

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 134 OF 2015

**IN THE MATTER OF:-**

**FRIENDS THROUGH ITS  
GENERAL SECRETARY.**

.....APPLICANT(S)

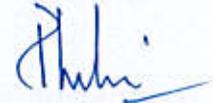
**VERSUS**

**MINISTRY OF WATER RESOURCES**

.....RESPONDENT(S)

**INDEX**

<b>S. NO.</b>	<b>PARTICULARS</b>	<b>PAGE NO.</b>
<b>1.</b>	<b>Compliance Report</b> on behalf of MoEF&CC in compliance to Hon'ble NGT Order dated 29.06.2021 in O.A. No.134/2015.	
<b>2.</b>	<b>ANNEXURE- I</b> A copy of Hon'ble NGT order dated 29.06.2021.	
<b>3.</b>	<b>ANNEXURE- II</b> A copy of Gazette Notification published on 04.10.2021.	



**(RITESH JOSHI)**

Scientist 'E'

MoEF&CC

Dated-27.10.2021

Place- New Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 134 OF 2015**

**IN THE MATTER OF:**

**FRIEND THROUGH ITS**

**GENERAL SECRETARY**

**.....APPLICANT(S)**

**VERSUS**

**MINISTRY OF WATER RESOURCES**

**..... RESPONDENT(S)**

**COMPLIANCE REPORT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,  
FOREST AND CLIMATE CHANGE-**

1. The Ministry of Environment, Forest and Climate Change (MoEF&CC), is engaged in, inter alia, policy formulation for abatement, control and prevention of pollution, prescribing environmental standards which are implemented through the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs).
2. That the Ministry vide 24.06.2021 has filed a status report via email requested to kindly grant further three months of time from the date of BIS FAD 30 next meeting for publication of notification on Water Purification System.
3. That the Hon'ble Tribunal vide order dated 29.06.2021 (**Annexure-I**) passed direction -  
*We direct the MoEF&CC to ensure further action positively before the next date irrespective of steps by any other department which may delay the matter for indefinite period, failing which the Tribunal will be left with no other option except to take coercive measures personally against the concerned officers. The Secretary MoEF&CC is directed to identify*

*the concerned dealing officers and put them to notice of this order. Their names be furnished to this Tribunal before the next date so that they can be made accountable for upholding public interest and the rule of law.*

4. That in compliance to Hon'ble Tribunal order dated 29.06.2021, the Ministry has published Gazette Notification vide number G.S.R. 724(E) dated 04.10.2021 on 'Regulation on use of Water Purification System' and uploaded on the Website of Ministry. **The copy of notification dated 04.10.2021 is annexed as Annexure- II.**

Item No. 02

(Court No.1)

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

(By Video Conferencing)

Original Application No. 134/2015

(With report dated 22.06.2021)

Friends through its General Secretary

Applicant

Versus

Ministry of Water Resources

Respondent

Date of hearing: 29.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Rahul Choudhary, Advocate

Respondent: Mr. Atin Shankar Rastogi, Advocate for MoEF&CC  
Mr. Raj Kumar, Advocate for CPCB  
Mr. Dileep Poolakkot, Advocate for R-5  
Ms. Sakshi Popli, Advocate for DJB**ORDER**

1. The issue for consideration is execution and enforcement of order of this Tribunal dated 20.5.2019, passed on consideration of an Expert Committee report dated 30.4.2019. The subject matter dealt with vide order dated 20.5.2019 is the permissibility of use of Reverse Osmosis (RO) system where Total Dissolved Solids (TDS) level is below a particular threshold and where RO system destroys minerals rendering use of RO treated water harmful for human health. Further question dealt with is preventing undue wastage of water rejected in the process.

2. Operative part of the order dated 20.5.2019 is reproduced below:

***"(i) The MoEF&CC may issue appropriate notification prohibiting use of RO where TDS in water is less than 500 mg/l and wherever RO is permitted, a requirement is laid down for recovery of water be more than 60%. Further provision be laid down for recovery of water upto 75% and use of such RO reject water for purposes such as utensil washing, flushing, gardening, cleaning of vehicles and floor mopping.***

***(ii) Appropriate directions in the matter may be issued. The Notification/Policy to be notified may also provide for a mechanism for public awareness about ill effects of demineralized water on public health and for effective enforcement requiring the concerned Local Bodies/Municipal Corporations/Municipalities/ Panchayats and institutions like Public Health Engineering Department (PHED)/ Jal Nigam / Jal Boards etc. be required to display water quality at regular intervals, particularly TDS concentration component by an appropriate mechanism.***

***(iii) Above regulatory regime may ensure regulating consumption and use of low TDS water by requiring manufacturers to maintain minimum TDS concentration to 150 mg/l or the minimum levels of calcium and magnesium.***

***(iv) Directions be issued for enforcement of Extended Producers Responsibility by the manufacturers for disposal of cartridges and membranes and requiring the manufacturers to provide proper labeling on the purifier specifying that the unit should be used if TDS is more than 500 mg/l. 3v) MoEF&CC may file an affidavit of compliance by e-mail at judicial-ngt@gov.in within one month.***

***(vi) The Expert Committee constituted by this Tribunal vide order dated 20.12.2018 along with Central Ground Water Authority may collect and provide data with regard to availability of ground water and its usage in 21 cities mentioned in the report of NITI Aayog and furnish a report to this Tribunal within one month by e-mail at judicial-ngt@gov.in. The said report may be placed in the file of O.A. No. 176/2015 which is listed on 04.07.2019."***

3. On appeal having been preferred against the above order, following order was passed by the Hon'ble Supreme Court on 22.11.2019 in Civil Appeal No. 8935-8937 of 2019, Water Quality India Association (WQIA) v. Friends & Ors.:

***"Having heard learned senior counsel appearing for the parties, we are of the view that since the appellant states that it has abundant material in its possession to point out to the Ministry before any notification is issued, it may do so within a period of 10 days from today.***

***The Ministry must consider this material together with all other material, before it arrives at any conclusion, which then ultimately is put in the form of the notification that has been ordered to be issued.***

***The civil appeal stands disposed of accordingly.”***

4. Thus, the Hon'ble Supreme Court did not interfere with the order of this Tribunal except for consideration of the material before issuance of notification. Unfortunately, even after two years the notification, as directed, has still not been issued for untenable reasons. Even today, further extension of time is sought for which we do not find any justification.

5. We may now give the background. The matter was being considered by this Tribunal since 2015. On 20.12.2018, having regard to the concern that the 80% of the potable water was being unnecessarily wasted and in absence of remineralization, use of RO system was resulting in adversely affecting health, an Expert Committee with the representatives from Ministry of Environment, Forest and Climate Change (MoEF&CC), Central Pollution Control Board (CPCB), Bureau of Indian Standard, IIT Delhi and NEERI was constituted. Based on the report dated 30.04.2019 by the said Expert Committee, this Tribunal, vide order dated 20.05.2019, held that where the TDS in the water was less than 500 mg/l, use of RO be prohibited. Wherever RO is to be permitted, condition of recovery of water to the extent of more than 60% be required. Further provision should be for enhancement of recovery of water upto 75% in phased manner in future and reuse thereof for permissible purposes. After passing order dated 20.5.2019, the matter was considered on 23.09.2019 and it was observed:-

***“The MoEF&CC has still not complied with the same and, instead, has filed an affidavit inter-alia as follows:***

*It is humbly prayed that in order to delineate the appropriate provisions for effective compliance of the Hon'ble NGT directions 8 months time is required which includes 4 months for Inter-ministerial, stakeholders consultation and finalization of draft notification, 2 months for wide circulation of draft notification for inviting public comments and 2 months for incorporation of public comments and thereafter finalization of the notification. Accordingly, the Hon'ble Tribunal may kindly grant 8 months time.*

*The above prayer appears to be unreasonable and delaying the matter to the detriment of public interest. Though the applicant suggests that delay will advance commercial interest of those benefitted by delay, we do not propose to go into such allegation in absence of any clear evidence. The fact remains that order of the Tribunal is based on report of Expert Committee which also comprised representative of MoEF&CC and is enforceable without permission of any other authority with penal consequences. Accordingly MoEF&CC may now issue the necessary notification in the light of direction already issued in accordance with the report of the Expert Committee and cover not only the subject of recovery of RO reject water in domestic and commercial use but also in industrial process.*

*With regard to the further direction requiring the Committee, along with Central Ground Water Authority (CGWA), to collect and provide data with regard to availability of groundwater and its usage in 21 cities mentioned in the report of NITI Aayog and furnish a report to this Tribunal, CPCB has, in their letter dated 01.08.2019, stated that CGWA is not furnishing the information in spite of being required to do so. Let the CGWA do the needful positively within one week failing which the Member Secretary of CGWA will be liable to pay Rs. 1 Lakh as costs. Further necessary report by the Expert Committee be furnished to this Tribunal within one month.7.*

*The Member Secretary, CGWA and the concerned Joint Secretary, MoEF&CC may remain present in person along with compliance reports on the next date."*

6. The matter was thereafter considered on 04.11.2019 in light of status report filed on behalf of MoEF&CC. The Joint Secretary, MoEF&CC was present in person in terms of order of this Tribunal dated 23.09.2019. The Tribunal found that there was no reason for non-compliance and delay was detrimental to public health and environment. It was further observed that coercive measures were called for. However, last opportunity was granted with further observation that coercive

measures may be taken on the next date. The operative part of the order is reproduced below:-

5. *Accordingly a status report as on 31.10.2019 has been filed on behalf of the MoEF&CC. Mr. Jigmet Tookpa, Joint Secretary and Mr. Sundeep, Scientist 'F' are present in person on behalf of MoEF&CC.*

6. *The status report filed by the MoEF&CC is as follows:-*

*"In order to ensure the compliance of the directions passed by the Hon'ble Tribunal the Ministry after having consultation with expert institutions like IIT BJS, NEERI, CPCB and examining the legal formalities the Ministry has asked CPCB to frame holistic policy for use of RO Technology in the Country and submit draft notification. However, the draft notification has not been received till date.*

*Further, it is submitted that after receiving the draft notification from CPCB, the same will be further examined by the Ministry on the aspects of Monitoring Mechanism for compliance of the notification, Institutional Framework for monitoring and implementation of the notification, identification of stakeholders and their roles and responsibilities for various functions, legal sanctity, etc. for consideration. As issuing notification is a policy related matter, comprises features of multi-dimensional in character which inter alia, include complex geographical spread, varied users i.e. commercial, residential, etc. Hence, region wise detailed consultation will be required before notification.*

*It is also submitted that in view of the intricacy of the matter a progress report on monthly basis will be submit by the Ministry before the Hon'ble Tribunal."*

7. *During the hearing, the officers present have not shown any valid reason for non-compliance beyond what is mentioned above which stand has no merit. As already noted, delay in compliance of order is causing harm to public health and environment in terms of expert committee report to which MoEF&CC is a party.*

8. *The above stand clearly shows failure of concerned Officers to comply with the directions of order of this Tribunal dated 20.05.2019. The said order is a binding decree under Section 25 of the National Green Tribunal, Act 2010 and the Officers of MoEF&CC are liable to be proceeded against for non-compliance. Section 26 provides for punishment by way of imprisonment for such failure.*

9. *Accordingly, we give last opportunity to comply with the directions already issued latest by 31.12.2019 failing which from 01.01.2020, the concerned officer(s) in-charge in MoEF&CC for carrying out the directions of this Tribunal will not be entitled to draw salary till the order of this*

**Tribunal is complied. Further coercive measures may be considered on the next date.**

10. A copy of this order be also sent to the Secretary, MoEF&CC for compliance by e-mail.

11. We note that CGWA has given the requisite data to CPCB and CPCB has filed its report on the subject of checking wastage of ground water and connected issue. This aspect will be gone into in O.A. No. 176/2019 fixed for hearing on 28.11.2019.

7. In spite of above, when the matter was taken up on 10.01.2020, prayer was made for granting further four months' time on the ground of procedures to be followed. The Tribunal directed that further action be completed within two months and compliance report be filed. Thereafter, the matter was taken up on 13.07.2020 when more time was sought on the ground of lockdown.

8. The matter has been now taken up after almost one year of the last order and after almost two years of the original order dated 20.05.2019. The status report filed by the MoEF&CC on 22.06.2021 mentions constitution of certain Committees and taking of certain procedural steps and prays as follows:-

***"Due to COVID-19 pandemic the Ministry is working 50 per cent strength and it is requested to kindly grant further three months of time from the date of BIS FAD 30 next meeting for publication of notification on Water Purification System. It is also submitted that this Ministry will submit a compliance-cum-status report on the progress made on regular basis before the Hon'ble Tribunal."***

9. The applicant has opposed the stand of the MoEF&CC. It is submitted that there is no intention of the MoEF&CC to comply with the orders of this Tribunal. No further timeline has been mentioned. Period of three months is made dependent upon publication of some Notification by the BIS for which no date is mentioned. It is also pointed out that

proposed Notification is non-compliant with the orders of this Tribunal as shown by the following table:

<p><i>Recommendations of the committee (that were accepted by Hon'ble Tribunal) and directions passed by the Hon'ble Tribunal, vide order dated 20.05.2019</i></p>	<p><i>Provisions of the Draft Notification issued by the Ministry of Environment Forest and Climate Change dated 03.02.2020</i></p>
<p><i>Recommendations</i>  ii. Water purifier market shall be classified based on the TDS level of water being supplied /available in the area so that right technology / product may be deployed based on the input water TDS.</p> <p><i>Directions of the Tribunal</i>  "The MoEF&amp;CC may issue appropriate notification prohibiting use of RO where TDS in water is less than 500 mg/l and wherever RO is permitted, a requirement is laid down for recovery of water be more than 60%.</p>	<p><i>C. REGULATION ON USE OF MEMBRANE BASED WATER PURIFICATION SYSTEM (MWPS)</i>  1. Installation or use of MWPS shall be prohibited, at the Point of Use or at the Point of Entry for purification of supplied water which is subjected to conventional flocculation, filtration and disinfection process or is from any sources which are in compliance with acceptable limit for drinking water prescribed by Bureau of Indian Standard 10500:2012 - Drinking Water Specification, provided</p> <p><i>No explicit mention that the water purification system should be based on TDS level and that the TDS level should be less than 500.</i></p>
<p><i>Recommendations</i>  "Concerned Local Body like Public Health Engineering Department (PHED)/ Jal Nigam/ Municipal Corporations/ Jal/ Board/ Municipalities, as the case may be, shall inform consumers about water sources and quality including TDS concentration of water being supplied through billing instrument. This must be made mandatory.</p> <p><i>Directions of the Tribunal</i>  Appropriate directions in the matter may be issued. The Notification/Policy to be notified may also provide for a mechanism for public awareness about ill effects of demineralized water on public health and for effective enforcement requiring the concerned Local Bodies/Municipal Corporations/Municipalities/Panchayats and institutions like Public Health Engineering</p>	<p><i>6. State Pollution Control Boards</i>  .....iv. Shall create public awareness through advertisement, publication, posters or by other means with regard to the followings: (a) Suitability of MWPS for purification of water in quality terms (b) Judicious use of MWPS water (c) Potential use of Reject water from MWPS (d) Responsibility of consumer or user to return the used or discarded element only to dealers of deliver at designated collection centres (e) Address of dealers and designated collection centres.</p> <p><i>8. Central Pollution Control Board</i>  .....iii. Shall create public awareness through advertisement, publication, posters or by other means with regard to the followings: (a) Suitability of MWPS for purification of water in quality terms (b) Judicious use of MWPS</p>

<p>Department (PHED)/ Jal Nigam / Jal Boards etc. be required to display water quality at regular intervals, particularly TDS concentration component by an appropriate mechanism.</p>	<p>water (c) Potential use of Reject water from MWPS (d) Responsibility of consumer or user to return the used or discarded element only to dealers of deliver at designated collection centres (e) Address of dealers and designated collection centres.</p> <p>No mention as to ill effects of demineralized water and display of water quality at regular intervals particularly TDS</p>
<p>Directions of the Tribunal iii. Above regulatory regime may ensure regulating consumption and use of low TDS water by requiring manufacturers to maintain minimum TDS concentration to 150 mg/l or the minimum levels of calcium and magnesium.</p>	<p>That no mention of the consumption and use of low TDS water by requiring manufacturers to maintain minimum concentration of 150mg/l. That the Notification explicitly fails to mention the minimum levels of Calcium /magnesium.</p> <p>It is also noteworthy to mention that the FSSAI has also set the minimum standards for Calcium (Ca) and Magnesium (Mg) in Drinking Water as 20 mg/l and 10 mg/l respectively, vide Notification dated 30.10.2019, titled "The Food Safety and Standards (Food Products Standards and Food Additives) fourth Amendment Regulations, 2019".</p>

10. Further submissions of the applicant by way of response filed on 10.07.2020 are reproduced below:

- I. That with respect to the clause "Applicability" given in the draft Notification, it is submitted that the Hon'ble Tribunal had directed specifically with regard to Reverse Osmosis (RO) Water Purification System, but the draft notification has only come up with the term Membrane Based Water Purification System (MWPS). That the Hon'ble Tribunal final Notification to explicitly use the word "Reverse Osmosis (RO)" along with MWPS in compliance with the directions of the Hon'ble Tribunal.
- II. That with respect to the "environmentally sound management of discarded element" under "ix" of the Definition clause, It is submitted that the disposal of the parts like Membranes/Cartridges/Media etc. Contain deposits of hazardous and harmful things like heavy metals, chemicals, pesticides and Radio Active substances like Uranium depending upon the location of installation. Therefore the disposal of the same should be in accordance with the CPCB

*Hazardous waste Management Rules, 2016, instead of Plastic Waste Management Rules, 2016.*

- III. *That as per the recommendation of the Expert Committee Report, provisions should be made by the Water Purifier manufacturers for online digital display of the instant TDS concentration of treated water and this may also be mentioned in the final Notification.*
- IV. *The Expert Committee Report recommends that RO reject with TDS concentration can be used for utensils washing, flushing, gardening, and cleaning of vehicles and floor mopping if the TDS level in it is below 2100 mg /l In view of this, the Zero Liquid Discharge norm may be made mandatory in all types of RO systems if the TDS level of the RO reject is more than 2100 mg/l as it may be harmful and hazardous, and the same may kindly be directed to be included in the final Notification.*
- V. *That with Respect to the Schedule, the Hon'ble Tribunal may kindly direct the following:*
- a. *The definition of the inlet water quality should be changed in compliance with the directions passed by the Hon'ble Tribunal in the present matter on 20/05/2019, that is, if the TDS level of the inlet water is less than 500 mg/l, the RO systems — whether domestic or commercial — shall not be used.*
- b. *The compliance dates and recovery efficiency mentioned in the Schedule should also be changed as follows:*

Class	Recovery efficiency of permeates with compliance dates
Domestic Category	>60%- with the Commencement Notification >75%- 5 <sup>th</sup> June 2021 Almost 100 % or to conform to the Zero Liquid Discharge, within three years from the date of final Notification.
Commercial Category	>80%- with the Commencement Notification >90%- 5 <sup>th</sup> June 2021 Reject from RO purifier may further be fed to evaporator to achieve Zero Liquid discharge (ZLD)
Industrial Category	>85%- with the Commencement Notification >90%- 5 <sup>th</sup> June 2021 Reject from RO purifier may further be fed to evaporator to Achieve Zero Liquid discharge (ZLD).

11. Learned Counsel for the applicant submits that by deliberately delaying compliance of directions of this Tribunal, affirmed by the Hon'ble Supreme Court, the MoEF&CC is in contempt of the Hon'ble Supreme Court also. Further, delay is merely advancing commercial interest of RO companies at the cost of public interest and the rule of law.

12. While it is for the applicant to take contempt proceedings for violation of the order of the Hon'ble Supreme Court for which we do not express any view, it is difficult to reject the stand of the applicant that there is gross unexplained delay in compliance of order of this Tribunal which has attained finality and delay is prejudicing the public interest and the rule of law. The spirit of the order of the Hon'ble Supreme Court, in giving only ten days' time to the appellant for objections, was that the appropriate Notification will be issued within a reasonable time. The compliance was not to be left to any other department as is being done. It was not expected that MoEF&CC will take years in finalizing the matter. Thus, seeking repeated adjournments and extensions is against the letter and spirit of the direction of the Hon'ble Supreme Court mentioned above and against the rule of law.

13. It may be noted that high TDS requiring RO is found in ground water. Considering huge wastage of water as rejects in the use of RO, such use merely advancing commercial interests need at the cost of loss of valuable water which needs to be checked. This purpose is defeated by inordinate delay by MoEF&CC. This amounts to acting against the interest of the environment. Instead of permitting ROs, conductivity and TDS in water can be regulated and controlled by coordination of concerned regulators - MoJS with agencies supplying water like PHED/Water Supply and Sewerage/Municipal Body/ Jal Nigam etc.

saving huge amount of water which is being unduly wasted in the process of use of ROs against public interest.

14. Accordingly, we direct the MoEF&CC to ensure further action positively before the next date irrespective of steps by any other department which may delay the matter for indefinite period, failing which the Tribunal will be left with no other option except to take coercive measures personally against the concerned officers. The Secretary MoEF&CC is directed to identify the concerned dealing officers and put them to notice of this order. Their names be furnished to this Tribunal before the next date so that they can be made accountable for upholding public interest and the rule of law.

List for further consideration on 29.10.2021.

A copy of this order be forwarded to the Secretaries, MoEF&CC and MoJS by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 29, 2021  
Original Application No. 134/2015  
SN



सत्यमेव जयते

# भारत का राजपत्र

## The Gazette of India

सी.जी.-डी.एल.-अ.-09102021-230296  
CG-DL-E-09102021-230296

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 582]  
No. 582]

नई दिल्ली, शुक्रवार, अक्टूबर 8, 2021/आश्विन 16, 1943  
NEW DELHI, FRIDAY, OCTOBER 8, 2021/ASVINA 16, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 4 अक्टूबर, 2021

सा.का.नि. 724(अ).— माननीय राष्ट्रीय हरित अधिकरण (एनजीटी) ने "महासचिव के माध्यम से मित्र बनाम जल संसाधन मंत्रालय" शीर्षक वाले ओ.ए.सं. 134/2015 मामले में तारीख 20 मई, 2019 के आदेश द्वारा पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (एमओईएफ एंड सीसी) को निदेश दिया था कि वह रिवर्स ऑस्मोसिस आधारित जल शुद्धिकरण प्रणाली के समुचित उपयोग के संबंध में विनियम बनाए;

और, भारत के माननीय उच्चतम न्यायालय ने "जल गुणवत्ता भारत संघ बनाम मित्र एवं अन्य" शीर्षक वाले वर्ष 2019 के सिविल अपील डायरी सं. 37657 के मामले में तारीख 22 नवम्बर, 2019 के आदेश द्वारा पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को निम्नवत् निदेश दिया था:-

"किसी निष्कर्ष पर पहुंचने से पहले, जिसे अंततोगत्वा उस अधिसूचना के रूप में लाना है जिसे जारी किए जाने का आदेश दिया गया है, मंत्रालय इस तथ्य पर अन्य सभी तथ्यों के साथ निश्चित तौर पर विचार करना चाहिए";

और, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय ने भारत के माननीय उच्चतम न्यायालय के निदेशों के अनुपालन में जल गुणवत्ता भारत संघ द्वारा उपलब्ध कराए गए तथ्यों/औचित्य पर विचार किया और तारीख 18 नवम्बर, 2019 के कार्यालय ज्ञापन द्वारा रिवर्स ऑस्मोसिस आधारित जल शुद्धिकरण प्रणाली के समुचित उपयोग से संबंधित विनियम के संबंध में प्रारूप अधिसूचना की समीक्षा करने के लिए तकनीकी समिति का गठन किया;

और, रिवर्स ऑस्मोसिस आधारित जल शुद्धिकरण प्रणाली के समुचित उपयोग के संबंध में तकनीकी समिति के साथ परामर्श करके तैयार किए गए विनियम से संबंधित प्रारूप अधिसूचना को व्यापक परिचालन के लिए तथा टिप्पणियां आमंत्रित करने के लिए पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की वेबसाइट पर अपलोड किया गया, और प्रारूप अधिसूचना के संबंध में अनेक टिप्पणियां प्राप्त हुईं और यह देखा गया कि भौगोलिक और स्रोत उपलब्धता, उपभोक्ता की गुणवत्ता अपेक्षाओं, तकनीकी एवं आर्थिक व्यवहार्यता संबंधी सीमा, विनियामक अनुपालन और स्वास्थ्य संबंधी मुद्दों की दृष्टि से जल की गुणवत्ता में परिवर्तन होता है;

और, भारतीय मानक ब्यूरो (बीआईएस) द्वारा रिवर्स ऑस्मोसिस (आरओ) आधारित प्वाइंट ऑफ यूज (पीओयू) जल शोधन प्रणाली के लिए आईएस मानक (आईएस 16240:2015 तैयार किया गया है और आरओ आधारित जल शोधन मशीन के लिए उसके प्रकार के अनुमोदन का उपाबंध किया गया है।

अतः अब केन्द्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. (1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) 115 संशोधन नियम, 2021 है।  
(2) इन नियमों में अन्यथा उपबंधित के सिवाए, वे राजपत्र में प्रकाशन की तारीख से अठारह माहों की अवधि के समाप्त होने पर प्रवृत्त होंगे।
2. पर्यावरण (संरक्षण) नियम, 1986 में, अनुसूची-1 में, क्रम संख्या 114 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित को अंतःस्थापित किया जाएगा, अर्थात्:-

**"115 जल शुद्धिकरण प्रणाली (डब्ल्यूपीएस) के उपयोग के संबंध में विनियम**

**1. परिभाषा.-**

- (i) "भारतीय मानक ब्यूरो (बीआईएस)" का भारतीय मानक ब्यूरो से अभिप्रेत है, जो उपभोक्ता मामले, खाद्य और जन-वितरण मंत्रालय, भारत सरकार का राष्ट्रीय मानक निकाय है;
- (ii) "केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी)" का केन्द्रीय प्रदूषण नियंत्रण बोर्ड से अभिप्रेत है, जिसे जल (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 (1974 का 6) के उपाबंध के तहत गठित किया गया है;
- (iii) "परित्यक्त तत्व" से अभिप्रेत है वह तत्व है जिसे या तो विनिर्माण की त्रुटियों, टूट-फूट, उपादेयता संबंधी विशेषताओं की कमी के कारण त्याग कर दिया गया है या घरेलू जल शुद्धिकरण प्रणाली से हटा दिया गया है या

जिसके उपयोग की अवधि समाप्त हो गई है, या जिसे अभिकल्पित मापदंड पर कार्यशील न होने के कारण प्रतिस्थापित किया गया है;

- (iv) **"विनिर्माता"** से अभिप्रेत है जिसमें, कंपनी अधिनियम, 2013 (2013 का 18) में यथा-परिभाषित कोई व्यक्ति, या कोई इकाई या कोई कंपनी अथवा कारखाना अधिनियम, 1948 (1948 का 63) में यथा परिभाषित कोई कारखाना अथवा सूक्ष्म, लघु और मध्यम आकार के उद्यम विकास अधिनियम, 2006 (2006 का 27) में यथा परिभाषित लघु और मध्यम आकार के उद्यम हैं, जिनमें फिल्टरों के निर्माण और संयोजना की सुविधाएं हैं;
- (v) **"उपयोग का स्थान (पीओयू)"** से अभिप्रेत है जो उपयोग के स्थान के नजदीक जल शुद्धिकरण प्रणाली का स्थान और किसी एक नल या कई नलों, जैसे रसोई के सिंक के नल अथवा किसी अतिरिक्त नल में सीधे पानी भेजना है;
- (vi) **"खराब जल"** से अभिप्रेत है जो डब्ल्यूपीएस से निकलने वाला पानी है और जिसे तंत्र द्वारा शोधित किया गया नहीं माना जाता है;
- (vii) **"राज्य प्रदूषण नियंत्रण बोर्ड अथवा प्रदूषण नियंत्रण समितियां"** से जल (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 (1974 का 6) के प्रावधान के अंतर्गत गठित राज्य के लिए यथास्थिति राज्य प्रदूषण नियंत्रण बोर्ड अथवा संघ राज्य क्षेत्र के मामले में प्रदूषण नियंत्रण समिति, हो, से अभिप्रेत है;
- (viii) **"प्रकार अनुमोदन"** से अभिप्रेत है ऐसा कोई उत्पाद जो विनियामक, तकनीकी और सुरक्षात्मक आवश्यकताओं की न्यूनतम श्रेणी को पूरा करता है, के लिए अनुरूपता प्रमाणपत्र और जो उत्पाद को बिक्री की अनुज्ञा दिए जाने से पहले अपेक्षित है;
- (ix) **"देशी जल शुद्धिकरण तंत्र (डीडब्ल्यूपीएस)"** से अभिप्रेत है ऐसा उपस्कर या युक्तियां जिसमें 25 लीटर प्रति घंटे की क्षमता वाले रिवर्स ऑसमोसिस पर आधारित उपयोग के स्थान (पीओयू) पर उपलब्ध जल शोधन तंत्र शामिल है, जो पानी के कुल घुलनशील ठोस (टीडीएस) को कम करता है, रासायनिक संदूषण को सुरक्षित स्तर तक कम करता है और उपयोग के स्थान पर सूक्ष्म जैविक अशुद्धियों सहित भौतिक कणों को हटाता है;
- (x) **"देशी जल शुद्धिकरण तंत्र के अलावा अन्य कोई (ओडीपीडब्ल्यूएस)"** से अभिप्रेत अर्थ है ऐसा उपस्कर या युक्तियां जिसमें रिवर्स ऑसमोसिस पर आधारित जल शोधन तंत्र शामिल है, जो जल के कुल घुलनशील ठोस (टीडीएस) को कम करता है, रासायनिक संदूषण को सुरक्षित स्तर तक कम करता है तथा पीओयू पर सूक्ष्म जैविक अशुद्धियों सहित भौतिक कणों को हटाता है;
- (xi) **"जल आपूर्ति अभिकरण"** से अभिप्रेत – जो लागू कानून के कानूनी उपबंध के कारण उत्पन्न, व्यावसायिक या अनिवार्य जिम्मेदारी के आधार पर किसी दिए गए भौगोलिक क्षेत्र में जल के शोधन, वितरण और/अथवा आपूर्ति में लगी हुई कोई इकाई, संगठन, राज्य सरकार का विभाग, स्थानीय शहरी निकाय, सार्वजनिक या प्राइवेट सेक्टर की इकाइयां से अभिप्रेत है;

2. **उपयोग संबंधी विनियमन** - (1) डीडब्ल्यूपीएस और ओडीडब्ल्यूपीएस के सभी उपयोगकर्ता, केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी दिशा-निर्देशों का अनुपालन करेंगे।

(2) केंद्रीय प्रदूषण नियंत्रण बोर्ड द्वारा पर्यावरण (संरक्षण) 115 संशोधन नियम, 2021 के प्रकाशन की तारीख से छः महीनों की अवधि के भीतर डीडब्ल्यूपीएस और ओडीडब्ल्यूपीएस से उत्पन्न परित्यक्त की हैंडलिंग, भंडारण, प्रबंधन और उपयोग के लिए दिशा-निर्देश प्रकाशित किए जाएंगे।

(क) **डीडब्ल्यूपीएस :-**

- (i) सभी विनिर्मित, आयातित, उत्पादित या संयोजित किए गए डीडब्ल्यूपीएस पर भारतीय मानक ब्यूरो (अनुरूपता आकलन) विनियमन, 2018 की स्कीम-I, अनुसूची-II के अंतर्गत समय-समय पर यथा-संशोधित भारतीय मानक आईएस-16240 के अनुसार, भारतीय मानक ब्यूरो के अनुज्ञप्ति के तहत मानक चिन्ह दर्शित करना होगा।
- (ii) डीडब्ल्यूपीएस से परित्यक्त तत्वों का प्रबंधन, समय-समय पर यथा-संशोधित प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016; ई-अपशिष्ट (प्रबंधन) नियम, 2016; खतरनाक अपशिष्ट प्रबंधन नियम, 2016 के उपाबंध के अनुसार किया जाएगा और परित्यक्त तत्वों के रूप में उत्पन्न प्लास्टिक, इलेक्ट्रॉनिक और इलेक्ट्रिकल अपशिष्ट को विस्तारित उत्पादक उत्तरदायित्व (ईपीआर) के अंतर्गत लाया जाएगा।

(ख) **ओडीडब्ल्यूपीएस -**

- (i) जल (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 (1974 का 6) और पर्यावरण (संरक्षण) अधिनियम, 1986 के तहत बने विभिन्न नियमों के उपाबंधों के अंतर्गत विनियमित होगा।
- (ii) कार्यान्वयन के लिए नोडल अभिकरण मामले के अनुसार, यथास्थिति राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समिति होगा।

3. **उत्तरदायित्व**

(क) **डीडब्ल्यूपीएस**

(क) **विनिर्माता**

- (i) विनिर्माता पर्यावरण (संरक्षण) 115 संशोधन नियम, 2021 के प्रकाशन की तारीख से अठारह महीनों की अवधि के भीतर भारतीय मानक ब्यूरो (अनुरूपता आकलन) विनियमन, 2018 की स्कीम-I, अनुसूची-II के तहत भारतीय मानक आईएस 16240 (समय-समय पर यथासंशोधित) के अनुसार भारतीय मानक ब्यूरो से अनुज्ञप्ति के तहत मानक चिह्न अभिप्राप्त करेगा।
- (ii) डीडब्ल्यूपीएस से परित्यक्त किए गए तत्वों को विनिर्माता द्वारा समय-समय पर संशोधित किए गए प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016; ई-अपशिष्ट (प्रबंधन) नियम, 2016; खतरनाक अपशिष्ट प्रबंधन नियम, 2016 के उपाबंध के अनुसार प्रबंधित किया जाएगा और निष्कासित किए गए तत्वों के रूप में उत्सर्जित प्लास्टिक, इलेक्ट्रॉनिक और इलेक्ट्रिकल अपशिष्ट को उत्पादक के विस्तारित उत्तरदायित्व (ईपीआर) के तहत शामिल किया जाएगा।

- (iii) पैरा 2. के खंड (क) के उप-खंड (ii) के अनुसार विनिर्माता द्वारा डीडब्ल्यूपीएस को बीआईएस प्रमाणन के बिना नहीं बेचा जाएगा।
- (iv) विनिर्माता केन्द्रीय प्रदूषण नियंत्रण बोर्ड को यथास्थिति आगे प्रस्तुत करने के लिए अगले वित्तीय वर्ष के अधिकतम 30 नवम्बर तक मामले के अनुसार एसपीसीबी या पीसीसी को अनुपालन रिपोर्ट प्रस्तुत करेगा।

#### (ख) केन्द्रीय प्रदूषण नियंत्रण बोर्ड

- (i) इस पैरा के उपाबंधों के कार्यान्वयन के केन्द्रीय प्रदूषण नियंत्रण बोर्ड नोडल अभिकरण होगा।
- (ii) केन्द्रीय प्रदूषण नियंत्रण बोर्ड, पर्यावरण (संरक्षण) 115 संशोधन नियम, 2021 के प्रकाशन भी तारीख से छः महीनों की अवधि के भीतर डीडब्ल्यूपीएस से उत्सर्जित अस्वीकृत जल के प्रबंधन, भंडारण, उपयोग और निपटान के लिए दिशानिर्देशों को तैयार और उन्हें प्रकाशित करेगा।
- (iii) केन्द्रीय प्रदूषण नियंत्रण बोर्ड विज्ञापन, प्रकाशनों, पोस्टरों या संचार के अन्य माध्यमों के द्वारा जन जागरूकता सृजित करेगा।
- (iv) केन्द्रीय प्रदूषण नियंत्रण बोर्ड इन उपाबंधों के कार्यान्वयन की निगरानी करेगा।

(ग) **उपयोगकर्ता:** उपयोगकर्ता यथा लागू, डीडब्ल्यूपीएस या ओडीडब्ल्यूपीएस, से उत्पन्न परित्यक्त जल के प्रबंधन, भंडारण, उपयोग और निपटान के लिए केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी किए गए दिशानिर्देशों का अनुपालन करेगा।

(घ) **बीआईएस:** भारतीय मानक ब्यूरो उपलब्ध प्रौद्योगिकी, तदनुरूपी पुनर्प्राप्ति की सक्षमता और आउटपुट जल की गुणवत्ता की विश्वसनीयता को ध्यान में रखते हुए डीडब्ल्यूपीएस के लिए लागू मानक कोड (आईएस 16240) को तैयार या संशोधित करेगा।

#### 4. ओडीडब्ल्यूपीएस

##### (क) उपयोगकर्ता :

- (i) उपयोगकर्ता राजपत्र में पर्यावरण (संरक्षण) 115 संशोधन नियम, 2021 के प्रकाशन की तारीख से छः महीनों की अवधि के भीतर, पर्यावरण (संरक्षण) अधिनियम, 1986 के तहत बनाए गए उपाबंधों या नियमों के अनुसार रजस्ट्रीकरण प्रदान करने के लिए, राज्य प्रदूषण नियंत्रण बोर्ड या प्रदूषण नियंत्रण समितियों, मामले के अनुसार को प्राधिकार के लिए आवेदन करेगा और उनमें निर्धारित की गई शर्तों का अनुपालन करेगा।
- (ii) उपयोगकर्ता, जल (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 और पर्यावरण (संरक्षण) अधिनियम, 1986 के तहत बनाए गए नियमों के उपाबंधों के अधीन प्रचालन करेगा। बशर्ते कि इस पर्यावरण (संरक्षण) 115वां संशोधन नियम, 2021 के प्रकाशन की तारीख को या उससे पहले से प्रचालन कर रही संस्थापनाएं, इस पर्यावरण (संरक्षण) 115वां संशोधन नियम, 2021 के तारीख से छः माह की

अवधि के भीतर संबंधित राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति को प्रचालन के लिए, अनुज्ञा जहां भी लागू हो, के लिए आवेदन करेंगे।

**(ख) राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति**

- (i) राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, यथास्थिति, सुनिश्चित करेगा/करेगी कि सभी ओडीडब्ल्यूपीएस को जल (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 (1974 का 6) और पर्यावरण (संरक्षण) अधिनियम, 1986 के अंतर्गत बनाए गए नियमों के उपबंधों के अधीन विनियमित किया जाए।
- (ii) राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, यथास्थिति प्लास्टिक अपशिष्ट प्रबंधन नियम, 2016 और ई-अपशिष्ट (प्रबंधन) नियम, 2016 के उपबंधों के अनुसार, ओडीडब्ल्यूपीएस के विनिर्माताओं और आयातकों को रजस्ट्रीकृत करेगा/करेगी।
- (iii) राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, यथास्थिति विज्ञापन, प्रकाशन, पोस्टर या संचार के अन्य माध्यमों से जन जागरूकता उत्पन्न करेगा/करेगी।
- (iv) राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, यथास्थिति हो, इन उपबंधों के कार्यान्वयन की निगरानी करेगा/करेगी।
- (v) राज्य प्रदूषण नियंत्रण बोर्ड/प्रदूषण नियंत्रण समिति, यथास्थिति सीपीसीवी को आगामी वित्तीय वर्ष के 15 दिसम्बर से पहले-पहले अनुपालन रिपोर्ट प्रस्तुत करेगा/करेगी।

**(ग) केंद्रीय प्रदूषण नियंत्रण बोर्ड**

- i. केंद्रीय प्रदूषण नियंत्रण बोर्ड, एसपीसीवी या पीसीसी से प्राप्त वार्षिक रिपोर्टों को आगामी वित्तीय वर्ष के 30 दिसम्बर से पहले-पहले पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को प्रस्तुत करने हेतु समेकित करेगा।

4. सामान्य शर्तें – (1) पीने योग्य पानी की आपूर्ति के कार्य में लगे जल आपूर्ति अभिकरण (डब्ल्यूएसए), संबंधित स्थानीय निकाय जैसे कि जन स्वास्थ्य इंजीनियरी विभाग (पीएचईडी), जल निगम, नगर निगम, जल बोर्ड, नगर पालिका, प्राइवेट और पब्लिक सेक्टर के अभिकरण, बिल प्राप्ति उपकरणों के माध्यम से और समाचार पत्रों में सार्वजनिक विज्ञापन और जन संपर्क के अन्य साधनों के माध्यम से भी आपूर्ति किए जा रहे जल के कुल घुलनशील ठोस (टीडीएस) सांद्रण सहित जल संसाधनों और जल की गुणवत्ता के बारे में उपभोक्ताओं को नियमित आधार पर सूचित करेंगे।

(2) प्रत्येक डीडब्ल्यूपीएस उत्पाद पर निम्नलिखित अपेक्षाओं को पूरा करने वाला अनुरूपता लेबल चिपकाया जाएगा, अर्थात :-

क. यह लेबल टिकाऊ और सुपाठ्य होगा।

ख. यह लेबल उत्पाद के सामान्य प्रचालन के लिए आवश्यक भाग पर चिपकाया जाएगा जिसे उत्पाद की उपयोग अवधि के दौरान सामान्यतया बदलवाने की आवश्यकता न पड़े।

(3) अनुरूपता लेबल में निम्नलिखित सूचना समाविष्ट होगी, अर्थात :-

क. उत्पाद के यथास्थिति विनिर्माता या संयोजनकर्ता, हो, का नाम और पता।

ख. कथन कि उत्पाद पर्यावरण (संरक्षण) नियम, 1986 के अनुरूप है।

ग. प्रकार के अनुमोदन प्रमाण पत्र की संख्या

घ. उत्पाद के विनिर्माण की तारीख या आयात के मामले में, उत्पाद के आयात की तारीख; और

ङ. श्रेणीकृत पुनःप्राप्ति दक्षता और तदनुरूप परित्यक्त जल उत्पत्ति।

(4) इन उपबंधों के कार्यान्वयन में किसी प्रकार का विवाद या समस्या होने पर, उस मामले को नोडल अभिकरण को अग्नेपित किया जाएगा।

(5) नोडल अभिकरण, अखंडता और पुनः प्राप्ति दक्षता आकलन संबंधी मुद्दों पर कार्यवाही करने और विवादों, यदि कोई हो, के निपटान सहित इन उपबंधों के कार्यान्वयन से संबंधित सभी मामलों के संबंध में सलाह देने के प्रयोजन से एक स्थायी समिति का गठन करेगा।

[फा.सं . क्यू-17012/1/2019-सीपीडब्ल्यू]

नरेश पाल गंगवार, संयुक्त सचिव

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में संख्या का.आ. 844(अ), तारीख 19 नवम्बर, 1986 के द्वारा प्रकाशित किए गए थे और इनमें गत संशोधन अधिसूचना संख्या सा.का.नि. 952(अ), तारीख 26 दिसम्बर, 2019 के द्वारा किया गया था।

## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 4th October, 2021

**G.S.R. 724(E).—WHEREAS**, Hon'ble National Green Tribunal in the matter of O.A. no.134/ 2015 titled "Friends through its General Secretary vs Ministry of Water Resources" vide order dated the 20<sup>th</sup> May, 2019 directed the Ministry of Environment, Forest and Climate Change (MoEF&CC) to come out with Regulation on Appropriate Use of Reverse Osmosis Based Water Purification System;

**AND WHEREAS**, Hon'ble Supreme Court of India in the matter of Civil Appeal Diary No. 37657 of 2019 titled "Water Quality India Association vs Friends & Ors" vide order dated the 22<sup>nd</sup> November, 2019 directed MoEF&CC as follows: -

*"The Ministry must consider this material together with all other material, before it arrives at any conclusion, which then ultimately is put in the form of the notification that has been ordered to be issued"* ;

**AND WHEREAS**, MoEF&CC in compliance to the directions of Hon'ble Supreme Court of India considered the material / justification provided by the Water Quality India Association and vide Office Memorandum

dated the 18<sup>th</sup> November, 2019 constituted Technical Committee to review the draft notification on Regulation on Appropriate Use of Reverse Osmosis Based Water Purification System;

**AND WHEREAS**, draft notification on Regulation on Appropriate Use of Reverse Osmosis Based Water Purification System prepared in consultation with Technical Committee was uploaded on MoEF&CC's website for wider circulation and inviting comments, and numerous comments were received on the draft notification and it was observed that there is variation in water quality with respect to geographical and source availability, consumer quality requirements, limitation on techno-economic feasibility, regulatory compliances and health issues;

**AND WHEREAS**, Bureau of Indian Standards (BIS) has developed IS standard (IS 16240: 2015) for Reverse Osmosis (RO) based Point of Use (PoU) Water Treatment System and providing Type approval for RO based Water Purifier.

Now, therefore, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Act, 1986, namely:—

1. (1) These rules may be called the Environment (Protection) 115 Amendment Rules, 2021.
- (2) Same as otherwise provided in these rules, they shall come into force on expiry of period of eighteen months from the date of their publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986, in Schedule – I, after serial number 114 and the entries relating thereto, the following shall be inserted, namely: –

**“115 Regulation on Use of Water Purification System (WPS)**

**1. Definition. –**

- (i) **“BIS”** means the Bureau of Indian Standard which is the national Standards Body of India working under the aegis of the Ministry of Consumer Affairs, Food and Public Distribution, Government of India;
- (ii) **“CPCB”** means the Central Pollution Control Board constituted under the provision of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (iii) **“Discarded element”** means element which is discarded or removed from the Domestic Water Purification System due to either manufacturing defects, wear, tear, loss of its utility attributes or achieved its end of life usability, or is replaced due to non-functioning at designed parameter;
- (iv) **“Manufacturer”** means a person or an entity or a company as defined in the Companies Act, 2013 (18 of 2013) or a factory as defined in the Factories Act, 1948 (63 of 1948) or Small and Medium Enterprises as defined in Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), which has facilities for manufacturing or assembling of filters;
- (v) **“Point of use (PoU)”** means location of water purification system close to the use point and deliver directly to a single tap or multiple tap such as a kitchen sink faucet or an auxiliary faucet;
- (vi) **“Reject water”** means water coming out of WPS and not considered as treated by the system;
- (vii) **“SPCB or PCC”** means State Pollution Control Board for State or Pollution Control Committee in case of Union territory, as the case may be, constituted under the provision of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (viii) **“Type approval”** means certificate of conformity to a product that meets a minimum set of regulatory, technical and safety requirements, and is required before the product is allowed to be sold;
- (ix) **“Domestic Water Purification System (DWPS)”** means equipment or devices, which involves Reverse Osmosis based Point of Use (PoU) water treatment system with a capacity of up to 25 litres per hour that reduces Total Dissolved Solids (TDS) of water, reduces chemical contamination to safe level and removes physical particles including microbiological impurities at PoU;
- (x) **“Other than Domestic Water Purification System”(ODPWS)** means equipment or devices, which involves Reverse Osmosis based water treatment system that reduces Total Dissolved Solids (TDS) water, reduces chemical contamination to safe level and removes physical particles including microbiological impurities at PoU;

- (xi) "*Water Supply Agency*" means any entity, organisation, Department of State Government, local urban bodies, public or private sector entities engaged in treatment, distribution or supply or both of water in a given geographical area on commercial or obligatory responsibility basis arising due to statutory provision of applicable law.

**2. Regulation on use.**— (1) All users of DWPS and ODWPS shall comply with the guidelines issued by CPCB.

(2) A guideline shall be published by the Central Pollution Control Board for handling, storage, management and utilisation of reject generated from DWPS and ODWPS within a period of six months from the date of publication of the Environment (Protection) 115 Amendment Rules, 2021.

**(A) DWPS. —**

- (i) All manufactured, imported, produced or assembled DWPS shall bear the Standard Mark under a license from the Bureau of Indian Standards as per the Indian Standard IS 16240, as amended from time to time, under Scheme -I, Schedule - II of the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018.
- (ii) Discarded elements from DWPS shall be managed as per the provisions of the Plastic Waste Management Rules, 2016; E-Waste (Management) Rules, 2016; Hazardous Waste Management Rules, 2016, as amended from time to time and plastic, electronic and electrical waste generated as discarded elements shall be brought under Extended Producer Responsibility (EPR).

**(B) ODWPS. —**

- (i) Shall be regulated under the provisions of the Water (Prevention and Control of Pollution), Act, 1974 (6 of 1974) and various rules under the Environment (Protection) Act, 1986.
- (ii) The nodal agency for implementation shall be the State Pollution Control Board or the Pollution Control Committee, as the case may be.

**3. Responsibilities. —**

**(A) DWPS**

**(a) Manufacturer**

- (i) The manufacturer shall obtain Standard Mark under a license from the Bureau of Indian Standards as per the Indian Standard IS 16240 ( as amended from time to time) under Scheme -I, Schedule- II of Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 within period of eighteen months from the date of publication of the Environment (Protection) 115 Amendment Rules, 2021.
- (ii) Discarded elements from DWPS shall be managed by the manufacturer as per the provisions of the Plastic Waste Management Rules, 2016; E-Waste (Management) Rules, 2016; Hazardous Waste Management Rules, 2016 and as amended from time to time, and plastic, electronic and electrical waste generated as discarded elements shall be brought under Extended Producer Responsibility (EPR).
- (iii) No DWPS shall be sold by the manufacturer without BIS certification as per sub-clause (i) of the clause (A) of paragraph 2.
- (iv) The manufacturer shall submit compliance report to SPCB or PCC, as the case may be, for further submission to CPCB latest by the 30<sup>th</sup> November of following financial year.

**(b) CPCB**

- (i) The CPCB shall be the nodal agency for implementation of the provisions of this paragraph.
- (ii) The CPCB shall prepare and publish guidelines for management, storage, utilisation and disposal of reject water generated from DWPS within a period of six months from the date of publication of the Environment (Protection) 115 Amendment Rules, 2021.
- (iii) The CPCB shall create public awareness through advertisement, publication, posters or by other means of communication.
- (iv) The CPCB shall monitor the implementation these provisions.

- (c) **User:** The user shall comply with the guidelines issued by CPCB for management, storage, utilisation and disposal of reject water generated from DWPS or ODWPS, as applicable.
- (d) **BIS :** The BIS shall prepare or modify the applicable standard code (IS 16240) for DWPS having regard to the available technology, corresponding recovery efficiency and output water quality reliability.

#### 4. ODWPS

(a) **User :**

- (i) The user shall apply for authorisation within a period of six months from the date of publication of the Environment (Protection) 115 Amendment Rules, 2021 to the State Pollution Control Board or the Pollution Control Committee, as the case may be, for grant of registration as per the provisions of rules made under the Environment (Protection) Act, 1986 and shall comply with the conditions stipulated therein.
- (ii) The user shall operate within the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the rules made under the Environment (Protection) Act 1986: provided that the installations operating on or before the date of publication of the Environment (Protection) 115 Amendment, Rules, 2021 shall apply for Consent to Operate, wherever applicable, to the concerned State Pollution Control Board or Pollution Control Committee, as the case may be, within a period of six months from the date of publication of the said rules.

(b) **State Pollution Control Board or Pollution Control Committee**

- (i) The State Pollution Control Board or Pollution Control Committee, as the case may be, shall ensure that all ODWPS are regulated within the provisions of the Water (Prevention and Control of Pollution), Act, 1974 (6 of 1974) and rules made under the Environment (Protection) Act 1986.
- (ii) The State Pollution Control Board or Pollution Control Committee, as the case may be, shall register manufacturers and importers of ODWPS, as per the provisions of the Plastic Waste Management Rules, 2016, E-Waste (Management) Rules, 2016.
- (iii) The State Pollution Control Board or Pollution Control Committee, as the case may be, shall create public awareness through advertisement, publication, posters or by other means of communication.
- (iv) The State Pollution Control Board or Pollution Control Committee, as the case may be, shall monitor the implementation of these provisions.
- (v) The State Pollution Control Board or Pollution Control Committee, as the case may be, shall submit compliance report to CPCB latest by the 15<sup>th</sup> December of following financial year.

(c) **Central Pollution Control Board**

- i. The Central Pollution Control Board shall compile annual reports received from SPCBs or PCCs for submission to the Ministry of Environment, Forest and Climate Change latest by the 30<sup>th</sup> December of following financial year.

4. **General conditions.** – (1) Water Supply Agency (WSA), concerned Local Bodies like Public Health Engineering Department (PHED), Jal Nigam, Municipal Corporation, Jal Board, Municipalities, Private and Public Sector Agencies engaged in potable water supply, shall inform the consumers about the water sources and quality including Total Dissolved Solids (TDS) concentration of water being supplied through billing instruments and also through public advertisement in newspaper and other mass media means on regular basis.

- (2) Every DWPS product shall be affixed with a conformance label meeting the following requirements, namely:—

- (a) The label shall be durable and legible.
- (b) The label shall be affixed on a part necessary for normal operation of the product and not normally requiring replacement during the life of the product.

- (3) The conformance label shall contain the following information, namely:-
- (a) Name and address of the manufacturer or assembler of product, as the case may be.
  - (b) Statement that the product conforms to the Environment (Protection) Rules, 1986.
  - (c) Type Approval certificate number.
  - (d) Date of manufacture of product or in case of import, the date of import of the product ; and
  - (e) Rated recovery efficiency and corresponding water reject generation.
- (4) In case of any dispute or difficulty in implementation of these provisions, the matter shall be referred to the nodal agency.
- (5) The nodal agency shall constitute a Standing Committee for process integrity and recovery efficiency assessment related issues and to advise on all matters related to implementation of these provisions including disposal of disputes, if any”.

[F. No. Q-17012/1/2019-CPW]

NARESH PAL GANGWAR, Jt. Secy.

**Note:** The principle 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<sup>th</sup> November 1986 and last amended vide notification number G.S.R. 952 (E) , dated the 26<sup>th</sup> December, 2019.