details of Plant Head with Alternate details	:	Name & Designation: 1. 2.
		:	e-mail address 1. 2.
		:	Landline Number 1. 2.
		:	Mobile Number 1. 2.

3.0	Legal Status of the Company :																							
3.1	Individual / Proprietary concern / Partnership firm/ Joint family concern / Private Limited Company / Public Limited Company / Foreign Company / Limited Liability Partnership. <i>Note: Registration Number and Authority shall be mentioned.</i>	:																						
3.2	Central Govt. / State Govt./ Central PSU / State PSU / Joint Venture (Pvt. + Govt.), (Govt.+ Govt.), (Pvt.+ Pvt.)	:																						
4.0	Location of the Project / Industry / Activity :																							
4.1	Location	:	Upload KML																					
4.2	Bounded Latitudes (North) (8 digit after decimal)	:	<table border="1"> <tr> <td>From</td> <td>:</td> <td></td> </tr> <tr> <td>To</td> <td>:</td> <td></td> </tr> </table>	From	:		To	:																
From	:																							
To	:																							
4.3	Bounded Longitudes (East) (8 digit after decimal)	:	<table border="1"> <tr> <td>From</td> <td>:</td> <td></td> </tr> <tr> <td>To</td> <td>:</td> <td></td> </tr> </table>	From	:		To	:																
From	:																							
To	:																							
4.4	Located in Eco-Sensitive Zone of Protected Area, Coastal Regulation Zone, Biosphere, Reservoir, Forests, Mangroves, Rivers, Archeological monuments, Critically Polluted Area, Non-attainment Cities, Polluted River Stretch, Hill stations (altitude > 600M), Major towns and Cities	:																						
4.5	Survey of India Topo Sheet Number	:																						
4.6	Land details (as per Panchayat, Tehsil, District)	:	<table border="1"> <tr> <td>Owned / Leased</td> <td>:</td> <td></td> </tr> <tr> <td>Total Area in Ha</td> <td>:</td> <td></td> </tr> <tr> <td>a) Non – Forest in Ha</td> <td>:</td> <td></td> </tr> <tr> <td>b) Forest in Ha</td> <td>:</td> <td></td> </tr> <tr> <td>Annual Lease Value, in case of Leased in Rs.</td> <td>:</td> <td></td> </tr> <tr> <td>Build up Area in Sq. M.</td> <td>:</td> <td></td> </tr> <tr> <td>Green Belt cover in % of total area</td> <td>:</td> <td></td> </tr> </table>	Owned / Leased	:		Total Area in Ha	:		a) Non – Forest in Ha	:		b) Forest in Ha	:		Annual Lease Value, in case of Leased in Rs.	:		Build up Area in Sq. M.	:		Green Belt cover in % of total area	:	
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Annual Lease Value, in case of Leased in Rs.	:																							
Build up Area in Sq. M.	:																							
Green Belt cover in % of total area	:																							
4.7	Extent of Land in Sq. m	:	<table border="1"> <tr> <td>Own-Agricultural</td> <td>:</td> <td></td> </tr> <tr> <td>Industrial</td> <td>:</td> <td></td> </tr> <tr> <td>Converted</td> <td>:</td> <td></td> </tr> <tr> <td>Industrial Area</td> <td>:</td> <td></td> </tr> <tr> <td>a) Applied and not allotted</td> <td>:</td> <td></td> </tr> <tr> <td>b) Applied and allotted</td> <td>:</td> <td></td> </tr> <tr> <td>c) Leased</td> <td>:</td> <td></td> </tr> </table>	Own-Agricultural	:		Industrial	:		Converted	:		Industrial Area	:		a) Applied and not allotted	:		b) Applied and allotted	:		c) Leased	:	
Own-Agricultural	:																							
Industrial	:																							
Converted	:																							
Industrial Area	:																							
a) Applied and not allotted	:																							
b) Applied and allotted	:																							
c) Leased	:																							
5.0	Category & Classification of the Project / Industry / Activity :																							
5.1	Category of Industry (Red, Orange, and Green)	:	<table border="1"> <tr> <td>Category</td> <td>:</td> <td></td> </tr> <tr> <td>Pollution Index</td> <td>:</td> <td></td> </tr> </table>	Category	:		Pollution Index	:																
Category	:																							
Pollution Index	:																							

5.2	Industrial Sector / Type	:					
5.3	Grossly Polluting / 17 Category / Others	:					
5.4	Scale of Industry based on Capital Investment (Micro/ Small / Medium / Large)	:	Total Capital Investment (Rs.)		:		
			Scale / Classification		:		
5.5	Products / By-Products manufacturing capacity (TPD / TPA)	:	Products / By-products		:	Capacity	
					:		
					:		
					:		
5.6	Raw Materials / Chemicals Consumption for manufacturing capacity (TPD & TPA)	:	Raw Materials		:	Consumption	
					:		
					:		
					:		
5.7	Brief manufacturing Process with process flow chart and Material Balance, Advantage of Technology etc.	:	To be Annexed				
5.8	Date / Expected date of commencement of production	:					
5.9	Number of people to be employed / employed	:					
5.10	Industry Shifts / Weekly off	:	Shits (I / II / III) & in Hours		:		
			Weekly off in days		:		
5.11	Use of Hazardous Chemicals as per MSIHC Rules	:	S. No	Chemicals	HS Code	Storage capacity	Daily consumption
			1.				
			2.				
			3.				
5.12	Insurance under PLI Act, 1991	:	a) Policy No. & Year for which taken: b) Insurance Company: c) Validity: d) Indemnity Limit (Rs) : e) Contribution to ERF (Rs):				

PART B: WASTEWATER ASPECTS

6.0	Water Consumption and Wastewater Generation					
6.1	Source of Water	:	Ground Water / River / Industrial Estate Supply / Private Tanker / Sea / Recycled / Any other, if any			
6.2	Authority Granting permission & Quantity permitted	:	Authority: Quantity :			

6.3	Water Consumption (KLD) for manufacturing capacity	:							
6.4	Water Usage for manufacturing capacity. (Attach Water Balance showing quantity with TDS at different points)	:	Purpose	:	KLD				
			Domestic	:					
			Process	:					
			Boiler	:					
			Other Utilities (pl. specify)	:					
6.5	Wastewater Generation (KLD) for manufacturing process	:	KLD						
			Wastewater from various sources	:	Purpose		:	KLD	
			Domestic	:			:		
			Process	:			:		
			Boiler	:			:		
6.6	Wastewater Treatment systems	:	Type of Effluent	:	KLD	Treatment System			
			Bio-degradable	:					
			Non- Biodegradable	:					
			Boiler blowdown	:					
			Others Utilities	:					
			Any other	:					
			Total	:					
6.7	Details Sewage Treatment Plant(s)	:	S. No.	Capacity of STPs	:	KLD			
			1.						
			2.						
	Mode of disposal of treated effluent	:							
6.8	Details Effluent Treatment Plant (s)	:	S. No.	Capacity of ETPs	:	KLD			
			1.						
			2.						
	Mode of disposal of treated effluent	:							
6.9	Capacity of treated effluent sump, Guard Pond, if any	:							
6.10	Schematic diagram of the treatment scheme with inlet / outlet characteristics of each unit operation / process	:	To be Annexed						
6.11	Name of River / Creek, Estuary / Drain (owner of sewer) / Sea / Land / connected to ETP	:							
6.12	Any relevant information not covered in the above items	:							

PART C: AIR EMISSION ASPECTS*(Information required in case of industrial establishments having chimneys)*

7.0		Type of Fuels						
7.1	Fuel Consumption per Hour and TPD for manufacturing capacity	:	S. No	Fuel	Quantity	Ash%	S%	
			1.	Coal				
			2.	Diesel				
			3.	Furnace Oil				
			4.	Natural Gas				
			5.	Wood				
			6.	Others, if any				
7.2	Details of Stack (Process, fuel, D.G):							
	a) Number of stacks and vents with height and diameter (m)							
	b) Quality and quantity of stack emissions from each stack and vent							
	c) Major industrial processes / sources of fugitive emission							
	d) Brief account of air pollution control units to deal with the emission							
	Stack	Attached to	Fuel	Height (m)	Diameter (m)	Pollutants	Control system	Port Hole & Platform
7.3	D.G. Sets	:	S. No.	KVA	Acoustic status	Height (m)		
7.7	Any relevant information not covered in the above items							

PART D: HAZARDOUS WASTE ASPECTS*(Information required in case of industrial establishments generating Hazardous Waste)*

8.0		Hazardous Waste Management				
8.1	Process generating Hazardous waste	:	S. No.	Process	Clause of Schedule I	Quantity/ Annum

8.2	Consent / Authorization required for	:	S. No.	Activity	:	Please tick
			1.	Generation	:	
			2.	Collection	:	
			3.	Storage	:	
			4.	Transportation	:	
			5.	Reception	:	
			6.	Reuse	:	
			7.	Recycling	:	
			8.	Recovery	:	
			9.	Pre-processing	:	
			10.	Co-processing	:	
			11.	Utilization	:	
			12.	Treatment	:	
			13.	Disposal	:	
14.	Incineration	:				
8.3	Technical Capabilities / Facilities	:	S. No.	Capabilities	:	
			1.	Storage Area	:	
			2.	Storage Quantity	:	
			3.	Method of storage	:	
			4.	Special handling requirement, if any	:	
			5.	Emergency Response Procedure	:	
6.	Leachate treatment	:				
8.4	Nature (Characteristics of wastes) and quantity of waste	:	a) Handled per annum: b) Stored at any time:			
8.5	Hazardous and other wastes generated as per these rules from storage of hazardous chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.	:				
8.6	Any relevant information not covered in the above items	:				

PART E: PAYMENT DETAILS

9.0	Payment Details				
9.1	Payment Mode	:	Online / Offline		
9.2	Transaction Details in case of online	:	Transaction No: Date: Status:		

9.3	Draft details in case of offline	:	Amount (Rs): Draft No: In favour of: Bank Name: Date:
9.4	Amount of Fee paid	:	Rs. _____

DECLARATION

- a) I / We declare that the above furnished information is true and correct to the best of my / our knowledge. I / We am / are aware that furnishing any wrong information is punishable under Section 42(f) of the Water (Prevention & Control of Pollution) Act, 1974.
- b) I / We hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture and treatment and/or disposal of effluent, emission, hazardous wastes etc. in quality and quantity; a fresh application for Consent shall be made and until the grant of fresh Consent is granted, no change shall be made. I/ We am/are aware that the violations of Section 25 attract penal provisions under the relevant provisions of the Water (Prevention & Control of Pollution) Act, 1974.
- c) I / We herewith submit an affidavit on the basis of which consent for establishment will be issued to me/us and I/ We will be held responsible under Section 45(A) of the Water (Prevention & Control of Pollution) Act, 1974 or any misleading / wrong representation.
- d) I / We undertake to furnish any other information within one month of its being called by the State Board.

Date:

Name & Signature of the Occupier/

Place:

Authorized Signatory

Mandatory Documents to be enclosed for grant of Consent to Establish:

1. Licenses / Certificates:

a. Legal Status of Company:

- i. Partnership / Proprietary / Company etc.; (or)
- ii. SSI / MSME Certificate (Udyog Aadhar) / Memorandum of Entrepreneurship, if applicable;

b. Location of the Project:

- i. Industrial Area: Allotment letter from the respective Industrial Area Development Board / Corporation / Land Possession Certificate; or
- ii. Other than Industrial Area: Registered Land Deed / Land Conversion Certificate from concerned Authority / Rent (or) Lease Agreement in case of the property is on rent / lease;

c. Mining Project: Mineral Mining Lease permission granted by the Department of Mines & Geology, if applicable;

d. Environmental Clearance granted by Central Government or State Environment Impact Assessment Authority, if applicable, under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986);

e. Investment: Chartered Accountant Certificate about proposed Capital Investment.

2. Technical Details:

- i. Environmental Impact Assessment Report, submitted to the Central Government or State Environment Impact Assessment Authority under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986); or
- ii. Project report comprising manufacturing process (write up with flow chart), raw materials, products, by-products, extent of land, water source and consumption for various purpose, wastewater generation from various activity, Effluent Treatment Plant (write up with flow diagram), Water Balance, Fuel used, Sources of emission and Air Pollution Control Devices proposed, D.G. sets and Hazardous and Other Waste Generation along with Plant layout plan.

FORM II

[See paragraphs 11 (2) and 12 (1)]

APPLICATION FOR CONSENT TO OPERATE AN INDUSTRIAL PLANT, UNDER SECTION 25 OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974**From**

To

The Member Secretary
 _____ State Pollution Control Board / Committee

Sir,

I / We hereby apply for consent to operate an industrial unit or renewal of consent under section 25 of the Water (prevention & control of pollution) act, 1974 (6 of 1974) or for amended product, operation or process, or treatment and discharge of sewage / trade effluent.

from a land / premises owned by M/s. _____

at location _____

as per the details given below:

TO BE FILLED IN BY APPLICANT**PART A: GENERAL**

S. No.	Required Details	:	
1.0	Project Details :		
1.1	Name of the Project / Industry / TSDF	:	

1.2	Project Proposal	:	Expansion / Renewal / Validity Extension / Transfer		
1.3	Details of Environment Clearance	:			
1.4	Address of the Site / Unit	:	Plot / Survey No	:	
			Village	:	
			Tehsil	:	
			District	:	
			State/UT	:	
			Pin code	:	
2.0	Applicant / Occupier Details :				
2.1	Name of the Applicant / Occupier	:			
2.2	Designation	:			
2.3	Nationality of the Occupier	:			
2.4	Correspondence Address	:	Plot / Survey No/ Street Name	:	
			Village / Town / City	:	
			Tehsil / Taluk	:	
			District	:	
			State / UT	:	
			Pin code	:	
2.5	Contact Details of Plant Head with Alternate details	:	Name & Designation:	:	1. 2.
			e-mail address	:	1. 2.
			Landline Number	:	1. 2.
			Mobile Number	:	1. 2.
3.0	Legal Status of the Company :				
3.1	Individual / Proprietary concern / Partnership firm/ Joint family concern / Private Limited Company / Public Limited Company / Foreign Company / Limited Liability Partnership. <i>Note: Registration Number and Authority shall be mentioned.</i>	:			
3.2	Central Govt. / State Govt./ Central PSU / State PSU / Joint Venture (Pvt. + Govt.), (Govt.+ Govt.), (Pvt.+ Pvt.)	:			
4.0	Location of the Project / Industry / Activity :				
4.1	Location	:	Upload KML		
4.2	Bounded Latitudes (North) (8 digit after decimal)	:	From	:	
			To	:	

4.3	Bounded Longitudes (East) (8 digit after decimal)	:	From	:	
			To	:	
4.4	Located in Eco-Sensitive Zone of Protected Area, Coastal Regulation Zone, Biosphere, Reservoir, Forests, Mangroves, Rivers, Archeological monuments, Critically Polluted Area, Non-attainment Cities, Polluted River Stretch, Hill stations (altitude > 600 M), Major towns and Cities	:			
4.4	Survey of India Topo Sheet Number	:			
4.5	Land details (as per Panchayat, Tehsil, District)	:	Owned / Leased	:	
			Total Area in Ha	:	
			a) Non – Forest in Ha	:	
			b) Forest in Ha	:	
			Annual Lease Value, in case of Leased in Rs.	:	
			Build up Area in Sq. M.	:	
			Green Belt cover in % of total area	:	
4.6	Extent of Land in Sq. m	:	Own-Agricultural	:	
			Industrial	:	
			Converted	:	
			Industrial Area	:	
			a) Applied and not allotted	:	
			b) Applied and allotted	:	
			c) Leased	:	
5.0	Category & Classification of the Project / Industry / Activity :				
5.1	Category of Industry (Red, Orange, and Green)	:	Category	:	
			Pollution Index	:	
5.2	Industrial Sector /Type	:			
5.3	Grossly Polluting / 17 Category / Others	:			
5.4	Scale of Industry based on Capital Investment (Micro/ Small / Medium / Large)	:	Total Capital Investment (Rs.)	:	
			Scale / Classification	:	
5.5	Products / By-Products manufacturing capacity (TPD/ TPA)	:	Products / By-products	:	Capacity
				:	
				:	
				:	
				:	
5.6	Raw Materials / Chemicals Consumption for manufacturing capacity (TPD & TPA)	:	Raw Materials	:	Consumption
				:	
				:	
				:	

5.7	Brief manufacturing Process with process flow chart and Material Balance, Advantage of Technology etc.	:	To be Annexed				
5.8	Date / Expected date of commencement of production	:					
5.9	Number of people to be employed / employed	:					
5.10	Industry Shifts / Weekly off	:	Shifts (I / II / III) & in Hours		:		
			Weekly off in days		:		
5.11	Use of Hazardous Chemicals as per MSIHC Rules	:	S. No	Chemicals	HS Code	Storage capacity	Daily consumption
			1.				
			2.				
			3.				
5.12	Insurance under PLI Act, 1991	:	a) Policy No. & Year for which taken: b) Insurance Company: c) Validity: d) Indemnity Limit (Rs) : e) Contribution to ERF (Rs):				

PART B: WASTEWATER ASPECTS

6.0	Water Consumption and Wastewater Generation					
6.1	Source of Water	:	Ground Water / River / Industrial Estate Supply / Private Tanker / Sea / Recycled / Any other, if any			
6.2	Authority Granting permission & Quantity permitted	:	Authority: Quantity :			
6.3	Water Consumption (KLD) for manufacturing capacity	:				
6.4	Water Usage for manufacturing capacity. (Attach Water Balance showing quantity with TDS at different points)	:	Purpose	:	KLD	
			Domestic	:		
			Process	:		
			Boiler	:		
			Other Utilities (pl. specify)	:		
6.5	Wastewater Generation (KLD) for manufacturing process	:	KLD			
	Wastewater from various sources	:	Purpose	:	KLD	
			Domestic	:		
			Process	:		
			Boiler	:		
			Other Utilities (pl. specify)	:		

6.6	Wastewater Treatment systems	:	Type of Effluent	:	KLD	Treatment System
			Bio-degradable	:		
			Non- Biodegradable	:		
			Boiler blowdown	:		
			Others Utilities	:		
			Any other	:		
			Total	:		
6.7	Details Sewage Treatment Plant(s)	:	S. No.	Capacity of STPs	:	KLD
			1.			
			2.			
	Mode of disposal of treated effluent	:				
6.8	Details Effluent Treatment Plant (s)	:	S. No.	Capacity of ETPs	:	KLD
			1.			
			2.			
	Mode of disposal of treated effluent	:				
6.9	Capacity of treated effluent sump, Guard Pond, if any	:				
6.10	Schematic diagram of the treatment scheme with inlet / outlet characteristics of each unit operation / process	:	To be Annexed			
6.11	Quality of Effluent before & after treatment (at the final outlets) in respect of pH, SS, TDS and constituting major ions, BOD/COD, Oil & Grease, and relevant metals and nutrients as per the process/ standards. (Attach analysis report of untreated and treated effluent from the EPA recognized Lab) Note: For proposed unit furnish expected characteristics of the effluent	:	To be Annexed.			
6.12	Name of River / Creek, Estuary / Drain (owner of sewer) / Sea / Land / connected to ETP	:				
6.13	Details of Solid Wastes separately for 'Hazardous' and 'Other' wastes covered under H&OW Rules, 2016 and other solid wastes not covered under H&OW Rules, 2016, including their management system	:	To be Annexed			
6.14	Details of treatment-performance and environmental-compliance monitoring and reporting system	:	To be Annexed			
6.15	Any relevant information not covered in the above items	:				

PART C: AIR EMISSION ASPECTS*(Information required in case of industrial establishments having chimneys)*

7.0		Type of Fuels						
7.1	Fuel Consumption per Hour and TPD for manufacturing capacity	:	S. No	Fuel	Quantity	Ash%	S%	
			1.	Coal				
			2.	Diesel				
			3.	Furnace Oil				
			4.	Natural Gas				
			5.	Wood				
			6.	Others, if any				
7.2	Details of Stack (Process, fuel, D.G):							
	e) Number of stacks and vents with height and diameter (m)							
	f) Quality and quantity of stack emissions from each stack and vent							
	g) Major industrial processes / sources of fugitive emission							
	h) Brief account of air pollution control units to deal with the emission							
	Stack	Attached to	Fuel	Height (m)	Diameter (m)	Pollutants	Control system	Port Hole & Platform
7.3	D.G. Sets	:	S. No.	KVA	Acoustic status	Height (m)		
7.4	Quality of source emission (before treatment/ control) and after treatment/ controlled emission (at stacks/vents) in respect of PM, SO ₂ , NO _x , and other relevant air pollutants as per the process/ standards. (Attach analysis reports of stack emissions from the EPA recognized Lab)	:	To be Annexed					
7.5	Odorous compounds, if any and control measures provided	:						
7.6	Details of treatment/control-performance and environmental-compliance monitoring and reporting system	:						
7.7	Any relevant information not covered in the above items	:						

PART D: HAZARDOUS WASTE ASPECTS*(Information required in case of industrial establishments generating Hazardous Waste)*

8.0		Hazardous Waste Management				
8.1	Process generating Hazardous waste	:	S. No.	Process	Clause of Schedule I	Quantity/ Annum
8.2	Consent / Authorization required for	:	S. No.	Activity	:	Please tick
			1.	Generation	:	
			2.	Collection	:	
			3.	Storage	:	
			4.	Transportation	:	
			5.	Reception	:	
			6.	Reuse	:	
			7.	Recycling	:	
			8.	Recovery	:	
			9.	Pre-processing	:	
			10.	Co-processing	:	
			11.	Utilization	:	
			12.	Treatment	:	
			13.	Disposal	:	
			14.	Incineration	:	
8.3	Technical Capabilities / Facilities	:	S. No.	Capabilities	:	
			1.	Storage Area	:	
			2.	Storage Quantity	:	
			3.	Method of storage	:	
			4.	Special handling requirement, if any	:	
			5.	Emergency Response Procedure	:	
			6.	Leachate treatment	:	
8.4	Nature (Characteristics of wastes) and quantity of waste	:	a) Handled per annum:			
			b) Stored at any time:			
8.4	Mode of Management / Disposal of above Wastes	:	S. No.	Disposal	:	Please tick
			1.	Secured storage within industrial unit	:	
			2.	Utilization with in the plants (if not, please provide details of utilization)	:	
			3.	Common TSDF	:	
Within the State	:					

			Outside the State	:	
		4.	Others	:	
8.5	Arrangement for transportation of H.W. to actual users / TSDF	:			
8.6	Details of the environmental safeguards and environmental facilities provided for safe handling of all the wastes;	:			
8.7	Hazardous and other wastes generated as per these rules from storage of hazardous chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.	:			
8.8	For Treatment, storage and disposal facility (TSDF) operators	:	<p>1. Please provide details of the facility including:</p> <p>a) Location of site with layout map</p> <p>b) Safe storage of the waste and storage capacity</p> <p>c) Treatment processes and their capacities</p> <p>d) Secured landfills</p> <p>e) Incineration, if any</p> <p>f) Leachate collection and treatment system</p> <p>g) Firefighting systems</p> <p>h) Environmental management plan including monitoring and</p> <p>i) Arrangement for transportation of waste from generators.</p> <p>2. Please provide details of any other activities undertaken at the TSDF site:</p>		
	<p>Note:</p> <p>1. In case of renewal of authorization previous authorization numbers and dates and provide copies of annual returns of last three years including the compliance reports with respect to the conditions of Prior Environmental Clearance, wherever applicable.</p> <p>2. Provide copy of the Emergency Response Plan (ERP) which should address procedures for dealing with emergency situations (viz. Spillage or release or fire) as specified in the guidelines of CPCB. Such ERP shall comprise the following, but not limited to:</p> <ul style="list-style-type: none"> ➤ Containing and controlling incidents so as to minimise the effects and to limit danger to the persons, environment and property; ➤ Implementing the measures necessary to protect persons and the environment; ➤ Description of the actions which should be taken to control the conditions at events and to limit their consequences, including a description of the safety equipment and resources available; ➤ Arrangements for training staff in the duties which they are expected to perform; ➤ Arrangements for informing concerned authorities and emergency services; and ➤ Arrangements for providing assistance with off-site mitigatory action. <p>3. Provide undertaking or declaration to comply with all provisions including the scope of submitting bank guarantee in the event of spillage, leakage or fire while handling the hazardous and other waste</p>				
8.9	For Recyclers or pre-processors or co-processors or users of hazardous or other wastes	:	<p>a) Nature and quantity of different wastes received per annum from domestic sources or imported or both</p> <p>b) Installed capacity as per registration issued by the District Industries Centre or any other authorized Government agency.</p>		

			<p>c) Provide details of secured storage of wastes including the storage capacity.</p> <p>d) Process description including process flow sheet indicating equipment details, inputs and outputs (input wastes, chemicals, products, by-products, waste generated, emissions, waste water, etc.).</p> <p>e) Provide details of end users of products or by-products.</p> <p>f) Provide details of pollution control systems such as Effluent Treatment Plant, scrubbers, etc. including mode of disposal of waste</p> <p>g) Provide details of occupational health and safety measures:</p> <p>h) Has the facility been set up as per Central Pollution Control Board guidelines? If yes, provide a report on the compliance with the guidelines.</p> <p>i) Arrangements for transportation of waste to the facility:</p>
8.10	Any relevant information not covered in the above items	:	

PART E: PAYMENT DETAILS

9.0		Payment Details	
9.1	Payment Mode	:	Online / Offline
9.2	Transaction Details in case of online	:	Transaction No: Date: Status:
9.3	Draft details in case of offline	:	Amount (Rs): Draft No: In favour of: Bank Name: Date:
9.4	Amount of Fee paid	:	Rs. _____

DECLARATION

- I / We declare that the above furnished information is true and correct to the best of my / our knowledge. I / We am / are aware that furnishing any wrong information is punishable under Section 42(f) of the Water (Prevention & Control of Pollution) Act, 1974.
- I / We hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture and treatment and/or disposal of effluent, emission, hazardous wastes etc. in quality and quantity; a fresh application for Consent shall be made and until the grant of fresh Consent is granted, no change shall be made. I / We am/are aware that the violations of Section 25 attract penal provisions under the relevant provisions of the Water (Prevention & Control of Pollution) Act, 1974.
- I / We herewith submit an affidavit on the basis of which consent for establishment will be issued to me/us and I/ We will be held responsible under Section 45(A) of the Water (Prevention & Control of Pollution) Act, 1974 or any misleading / wrong representation.
- I / We undertake to furnish any other information within one month of its being called by the State Board.

Date:**Name & Signature of the Occupier/****Place:****Authorized Signatory****Mandatory Documents to be enclosed for grant of Consent to Operate:****1. Licenses / Certificates:****(a) Legal Status of Company:**

- i. Partnership / Proprietary / Company etc.; or
- ii. SSI / MSME Certificate (Udyog Aadhar) / Memorandum of Entrepreneurship, if applicable;

(b) Location of the Project:

- i. Industrial Area: Allotment letter from the respective Industrial Area Development Board / Corporation / Land Possession Certificate; or
- ii. Other than Industrial Area: Registered Land Deed / Land Conversion Certificate from concerned Authority / Rent (or) Lease Agreement in case of the property is on rent / lease;

(c) Mining Project: Mineral Mining Lease permission granted by the Department of Mines SS & Geology, if applicable;**(d) Environmental Clearance** granted by Central Government or State Environment Impact Assessment Authority, if applicable, under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986);**(e) Investment:** Chartered Accountant Certificate about proposed Capital Investment.**2. Technical Details:**

- i. Environmental Impact Assessment Report, submitted to the Central Government or State Environment Impact Assessment Authority under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986); or
- ii. Project report comprising manufacturing process (write up with flow chart), raw materials, products, by-products, extent of land, water source and consumption for various purpose, wastewater generation from various activity, effluent treatment plant (write up with flow diagram), Water Balance, Fuel used, Sources of emission and air pollution control devices proposed, D.G. sets and hazardous and other waste generation along with plant layout plan.

3. Compliance report of the consent to establish / consent to operate for expansion and renewal, as applicable.**THE SECOND SCHEDULE****[See paragraph 3(1)]****A. Annual Fees applicable for Consent:****1. Capital investment slabs.** - The Capital Investment slabs are as follows: -

- (a) Rs. 1 Crore and below
- (b) Exceeding Rs. 1 Crore but not exceeding Rs. 10 Crore
- (c) Exceeding Rs. 10 Crore but not exceeding Rs.50 Crore
- (d) Exceeding Rs. 50 Crore but not exceeding Rs.250 Crore
- (e) Exceeding Rs. 250 Crore but not exceeding Rs.500 Crore
- (f) Exceeding Rs. 500 Crore but not exceeding Rs.1000 Crore
- (g) Exceeding Rs. 1000 Crore

2. Annual Fee for Industrial units. - (a) The annual fee for grant of consent is determined based on the capital investment and categorization of the industrial plant, using the following formula, as follows: -

$$CF = CI * SF * PIF$$

Where,

- CF : Annual Fee for consent (in Rs.)
- CI : Capital Investment (in Rs.)
- SF : Scale Factor (based on Capital Investment)
- PIF : Pollution Index Factor (based on category)

(b) The Scale Factor (SF) according to capital investment slabs is as under: -

S. No.	Capital Investment	SF
(1)	(2)	(3)
(i)	Rs. 1 Crore and below	0.100%
(ii)	Exceeding Rs. 1 Crore but not exceeding Rs.10 Crores	0.080%
(iii)	Exceeding Rs. 10 Crores but not exceeding Rs.50 Crores	0.060%
(iv)	Exceeding Rs. 50 Crores but not exceeding Rs.250 Crores	0.040%
(v)	Exceeding Rs. 250 Crores but not exceeding Rs.500 Crores	0.030%
(vi)	Exceeding Rs. 500 Crores but not exceeding Rs.1000 Crores	0.020%
(vii)	Exceeding Rs. 1000 Crores	0.010%

(c) The Pollution Index Factor (PIF) based on categorization of Industry is as under: -

S. No.	Category of Industrial	PIF
(1)	(2)	(3)
(i)	Green	1.00
(ii)	Orange	1.50
(iii)	Red	2.00

(d) The maximum annual fee of the preceding slab shall serve as the base fee for the next slab, with the Scale Factor (SF) applicable on the difference amount. The details are as under: -

$$\text{Annual Fee (CF)} = \text{Max. fee of the preceding slab} + \{(\text{Diff. of CI}) * \text{SF} * \text{PIF}\}$$

(e) The minimum annual fee for grant of consent shall be Rs.5,000, Rs. 7,500 and Rs. 10,000 for Green, Orange and Red Category industry / activity respectively.

3. **Annual Fee for local bodies and infrastructure projects (residential and others).** - (a) The capital investment for the purpose of determining annual fee for consent to establish w.r.t. infrastructure projects, as covered under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006, as amended from time to time, shall be based on the capital investment during the establishment phase. This includes Residential (Standalone Apartment / complexes), Layouts, Integrated projects, Commercial Complex, Office Complex, Education Institutions, Township and Local Body including Water Supply and Sewerage Board. The annual fee for Consent to Establish shall be calculated using the formula adopted for the industrial units, as above at para. 2 above.

(b) The annual fee for consent to operate of the projects at sub para (a) above, shall be based on the quantity of sewage generated / handled, as given below: -

S. No.	Sewage generated /handled	Annual Fee for Consent to Operate	
		Local Bodies and Residential (Rs.)	Other than Residential (Rs.)
(1)	(2)	(3)	(4)
1	Up to 10 KLD	5,000	7,500

2	Above 10 - 50 KLD	15,000	22,500
3	Above 50 - 100 KLD	25,000	37,500
4	Above 100 - 300 KLD	35,000	52,500
5	Above 300 - 500 KLD	55,000	82,500
6	Above 500 - 1 MLD	65,000	97,500
6	Above 1 to 5 MLD	75,000	1,12,500
7	Above 5 to 10 MLD	1,00,000	15,00,00
8	Above 10 MLD to 25 MLD	2,00,000	30,00,00
9	Above 25 MLD	4,00,000	60,00,00

4. **Annual Fees for mining projects.** – (a) The annual fee for grant of consent for mining project / activity will be determined based on the consented capacity of the mineral to be mined, the type of mineral, the mining area, and the type of mining. The fee shall be calculated using the following formula -

$$CF = CC * MF * AF * TMF$$

Where,

- **CF: Annual Consent fees (in Rs.)**
- **CC: Consented Capacity of Mineral to be mined (in Tonne / Annum)**
- **MF: Mineral Factor (based on type of Mineral)**
- **AF: Area Factor (in Rs. based on mining area)**
- **TMF: Type of Mining Factor (based on type of mining)**

Note: **Minimum fees: Rs. 5,000 per annum**

(b) The Mineral Factor (MF) based on type of mineral mined are:

S. No.	Minerals	Mineral Factor (MF)
1	Manganese, Chromite, Steatite, Barites, Mica, Gold, Uranium, Silver, Copper, Lead, Zinc	1.0
2	Iron, Bauxite, Coal	0.8
3	Dolomite, Limestone, Gypsum, Feldspar, Garnet, Quartz, Silica State Stone, Bentonite, Pyrophyllite, Graphite, Phosphorite, Clays – China, White, Fire and Ball	0.6
4	Other minerals such as stone quarry, Granite, Marble, River Sand / River bed material etc.	0.4

(c) The Area Factor (AF) based on mining area:

S. No.	Lease hold area in ha	Area Factor (AF)
1	Up to 5	1.0
2	Above 5 to 25	1.2
3	Above 25 to 100	1.4
4	Above 100 to 500	1.6
5	Above 500	1.7

(d) The Type of Mining Factor (TMF) based on types of mining:

S. No.	Types of Mining	Types of Mining Factor (TMF)
1	Open cast mining	1.25
2	Underground mining	1.00

5. **Annual Fees for coffee pulping activities.** - (a) The annual fee for coffee pulping shall be determined on the basic fee and pulping factor, taking into account the types of pulping (i.e. wet and dry pulping) irrespective of capacity of operation, as it is a seasonal production. The fees is calculated using the following formula -

$$CF = BF * PF$$

Where,

- **CF: Fee (in Rs)**
- **BF: Basic Fee (i.e. Rs. 2,500 per annum)**
- **PF: Pulping Factor (based on type of pulping)**

(b) The Pulping Factor (PF) based on the type of pulping:

S. No.	Types of Pulping	Pulping Factor (PF)
1	2	3
1	Wet pulping	1.25
2	Dry pulping	1.00

6. **Annual Fees for Aqua Culture activities.** - (1) The annual fee for aqua culture shall be determined based on the lease hold area, and the fees as follows : -

S. No.	Lease hold area	Fees (Rs.)
1	Up to 5 Ha	Nil
2	Between 5 to 25 Ha	5,000
3	Above 25 to 100 Ha	25,000
4	More than 100 Ha	1,00,000

7. **Incentives to industrial units.** - The industrial units that adopt environmental conservation measures to reduce water, air and land pollutions, conserve natural resources (resource consumption per unit production) and undertake voluntary initiatives without directions of the Central Board or State Board to protect the environment using best technologies, cleaner technology, achieving levels below the national or location specific standards, shall be identified. Further Incentives may be given by the State Board after consulting the Central Board.

- B. Fee for consent to Establish:** The fee for obtaining consent to establish shall not exceed twice the annual fee of consent as prescribed in this Schedule.
- C. Fee for consent to operate:** The fee for obtaining consent to operate shall not be more than that determined by multiplying annual fee of consent and period of consent as given in para 4(3) of these guidelines.

[F. No. Q-15012/1/2022-CPW(e-240803)]

VED PRAKASH MISHRA, Jt. Secy.

Md Imran Ahmad
True Copy

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

ARRANGEMENT OF SECTIONS

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

ACT NO. 6 OF 1974

[23rd March, 1974.]

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

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

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

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

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

CHAPTER I

PRELIMINARY

1. Short title, application and commencement.—(1) This Act may be called the Water (Prevention and Control of Pollution) Act, 1974.

(2) It applies in the first instance to the whole of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and the Union territories; and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

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

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

(a) “Board” means the Central Board or a State Board;

¹[(b) “Central Board” means the Central Pollution Control Board constituted under section 3;]

(c) “member” means a member of a Board and includes the chairman thereof;

²[(d) “occupier”, in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;]

1. Subs. by Act 53 of 1988, s. 2, for clause (b) (w.e.f. 29-9-1988).

2. Subs. by s. 2, *ibid.*, for clause (d) (w.e.f. 29-9-1988).

¹[(*dd*) “outlet” includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes, or is likely to cause, pollution;]

(*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;

¹[(*gg*) “sewer” means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;]

²[(*h*) “State Board” means a State Pollution Control Board constituted under section 4;]

(*i*) “State Government” in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution;

(*j*) “stream” includes—

(*i*) river;

(*ii*) water course (whether flowing or for the time being dry);

(*iii*) inland water (whether natural or artificial);

(*iv*) sub-terranean waters;

(*v*) sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;

(*k*) “trade effluent” includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any ³[industry, operation or process, or treatment and disposal system], other than domestic sewage.

CHAPTER II

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

3. Constitution of Central Boards.—(1) The Central Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union territories) as it may, by notification in the Official Gazette, appoint, constitute a Central Board to be called the ⁴[Central Pollution Control Board] to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

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

(*a*) a full-time chairman, being a person having special knowledge or practical experience in respect of ⁵[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

1. Ins. by Act 44 of 1978, s. 2 (w.e.f. 12-12-1978).

2. Subs. by Act 53 of 1988, s. 2, for clause (*h*) (w.e.f. 29-9-1988).

3. Subs. by s. 2, *ibid.*, for “trade or industry” (w.e.f. 29-9-1988).

4. Subs. by s. 3, *ibid.*, for “Central Board for the Prevention and Control of Water Pollution” (w.e.f. 29-9-1988).

5. Subs. by Act 44 of 1978, s. 3, for “matters relating to the use and conservation of water resources or the prevention and control of water pollution” (w.e.f. 12-12-1978).

(b) ¹[such number of officials, not exceeding five,] to be nominated by the Central Government to represent that Government;

(c) such number of persons, not exceeding five, to be nominated by the Central Government, from amongst the members of the State Boards, of whom not exceeding two shall be from those referred to in clause (c) of sub-section (2) of section 4;

(d) ²[such number of non-officials, not exceeding three,] to be nominated by the Central Government, to represent the interests of agriculture, fishery or industry or trade or any other interest which, in the opinion of the Central Government, ought to be represented;

(e) two persons to represent the companies or corporations owned, controlled or managed by the Central Government, to be nominated by that Government;

³[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]

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

4. Constitution of State Board.—(1) The State Government shall, with effect from such date ⁴*** as it may, by notification in the Official Gazette, appoint, constitute a ⁵[State Pollution Control Board], under such name as may be specified in the notification, to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

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

(a) a ⁶*** chairman, being a person having special knowledge or practical experience in respect of ⁷[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government:

⁸[Provided that the chairman may be either whole-time or part-time as the State Government may think fit;]

(b) ⁹[such number of officials, not exceeding five,] to be nominated by the State Government to represent that Government;

(c) ¹⁰[such number of persons, not exceeding five,] to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

(d) ¹¹[such number of non-officials, not exceeding three,] 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;

1. Subs. by Act 44 of 1978, s. 3, for “five officials” (w.e.f. 12-12-1978).

2. Subs. by s. 3, *ibid.*, for “three non-officials” (w.e.f. 12-12-1978).

3. Subs. by Act 53 of 1988, s. 3, for clause (f) (w.e.f. 29-9-1988).

4. The brackets and words “(being a date not later than six months of the commencement of the Act in the State)” omitted by Act 44 of 1978, s. 4 (w.e.f. 12-12-1978).

5. Subs. by Act 53 of 1988, s. 4, for “State Board” (w.e.f. 29-9-1988).

6. The word “full-time” omitted by Act 44 of 1978, s. 4 (w.e.f. 12-12-1978).

7. Subs. by s. 4, *ibid.*, for certain words (w.e.f. 12-12-1978).

8. The proviso ins. by s. 4, *ibid.* (w.e.f. 12-12-1978).

9. Subs. by s. 4, *ibid.*, for “five officials” (w.e.f. 12-12-1978).

10. Subs. by s. 4, *ibid.*, for “five persons” (w.e.f. 12-12-1978).

11. Subs. by s. 4, *ibid.*, for “three non-officials” (w.e.f. 12-12-1978).

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

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

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

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

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

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

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

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

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

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

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

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

(5) A member of a Board, other than the member-secretary, shall be deemed to have vacated his seat if he is absent without reason, sufficient in the opinion of the Board, from three consecutive meetings of the Board, ³[or where he is nominated under clause (c) or clause (e) of sub-section (2) of section 3 or under clause (c) or clause (e) of sub-section (2) of section 4, if he ceases to be a member of the State Board or of the local authority or, as the case may be, of the company or corporation owned, controlled or managed by the Central Government or the State Government and such vacation of seat shall, in either case, take effect from such date as the Central Government or, as the case may be, the State Government may, by notification in the Official Gazette, specify].

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

(7) A member of a Board ⁴[shall be eligible for renomination].

1. Subs. by Act 53 of 1988, s. 4, for clause (f) (w.e.f. 29-9-1988).

2. Subs. by Act 44 of 1978, s. 5, for sub-section (2) (w.e.f. 12-12-1978).

3. Subs. by s. 5, *ibid.*, for certain words, brackets, letters and figures (w.e.f. 12-12-1978).

4. Subs. by Act 53 of 1988, s. 5, for “shall not be eligible for renomination for more than two terms” (w.e.f. 29-9-1988).

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

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

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

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

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the Central Government or, as the case may be, of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has directly or indirectly by himself or by any partner, any share or interest in any firm or company carrying on the business of manufacture, sale or hire of machinery, plant, equipment, apparatus or fittings for the treatment of sewage or trade effluents, or

(f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board, or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of 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.

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

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

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

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

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

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

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

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

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

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

²[**11A. Delegation of powers to Chairman.**—The Chairman of a Board shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board.]

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

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

(3) Subject to such rules as may be made by the Central Government or, as the case may be, the State Government in this behalf, a Board may appoint such officers and employees as it considers necessary for the efficient performance of its functions ^{3***}.

⁴[(3A) The method of recruitment and the terms and conditions of service (including the scales of pay) of the officers (other than the member-secretary) and other employees of the Central Board or a State Board shall be such as may be determined by regulations made by the Central Board or, as the case may be, by the State Board:

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

(a) in the case of a regulation made by the Central Board, it is approved by the Central Government; and

(b) in the case of a regulation made by a State Board, it is approved by the State Government.]

⁵[(3B) The Board may, by general or special order, and subject to such conditions and limitations, if any, as may be specified in the order delegate to any officer of the Board such of its powers and functions under this Act as it may deem necessary.]

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

CHAPTER III

JOINT BOARDS

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

(a) by two or more Governments of contiguous States, or

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

1. Ins. by Act 44 of 1978, s. 6 (w.e.f. 12-12-1978).

2. Ins. by s. 7, *ibid.* (w.e.f. 12-12-1978).

3. Certain words omitted by s. 8, *ibid.* (w.e.f. 12-12-1978).

4. Ins. by s. 8, *ibid.* (w.e.f. 12-12-1978).

5. Ins. by Act 53 of 1988, s. 6 (w.e.f. 29-9-1988).

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 Gazette of the participating States and in a case referred to in clause (b) of that sub-section, in the Official Gazette of the participating Union territory or Union territories and participating State or States.

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

(a) a full-time chairman, being a person having special knowledge or practical experience in respect of ¹[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

(b) two officials from each of the participating States to be nominated by the concerned participating State Government to represent that Government;

(c) one person to be nominated by each of the participating State Governments from amongst the members of the local authorities functioning within the State concerned;

(d) one non-official to be nominated by each of the participating State Governments to represent the interests of agriculture, fishery or industry or trade in the State concerned or any other interest which, in the opinion of the participating State Government, is to be represented;

(e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;

²[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]

1. Subs. by Act 44 of 1978, s. 9, for certain words (w.e.f. 12-12-1978).

2. Subs. by Act 53 of 1988, s. 7, for clause (f) (w.e.f. 29-9-1988).

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

(a) a full-time chairman, being a person having special knowledge or practical experience in respect of¹[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

(b) two officials to be nominated by the Central Government from the participating Union territory or each of the participating Union territories, as the case may be, and two officials to be nominated, from the participating State or each of the participating States, as the case may be, by the concerned participating State Government;

(c) one person to be nominated by the Central Government from amongst the members of the local authorities functioning within the participating Union territory or each of the participating Union territories, as the case may be, and one person to be nominated, from amongst the members of the local authorities functioning within the participating State or each of the participating States, as the case may be, by the concerned participating State Government;

(d) one non-official to be nominated by the Central Government and one person to be nominated by the participating State Government or State Governments to represent the interests of agriculture, fishery or industry or trade in the Union territory or in each of the Union territories or the State or in each of the States, as the case may be, or any other interest which in the opinion of the Central Government or, as the case may be, of the State Government is to be represented;

(e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the Central Government and situate in the participating Union territory or territories and two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;

²[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]

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

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

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

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

(a) the Government of the State for which the Joint Board is constituted shall be competent to give any direction under this Act only in cases where such direction relates to a matter within the exclusive territorial jurisdiction of the State;

(b) the Central Government alone shall be competent to give any direction under this Act where such direction relates to a matter within the territorial jurisdiction of two or more States or pertaining to a Union territory.

1. Subs. by Act 44 of 1978, s. 9, for certain words (w.e.f. 12-12-1978).

2. Subs. by Act 53 of 1988, s. 7, for clause (f) (w.e.f. 29-9-1988).

CHAPTER IV

POWERS AND FUNCTIONS OF BOARDS

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

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

(a) advise the Central Government on any matter concerning the prevention and control of water pollution;

(b) co-ordinate the activities of the State Boards and resolve disputes among them;

(c) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

(d) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of water pollution on such terms and conditions as the Central Board may specify;

(e) organise through mass media a comprehensive programme regarding the prevention and control of water pollution;

¹[(ee) perform such of the functions of any State Board as may be specified in an order made under sub-section (2) of section 18;]

(f) collect, compile and publish technical and statistical data relating to water pollution and the measures devised for its effective prevention and control and prepare manuals, codes or guides relating to treatment and disposal of sewage and trade effluents and disseminate information connected therewith;

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

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

(h) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of water pollution;

(i) perform such other functions as may be prescribed.

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

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

(a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;

(c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;

1. Ins. by Act 53 of 1988, s. 8 (w.e.f. 29-9-1988).

(d) to encourage, conduct and participate investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

(e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating, to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;

(f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;

(g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;

(h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

(i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;

(j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

(k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;

(l) to make, vary or revoke any order—

(i) for the prevention, control or abatement of discharges of waste into streams or wells;

(ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution;

(m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sillage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

(n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;

(o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

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

18. Powers to give directions.—¹[(l)] In the performance of its functions under this Act—

(a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and

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

1. S. 18 renumbered as sub-section (l) thereof by Act 53 of 1988, s. 9 (w.e.f. 29-9-1988).

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.

¹[(2) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(4) For the removal of doubts, it is hereby declared that any directions to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.]

CHAPTER V

PREVENTION AND CONTROL OF WATER POLLUTION

19. Power of State Government to restrict the application of the Act to certain areas.—(1) Notwithstanding anything contained in this Act, if the State Government, after consultation with, or on the recommendation of, the State Board, is of opinion that the provisions of this Act need not apply to the entire State, it may, by notification in the Official Gazette, restrict the application of this Act to such area or areas as may be declared therein as water pollution, prevention and control area or areas and thereupon the provisions of this Act shall apply only to such area or areas.

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

(2) A State Board may give directions requiring any person who in its opinion is abstracting water from any such stream or well in the area in quantities which are substantial in relation to the flow or volume of that stream 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.

1. Ins. by Act 53 of 1988, s. 9 (w.e.f. 29-9-1988).

(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 ¹[industry, operation or process, or treatment and disposal system] is carried on, to furnish to it information regarding the construction, installation or operation of such establishment or of any disposal system or of any extension or addition thereto in such establishment and such other particulars as may be prescribed.

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

(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.

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

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

(b) the cost incurred in getting such sample analysed shall be payable by the occupier or his agent and in case of default of such payment, the same shall be recoverable from the occupier or his agent, as the case may be, as an arrear of land revenue or of public demand:

1. Subs. by Act 53 of 1988, s. 10, for "industry or trade" (w.e.f. 29-9-1988).

2. Subs. by Act 44 of 1978, s. 10, for sub-section (4) (w.e.f. 12-12-1978).

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

(5) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent a notice under clause (a) of sub-section (3) and the occupier or his agent who is present at the time of taking the sample does not make a request for dividing the sample into two parts as provided in clause (b) of sub-section (3), then, the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (d) of sub-section (3).

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

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

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

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

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

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

(a) for the purpose of performing any of the functions of the Board entrusted to him;

(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder of any notice, order, direction or authorisation served, made, given, or granted under this Act is being or has been complied with;

(c) for the purpose of examining any plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such plant, record, register, document or other material object, if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder:

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

(2) The provisions of ¹[the Code of Criminal Procedure, 1973 (2 of 1974)], or, in relation to the State of Jammu and Kashmir*, the provisions of any corresponding law in force in 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 ²[section 94] of the said Code, or, as the case may be, under the corresponding provisions of the said law.

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

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

(a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any ³[stream or well or sewer or on land]; or

(b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

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

(a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;

(b) depositing any materials on the bank or in the bed of any stream for the purpose of reclaiming land or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream;

(c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream;

(d) causing or permitting, with the consent of the State Board, the deposit accumulated in a well, pond or reservoir to enter into any stream.

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

25. Restrictions on new outlets and new discharges.—⁴(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,—

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

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

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

Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988 (53 of 1988), for which no consent was necessary prior to such commencement,

1. Subs. by Act 44 of 1978, s. 11, for “the Code of Criminal Procedure, 1898 (5 of 1898)” (w.e.f. 12-12-1978).

2. Subs. by s. 11, *ibid.*, for “section 98” (w.e.f. 12-12-1978).

3. Subs. by Act 53 of 1988, s. 11, for “stream or well” (w.e.f. 29-9-1988).

4. Subs. by s. 12, *ibid.*, for sub-sections (1) and (2) (w.e.f. 29-9-1988).

*. *Vide* Notification No. S.O. 3912 (E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.

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

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

¹[(4) The State Board may—

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

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

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

(iii) that the consent will be valid only for such period as may be specified in the order,

and any such conditions imposed shall be binding on any person establishing or taking any steps to establish any industry, operation or process, or treatment and disposal system of extension or addition thereto, or using the new or altered outlet, or discharging the effluent from the land or premises aforesaid; or

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

(5) Where, without the consent of the State Board, any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, is established, or any steps for such establishment have been taken or a new or altered outlet is brought into use for the discharge of sewage or a new discharge of sewage is made, the State Board may serve on the person who has established or taken steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, or using the outlet, or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent in respect of such establishment, such outlet or discharge.

(6) Every State Board shall maintain a register containing particulars of the conditions imposed under this section and so much of the register as relates to any outlet, or to any effluent, from any land or premises shall be open to inspection at all reasonable hours by any person interested in, or affected by such outlet, land or premises, as the case may be, or by any person authorised by him in this behalf and the conditions so contained in such register shall be conclusive proof that the consent was granted subject to such conditions.]

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

(8) For the purposes of this section and sections 27 and 30,—

(a) the expression “new or altered outlet” means any outlet which is wholly or partly constructed on or after the commencement of this Act or which (whether so constructed or not) is substantially altered after such commencement;

(b) the expression “new discharge” means a discharge which is not, as respects to 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

1. Subs. by Act 53 of 1988, s. 12, for sub-sections (4), (5) and (6) (w.e.f. 29-9-1988).

however that a discharge which is in other respects a continuation of previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

26. Provision regarding existing discharge of sewage or trade effluent.—Where immediately before the commencement of this Act any person was discharging any sewage or trade effluent into a ¹[stream or well or sewer or on land], the provisions of section 25 shall, so far as may be, apply in relation to such person as they apply in relation to the person referred to in that section subject to the modification that the application for consent to be made under sub-section (2) of that section ²[shall be made on or before such date as may be specified by the State Government by notification in this behalf in the Official Gazette].

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

⁴[(2) A State Board may from time to time review—

⁵[(a) any condition imposed under section 25 or section 26 and may serve on the person to whom a consent under section 25 or section 26 is granted a notice making any reasonable variation of or revoking any such condition;]

(b) the refusal of any consent referred to in sub-section (1) of section 25 or section 26 or the grant of such consent without any condition, and may make such orders as it deemed fit.]

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

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

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

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

(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.

1. Subs. by Act 44 of 1978, s. 13, for "stream or well" (w.e.f. 12-12-1978).

2. Subs. by s. 13, *ibid.*, for certain words (w.e.f. 12-12-1978).

3. Subs. by Act 53 of 1988, s. 13, for sub-section (1) (w.e.f. 29-9-1988).

4. Subs. by Act 44 of 1978, s. 14, for sub-section (2) (w.e.f. 12-12-1978).

5. Subs. by Act 53 of 1988, s. 13, for clause (a) (w.e.f. 29-9-1988).

6. Subs. by Act 44 of 1978, s. 15, for sub-section (2) (w.e.f. 12-12-1978).

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

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

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

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

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

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

30. Power of State Board to carry out certain works.—¹[(1) Where under this Act, any conditions have been imposed on any person while granting consent under section 25 or section 26 and such conditions require such person to execute any work in connection therewith and such work has not been executed within such time as may be specified in this behalf, the State Board may serve on the person concerned a notice requiring him within such time (not being less than thirty days) as may be specified in the notice to execute the work specified therein.]

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

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

31. Furnishing of information to State Board and other agencies in certain cases.—²[(1) If at any place where any industry, operation or process, or any treatment and disposal system or any extension or addition thereto is being carried on, due to accident or other unforeseen act or event, any poisonous, noxious or polluting matter is being discharged, or is likely to be discharged into a stream or well or sewer or on land and, as a result of such discharge, the water in any stream or well is being polluted, or is likely to be polluted, then the person in charge of such place shall forthwith intimate the occurrence of such accident, act or event to the State Board and such other authorities or agencies as may be prescribed.]

(2) Where any local authority operates any sewerage system or sewage works, the provisions of sub-section (1) shall apply to such local authority as they apply in relation to the person in charge of the place where any industry or trade is being carried on.

1. Subs. by Act 53 of 1988, s. 14, for sub-section (1) (w.e.f. 29-9-1988).

2. Subs. by s. 15, *ibid.*, for sub-section (1) (w.e.f. 29-9-1988).

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

- (a) removing that matter from the ²[stream or well or on land] and disposing it of in such manner as the Board considers appropriate;
- (b) remedying or mitigating any pollution caused by its presence in the stream or well;
- (c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter ³[into the stream or well or on land], or from making insanitary use of the stream or well.

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

33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells.—⁴(1) Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class, for restraining the person who is likely to cause such pollution from so causing.]

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

⁵**[33A. Power to give directions.**—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) the stoppage or regulation of supply of electricity, water or any other service.]

1. Subs. by Act 53 of 1988, s. 16, for “any stream or well” (w.e.f. 29-9-1988).

2. Subs. by s. 16, *ibid.*, for “stream or well” (w.e.f. 29-9-1988).

3. Subs. by s. 16, *ibid.*, for “into the stream or well” (w.e.f. 29-9-1988).

4. Subs. by s. 17, *ibid.*, for sub-section (1) (w.e.f. 29-9-1988).

5. Ins. by s. 18, *ibid.* (w.e.f. 29-9-1988).

CHAPTER VI

FUNDS, ACCOUNTS AND AUDIT

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

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

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

(2) The Central Board may expend such sums as it thinks fit for performing its functions under this Act, ¹[and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the Central Board, also for performing its functions under such law] and such sums shall be treated as expenditure payable out of the fund of the Board.

37. Fund of State Board.—(1) The State Board shall have its own fund, and the sums which may, from time to time, be paid to it by the State Government and all other receipts (by way of gifts, grants, donations, benefactions ²[, fees] or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The State Board may expend such sums as it thinks fit for performing its functions under this Act, ²[and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the State Board, also for performing its functions under such law] and such sums shall be treated as expenditure payable out of the fund of that Board.

³[**37A. Borrowing powers of Board.**—A Board may, with the consent of, or in accordance with, the terms of any general or special authority given to it by the Central Government or, as the case may be, the State Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for the performance of all or any of its functions under this Act.]

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

⁴[**39. Annual report.**—(1) The Central Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before both Houses of Parliament within nine months from the last date of the previous financial year.

(2) Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before the State Legislature within a period of nine months from the last date of the previous financial year.]

1. Ins. by Act 44 of 1978, s. 16 (w.e.f. 12-12-1978).

2. Ins. by s. 17, *ibid.* (w.e.f. 12-12-1978).

3. Ins. by Act 53 of 1988, s. 19 (w.e.f. 29-9-1988).

4. Subs. by s. 20, *ibid.*, for section 39 (w.e.f. 29-9-1988).

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

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

(3) The said auditor shall be appointed by the Central Government 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

¹[**41. Failure to comply with directions under sub-section (2) or sub-section (3) of section 20, or orders issued under clause (c) of sub-section (1) of section 32 or directions issued under sub-section (2) of section 33 or section 33A.**—(1) Whoever fails to comply with the direction given under sub-section (2) or sub-section (3) of section 20 within such time as may be specified in the direction shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) Whoever fails to comply with any order issued under clause (c) of sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A shall, in respect of each such failure and on conviction, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(3) If the failure referred to in sub-section (2) continues beyond a period of one year after the date of conviction, the offender shall, on conviction, be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.]

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

(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or

(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or

(c) damages any works or property belonging to the Board, or

(d) fails to furnish to any officer or other employee of the Board any information required by him for the purpose of this Act, or

(e) fails to intimate the occurrence of any accident or other unforeseen act or event under section 31 to the Board and other authorities or agencies as required by that section, or

1. Subs. by Act 53 of 1988, s. 21, for section 41 (w.e.f. 29-9-1988).

(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 ¹[ten thousand rupees] or with both.

(2) Where for the grant of a consent in pursuance of the provisions of section 25 or section 26 the use of meter or gauge or other measure or monitoring device is required and such device is used for the purposes of those provisions, any person who knowingly or wilfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ¹[ten thousand rupees] or with both.

43. Penalty for contravention of provisions of section 24.—Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than ²[one year and six months] but which may extend to six years and with fine.

44. Penalty for contravention of section 25 or section 26.—Whoever contravenes the provisions of section 25 or section 26 shall be punishable with imprisonment for a term which shall not be less than ²[one year and six months] but which may extend to six years and with fine.

45. Enhanced penalty after previous conviction.—If any person who has been convicted of any offence under section 24 or 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 ³[two years] but which may extend to seven years and with fine:

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

⁴[**45A. Penalty for contravention of certain provisions of the Act.**—Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of a continuing contravention or failure, with an additional fine which may extend to five thousand rupees for every day during which such contravention or failure continues after conviction for the first such contravention or failure.]

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

47. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

1. Subs. by Act 53 of 1988, s. 22, for "one thousand rupees" (w.e.f. 29-9-1988).

2. Subs. by s. 23, *ibid.*, for "six months" (w.e.f. 29-9-1988).

3. Subs. by s. 24, *ibid.*, for "one year" (w.e.f. 29-9-1988).

4. Ins. by s. 25, *ibid.* (w.e.f. 29-9-1988).

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

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

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

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

49. Cognizance of offences.—¹[(1) No court shall take cognizance of any offence under this Act except on a complaint made by—

(a) a Board or any officer authorised in this behalf by it; or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Board or officer authorised as aforesaid,

and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.]

²[(2) Where a complaint has been made under clause (b) of sub-section (1), the Board shall, on demand by such person, make available the relevant reports in its possession to that person:

Provided that the Board may refuse to make any such report available to such person if the same is, in its opinion, against the public interest.]

³[(3) Notwithstanding anything contained in ⁴[section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)], it shall be lawful for any ⁵[Judicial Magistrate of the first class or for any Metropolitan Magistrate] to pass a sentence of imprisonment for a term exceeding two years or of fine exceeding two thousand rupees on any person convicted of an offence punishable under this Act.

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

CHAPTER VIII

MISCELLANEOUS

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

(a) establish a Central Water Laboratory; or

1. Subs. by Act 53 of 1988, s. 26, for sub-section (1) (w.e.f. 29-9-1988).

2. Ins. by s. 26, *ibid.* (w.e.f. 29-9-1988).

3. Sub-section (2) renumbered as sub-section (3) thereof by s. 26, *ibid.* (w.e.f. 29-9-1988).

4. Subs. by Act 44 of 1978, s. 19, for "section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)" (w.e.f. 12-12-1978).

5. Subs. by s. 19, *ibid.*, for "Magistrate of the first class or for any Presidency Magistrate" (w.e.f. 12-12-1978).

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

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

(a) the functions of the Central Water Laboratory;

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

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

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

(a) establish a State Water Laboratory; or

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

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

(a) the functions of the State Water Laboratory;

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) that the Central Board or any Joint Board has persistently made default in the performance of the functions imposed on it by or under this Act; or

(b) that circumstances exist which render it necessary in the public interest so to do,

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

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

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

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

(b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the Central Board or such Joint Board shall, until the Central Board or the Joint Board, as the case may be, is reconstituted under sub-section (3) be exercised, performed or discharged by such person or persons as the Central Government may direct;

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

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

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or

(b) reconstitute the Central Board or the Joint Board, as the case may be, by fresh nomination or appointment, as the case may be, and in such case any person who vacated his office under clause (a) of sub-section (2) shall not be deemed disqualified for nomination or appointment:

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

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

(a) that the State Board has persistently made default in the performance of the functions imposed on it by or under this Act; or

(b) that circumstances exist which render it necessary in the public interest so to do,

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

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

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

63. Power of Central Government to make rules.—(1) The Central Government may, simultaneously with the constitution of the Central Board, make rules in respect of the matters specified in sub-section (2):

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

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

(a) the terms and conditions of service of the members (other than the chairman and member-secretary) of the Central Board under sub-section (8) of section 5;

(b) the intervals and the time and place at which meetings of the Central Board or of any committee thereof constituted under this Act, shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business under section 8, and under sub-section (2) of section 9;

(c) the fees and allowances to be paid to such members of a committee of the Central Board as are not members of the Board under sub-section (3) of section 9;

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

(e) the terms and conditions of service of the chairman and the member-secretary of the Central Board under sub-section (9) of section 5 and under sub-section (1) of section 12;

(f) conditions subject to which a person may be appointed as a consulting engineer to the Central Board under sub-section (4) of section 12;

(g) the powers and duties to be exercised and performed by the chairman and the member-secretary of the Central Board;

²* * * * *

(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;

1. Subs. by Act 44 of 1978, s. 20, for clause (d) (w.e.f. 12-12-1978).

2. Clauses (h) and (i) omitted by s. 20, *ibid.* (w.e.f. 12-12-1978).

¹[(*l*) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 38;

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

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

²[(*mm*) the manner in which notice of intention to make a complaint shall be given to the Central Board or officer authorised by it under section 49;]

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

(*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, ³[before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

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

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

(*a*) the terms and conditions of service of the members (other than the chairman and the member-secretary) of the State Board under sub-section (8) of section 5;

(*b*) the time and place of meetings of the State Board or of any committee of that Board constituted under this Act and the procedure to be followed at such meeting, including the quorum necessary for the transaction of business under section 8 and under sub-section (2) of section 9;

(*c*) the fees and allowances to be paid to such members of a committee of the State Board as are not members of the Board under sub-section (3) of section 9;

(*d*) the manner in which and the purposes for which persons may be associated with the State Board under sub-section (1) of section 10 ⁴[and the fees and allowances payable to such persons];

(*e*) the terms and conditions of service of the chairman and the member-secretary of the State Board under sub-section (9) of section 5 and under sub-section (1) of section 12;

(*f*) the conditions subject to which a person may be appointed as a consulting engineer to the State Board under sub-section (4) of section 12;

(*g*) the powers and duties to be exercised and discharged by the chairman and the member-secretary of the State Board;

(*h*) the form of the notice referred to in section 21;

(*i*) the form of the report of the State Board analyst under sub-section (1) of section 22;

1. Subs. by Act 53 of 1988, s. 27, for clause (*l*) (w.e.f. 29-9-1988).

2. Ins. by s. 27, *ibid.* (w.e.f. 29-9-1988).

3. Subs. by Act 44 of 1978, s. 20, for certain words (w.e.f. 12-12-1978).

4. Ins. by s. 21, *ibid.* (w.e.f. 12-12-1978).

(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 23;

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

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

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

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

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

Md Imran Ahmad
True Copy

1. Subs. by Act 53 of 1988, s. 28, for clause (n) (w.e.f. 29-9-1988).

2. Ins. by s. 28, *ibid.* (w.e.f. 29-9-1988).