

2129

**THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 889/2022**

In the matter of:-

JEETU YADAV

... APPLICANT

VERSUS

UPPCB & ORS.

... RESPONDENT

INDEX

S.NO	PARTICULARS	PAGE NO.
1.	DISTRICT - MORADABAD report regarding the defaulting brick kilns of Moradabad district	1-5
2.	DISTRICT - RAMPUR report regarding the defaulting brick kilns of Rampur district	6-18
3.	DISTRICT - AMROHA report regarding the defaulting brick kilns of Amroha district	19 - 23
4.	DISTRICT - SAMBHAL report regarding the defaulting brick kilns of Sambhal district	24 - 31
5.	The Air (Prevention and Control of Pollution) Act, 1981 (Air (Prevention and Control of Pollution)	32 - 82
6.	The Water (Prevention and Control of Pollution) Act, 1974 (Water (Prevention and Control of Pollution)	83 -146

Through



**PRIYANKA SWAMI
ADVOCATE**

DATE. 03.07.2024

COUNSEL FOR THE STATE OF U.P.



क्षेत्रीय कार्यालय
उ०प्र० प्रदूषण नियंत्रण बोर्ड
1-ए/आई.एन.एस.-1, आवारा गिकारा कालोनी, बौद्ध विहार,
दिल्ली रोड, मुरादाबाद
ई-मेल : romoradabad@uppcb.in, दूरभाष : 0591-2972012

पत्र संख्या : 672/एन-13/889/जनरल

दिनांक: 01.07.2024

सेवा में,
जिलाधिकारी महोदय,
मुरादाबाद।

विषय : जनपद मुरादाबाद के डिफाल्टर ईट-भट्टों के संबंध में।

महोदय,

कृपया उपरोक्त विषयक सादर अवगत कराना है कि जनपद मुरादाबाद के 71 ईट भट्टे, जो कि डिफाल्टर श्रेणी में हैं, जिनके विरुद्ध राज्य प्रदूषण नियंत्रण बोर्ड द्वारा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम-1981 की धारा-31ए के अन्तर्गत बन्दी आदेश जारी किये गये हैं।

उक्त ईट भट्टों की अद्यतन स्थिति की आख्या पत्र के साथ संलग्नकर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित की जा रही है।

संलग्नक - यथोपरि।

भवदीय

(आशुतोष चौहान)
क्षेत्रीय अधिकारी

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. अपर जिलाधिकारी (वि०/रा०), मुरादाबाद।
2. जिला खान अधिकारी, मुरादाबाद।
3. श्रीमती प्रियंका स्वामी, शासकीय अधिवक्ता, राष्ट्रीय हरित अधिकरण, नई दिल्ली को सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

Regional Office
U. P. Pollution Control Board
Moradabad

Status of dealaulter brick kiln District- Moradabad

Sr. No.	District	Name of Brick Kiln	Village	Tehsil	Inspection Date	Remark
1	Moradabad	Afaq Brick Field	Seelpur, Bilari	Bilari	08.05.2024	Brick kiln closed
2	Moradabad	Ala Hazrat Int Udyog (Old Name- Latifi Bricks)	Tewarkhas	Bilari	08.05.2024	Brick kiln closed
3	Moradabad	ASB Brick Works	Sarkara, Bilari	Bilari	08.05.2024	Brick kiln closed
4	Moradabad	Dilshad Brick Works	Saidpur Chittu	Bilari	08.05.2024	Brick kiln closed
5	Moradabad	Gaus-A-Azam Brick Works (New Name- Gaus A-Pak Brick Field)	Mohanpur,	Bilari	08.05.2024	Brick kiln closed
6	Moradabad	Good Friends Brick Works	Kanakpur Doyam	Bilari	08.05.2024	Brick kiln closed
7	Moradabad	Habibi brick field	lalpur hameer	Bilari	08.05.2024	Brick kiln closed
8	Moradabad	Janab Chaudhary Brick Works	Maholi Khan	Bilari	08.05.2024	Brick kiln closed
9	Moradabad	Janta Brick Works	Domghar	Bilari	08.05.2024	Brick kiln closed
10	Moradabad	Janta Brick Works (New Name-Munmun Brick Works Kazi Parivar)	Vachalbhur	Bilari	10.06.2024	Brick kiln closed
11	Moradabad	Jay Gopal Hari Int Udyog & Manikamna Brick Works(New Name- New Indain Brick Field)	Jatpura Jhado,Mitapur Road	Bilari	10.06.2024	Brick kiln closed
12	Moradabad	Kanakpur Brick Industries	Laither	Bilari	10.06.2024	Brick kiln closed
13	Moradabad	Kazi Brick Works (Om Brick Works)	Kamalpur Kulwada	Bilari	10.06.2024	Brick kiln closed
14	Moradabad	Khalil Brick Works	Sikari Husainpur	Bilari	10.06.2024	Brick kiln closed
15	Moradabad	khan brick works (New Name- Khan Int Udyog)	lalpur hamir	Bilari	10.06.2024	Brick kiln closed
16	Moradabad	Khwaja Brick Works	Lalpur Hamir	Bilari	10.06.2024	Brick kiln closed

17	Moradabad	Kisan Brick Works,	Chakfajalpur,	Bilari	10.06.2024	Brick kiln closed
18	Moradabad	Laxmi Brick Field	Kutubpur Aju	Bilari	10.06.2024	Brick kiln closed
19	Moradabad	Khwaja Brick Works (Malik Brick Works)	Abhanpur	Bilari	10.06.2024	Brick kiln closed
20	Moradabad	Manya Eint Udyog(New name Bharat Intt. Udyog)	Shahpur	Bilari	10.06.2024	Brick kiln closed
21	Moradabad	MH Brick Works, (New name Kadri Brick Works)	Dhakiya Juma	Bilari	18.06.2024	Brick kiln closed
22	Moradabad	Mumtaz Brick Works	Gazupur, Jalalpur	Bilari	18.06.2024	Brick kiln closed
23	Moradabad	New India Brick Field (Old Name National Brick Works & Faizan Brick Works)	Moushampur	Bilari	18.06.2024	Brick kiln closed
24	Moradabad	Noor Brick Field,	Lalpur Hamir	Bilari	18.06.2024	Brick kiln closed
25	Moradabad	Parveen Brick Works	Sabjipur Umari,	Bilari	18.06.2024	Brick kiln closed
26	Moradabad	Pradhan Brick Works	Shekhupura	Bilari	18.06.2024	Brick kiln closed
27	Moradabad	Prem Int Udyog(New name Supreme Brick Field)	Nagla Gujar	Bilari	18.06.2024	Brick kiln closed
28	Moradabad	Rafi Turki Star Brick Field (Bharat Brick Works)	Chakfajalpur	Bilari	18.06.2024	Brick kiln closed
29	Moradabad	Raza Brick Field,	Masevi, rasulpur,	Bilari	18.06.2024	Brick kiln closed
30	Moradabad	Riza Brick Works,	Gadipur	Bilari	18.06.2024	Brick kiln closed
31	Moradabad	Royal Brick Field, (New name Star brick field)	Chittupur	Bilari	18.06.2024	Brick kiln closed
32	Moradabad	Sabara Brick Works(Newname Faizan Brick Works)	Bhikanpur	Bilari	18.06.2024	Brick kiln closed
33	Moradabad	SH Brick Works	Bhirwari	Bilari	24.06.2024	Brick kiln closed
34	Moradabad	Shiv Brick Works	Mohanpur	Bilari	24.06.2024	Brick kiln closed
35	Moradabad	Shiv Hari Brick Works(New name Mahadev Intt. Udyog)	Nagla Gujjar	Bilari	24.06.2024	Brick kiln closed
36	Moradabad	Shiv Om Brick Works (New name- New star brick works)	Chatupur	Bilari	24.06.2024	Brick kiln closed
37	Moradabad	Shri Krishna Brick Works	Samaspur	Bilari	24.06.2024	Brick kiln closed

ASRAM
JLA

SJA

LS

JRA

JLA
C.A

SD

38	Moradabad	V.P.S. Brick Works (New Name Radha Krishan Brick Field)	Vill. Amarpur KaShi	Bilari	24.06.2024	Brick kiln closed
39	Moradabad	Zam Zam Brick Works (Old name-Taj Int Udyog & New Name- Shabab Brick Field)	Hathipur Chittu	Bilari	24.06.2024	Brick kiln closed
40	Moradabad	Azhari Brick Works	Hathipur Chittu	Bilari	24.06.2024	Brick kiln closed
41	Moradabad	Kisan Int Udyog,	Ruppur	Bilari	24.06.2024	Brick kiln closed
42	Moradabad	M.A. Brick Works	Kadarpur MaSti	Bilari	24.06.2024	Brick kiln closed
43	Moradabad	Musarfi Hasnain Brick Works	Takhtpur Hasa	Bilari	24.06.2024	Brick kiln closed
44	Moradabad	Alfoz Brick work	jumania azam umri	Kanth	09.05.2024	Brick kiln closed
45	Moradabad	Ali Int Udyog	Mehmudpur Bhagwandas	Kanth	09.05.2024	Brick kiln closed
46	Moradabad	Bharat Int Udyog	Khatapur	kanth	09.05.2024	Brick kiln closed
47	Moradabad	Kisan Int Udyog, (New name Malik Brick Works)	Salempur Mustkam,	Kanth	09.05.2024	Brick kiln closed
48	Moradabad	Mohammad Ahmad S/o Sri Ahmad Jamil, (New Name N.S. intt. Udyog)	Telipura, Near Umrikala	Kanth	09.05.2024	Brick kiln closed
49	Moradabad	Nasir Brick Works (New name- International Brick Work)	Dera, Noorpur Road	Kanth	09.05.2024	Brick kiln closed
50	Moradabad	Nasir Int Udyog,	Talipura haqdadpur	kanth	06.06.2024	Brick kiln closed
51	Moradabad	Shahpur Int Udyog	Shahpur Abdulwari	Kanth	06.06.2024	Brick kiln closed
52	Moradabad	Shama Brick Works	Modapatti	Kanth	06.06.2024	Brick kiln closed
53	Moradabad	Bright Brick Works	Garhi Salempur	Kanth	06.06.2024	Brick kiln closed
54	Moradabad	Kisan Int Udyog,	Mehmoodpur Bhagwandas	Kanth	06.06.2024	Brick kiln closed
55	Moradabad	AtoZ Brick Works (New name AR Brick works)	Madpuri, Kanth Road	Sadar	13.05.2024	Brick kiln closed
56	Moradabad	Diamond Brick Industries (New name- Habibi Intt. Udyog)	Sajna Mundapande	Sadar	13.05.2024	Brick kiln closed

ABU
51A

51A

dy
51A

51A

51A

57	Moradabad	Habeeb Brick Field(Old name roshan brick Works)	Bhagatpur Tanda, Roshanpur	Sadar	13.05.2024	Brick kiln closed
58	Moradabad	Huda Brick Works	Khaikhera	Sadar	13.05.2024	Brick kiln closed
59	Moradabad	Mustak Brick Industries,	Mehalakupur Nizampur,	sadar	13.05.2024	Brick kiln closed
60	Moradabad	National Brick Works,	Nijampur, Agwanpur,	Sadar	13.05.2024	Brick kiln closed
61	Moradabad	Sabri Brick Works	Belwara,	Sadar	13.05.2024	Brick kiln closed
62	Moradabad	Sri Balaji Brick	Mehlakpur, Nizamur,	sadar	13.05.2024	Brick kiln closed
63	Moradabad	Vishal Brick Works (Old Name Sri Ganga Brick Works)	Thiriyadan	Sadar	13.05.2024	Brick kiln closed
64	Moradabad	Yadavji Intt. Udyog (New name Fauji Intt. Udyog)	Boojpur ASha	Sadar	13.05.2024	Brick kiln closed
65	Moradabad	Arsh Brick Works	Mirzapur, Kamruddin	Thakurdwara	16.06.2024	Brick kiln closed
66	Moradabad	Hind Brick Works	Mahmudpur Lal	Thakurdwara	16.06.2024	Brick kiln closed
67	Moradabad	Mohd. Yakub Brick Field (New Name Warsi Intt. Udyog & Kamal Brick Field)	Sahibganj	Thakurdwara	16.06.2024	Brick kiln closed
68	Moradabad	Rizwi Brick Works	Trikhuti	Thakurdwara	16.06.2024	Brick kiln closed
69	Moradabad	Sumitra Brick Works,	Kundesara	thakurdwara	16.06.2024	Brick kiln closed
70	Moradabad	TaSlim Brick Work(New name Bharat Brick works)	Vajidpur Atayan Road	Thakurdwara	16.06.2024	Brick kiln closed
71	Moradabad	ZiShan Brick Works(New name Gaffar Rizwan Brick works)	Dulhapur Patti Jat Tanda Afjal	thakurdwara	16.06.2024	Brick kiln closed

ASUAA
SIA

SIA

SIA

SIA

SIA

SIA

प्रेषक,

जिलाधिकारी,
रामपुर।

सेवा में,

मुख्य पर्यावरण अधिकारी
(वृत्त-6/नोडल ईट भट्टा)
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

पत्रांक- 651 / खनिज / 2023-24

दिनांक:- 01/07/2024

विषय:- मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०एन० संख्या 309/2022 राम भरोसे तोमर बनाम स्टेट ऑफ यू०पी० एवं अन्य में पारित आदेश दिनांक 12.02.2024 एवं 22.04.2024 के अनुपालन के सम्बन्ध में।

महोदय,

उपरोक्त विषयक सदस्य सचिव, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, लखनऊ के पत्र संख्या 0392/सी-6/सा०-729/एन.जी.टी./ओ.ए.-309/22-2024 दिनांक 07.05.2024 का सन्दर्भ ग्रहण करने का कष्ट करें जिसमें माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या 309/2022 राम भरोसे तोमर बनाम स्टेट ऑफ यू०पी० एवं अन्य में पारित आदेश दिनांक 12.02.2024 एवं दिनांक 22.04.2024 के अनुपालन में जनपद में अवैधानिक रूप से संचालित हो रहे ईट भट्टों के विरुद्ध सत्यापन आख्या निर्धारित प्रारूप पर हार्ड एवं सॉफ्ट कापी (Excel Format) में आपको एवं ई-मेल ceo6@uppcb-in को प्रेषित करने के निर्देश दिये गये हैं।

अतः उपरोक्त के क्रम में जनपद रामपुर में संचालित ईट भट्टों का निरीक्षण क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, मुरादाबाद एवं जिला प्रशासन, रामपुर के अधिकारियों के साथ संयुक्त रूप से किया। संयुक्त निरीक्षण आख्या पत्र के साथ संलग्न कर आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक: यथोपरि

भवदीय,


(जोगिन्दर सिंह)
जिलाधिकारी, रामपुर।
पत्रांक एवं दिनांक उपरोक्तानुसार
प्रतिलिपि :-

1. सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र०शासन लखनऊ के सूचनार्थ प्रेषित।
2. सदस्य सचिव, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ प्रेषित।
3. श्रीमती प्रियंका स्वामी, विद्वान अधिवक्ता, मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली को प्रश्नगत प्रकरण में प्रभावी पैरवी करने हेतु प्रेषित सूचनार्थ प्रेषित।


(जोगिन्दर सिंह)
जिलाधिकारी, रामपुर।



क्षेत्रीय कार्यालय
प्रदूषण नियंत्रण बोर्ड

1-ए/आई.एन.एस.-1, आवास विकास कालोनी, बौद्ध विहार,
दिल्ली रोड, मुरादाबाद

ई-मेल : romoradabad@uppcb.in, दूरभाष : 0591-2972012

पत्र संख्या : 653 / N-13/089/2-22

दिनांक 24 / 06 / 2024

सेवा में,

ज़िलाधिकारी महोदय,
जनपद रामपुर।

विषय : मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या 309/2022 राम भरोसे तोमर
बनाम स्टेट ऑफ यू०पी० व अन्य में पारित आदेश दिनांक 12.02.2024 एवं 22.04.2024 के अनुपालन के
संबंध में।

महोदय,

उपरोक्त विषयक महोदय के पत्रांक 206/खनिज/2023-24 दिनांक 15.05.2024 का संदर्भ ग्रहण करने
का कष्ट करें। तत्कम में अवगत कराना है कि जनपद रामपुर में अवैध रूप से संचालित ईट भट्टों का निरीक्षण
जिला प्रशासन एवं इस कार्यालय द्वारा कराया गया। निरीक्षण आख्याएँ संलग्न कर आपके अवलोकनार्थ एवं अग्रिम
आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक : यथोपरि।

भवदीय

(आशुतोष चौहान)
क्षेत्रीय अधिकारी

प्रतिलिपि : मुख्य पर्यावरण अधिकारी (वृत्त-7), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।

3197/OSD

ADM(HR)

कु. आवश्यक कार्यवाही

कर

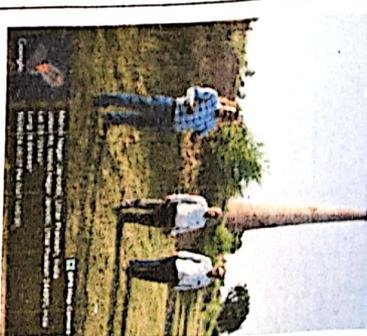
Dm
25/6/24

क्षेत्रीय अधिकारी

राष्ट्रीय हरित अधिकरण से सम्बंधित ईट भट्टों की निरीक्षण आख्या

जनपद रामपुर

निरीक्षण दिनांक: 15.06.2024

क्र० सं०	ईट भट्टे का नाम	पता	भट्टा का नाम	मो० नं०	तहसील	जनपद	अनुमति प्राप्त	भट्टे की वर्तमान स्थिति	अभियुक्ति
1	मैसर्स राजा ब्रिक मैसर्स वार्स(पूर्व नाम ब्रिक वार्स, एस.एस. ख्वाजा गरीब नवाज इण्डस्ट्रीज)	ग्राम मेंहदीनगर जुनूबी/मिलक निखी सिंह	मौ० फारुक	8191036450	रामपुर	रामपुर	नही	ईट भट्टा बन्द पाया गया। ईट भट्टे पर घास उगी पायी गयी तथा ईंधन कच्चा माल एकत्रित पाया गया।	

2137

(Signature)
(ए०के० शुक्ला)
एल०ए०
उ०प्र०प्र०नि०बोर्ड
मुरादाबाद

(Signature)
(अनिल कुमार)
वैज्ञा०सहा०
उ०प्र०प्र०नि०बोर्ड
मुरादाबाद

(Signature)
(हरिओम गुप्ता)
राजस्व निरीक्षक
तहसील सदर
रामपुर

(Signature)
Treasr

जे० एन० तिवारी
सहा० पर्या० अभियन्ता
उ०प्र० प्रदूषण नियन्त्रण बोर्ड
मुरादाबाद

(Signature)
SDM(S)
उप जिलाधिकारी
सदर, रामपुर

तहसील मिलक		जनपद रामपुर				निरीक्षण दिनांक: 19.06.2024			
क्र० सं०	ईट भट्टे का नाम	पता	भट्टा स्वामी का नाम	मो० नं०	तहसील	जनपद	अनुमति प्राप्त	भट्टे की वर्तमान स्थिति	अभियुक्ति
1	मैसर्स कुनाल ब्रिक फील्ड	ग्राम कमवा	श्री बबलू पाण्डे	9528191935	मिलक	रामपुर	नहीं	ईट भट्टा संचालित पाया गया। निरीक्षण के दौरान मौके पर ईट भट्टे की फर्द निष्पादन (यात्री निकालकर व चैम्बर खुलवाकर गैस रिलीज) कर बन्द करा दिया गया है।	
2	मैसर्स जय श्री बालाजी ब्रिक इण्डो	ग्राम जगन्नाथपुर	श्री नून्नीराम	9759613277	मिलक	रामपुर	नहीं	ईट भट्टा बन्द पाया गया। ईट भट्टे पर घास चगी पायी गयी तथा ईंधन व कच्चा माल एकत्रित नहीं पाया गया।	
3	मैसर्स तहसीन ब्रिक सेन्टर (पूर्व नाम आका ब्रिक सेन्टर)	ग्राम चैनपुर	मौ० दिलशाद	9761966399	मिलक	रामपुर	नहीं	ईट भट्टा बन्द पाया गया। ईट भट्टे पर ईंधन (लकड़ी / कोयला) तथा कच्चा माल एकत्रित / भण्डारित नहीं पाया गया।	

राजेंद्र लाल
(अध्यक्ष, रामपुर)

जो०एल०ए०

उ०प्र०प्र०नि०बोर्ड

मुरादाबाद

(ए०के० शुक्ला)

एल०ए०

उ०प्र०प्र०नि०बोर्ड

मुरादाबाद

(मो० यासीन)

राजस्व निरीक्षक

तहसील मिलक

रामपुर

(अंकित अवस्थी)

नायब तहसीलदार

तहसील मिलक

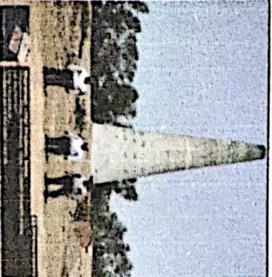
रामपुर

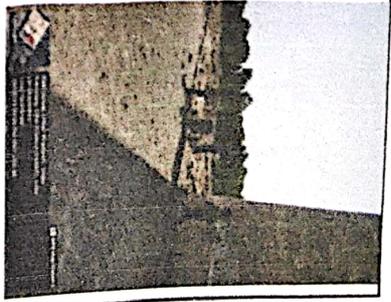
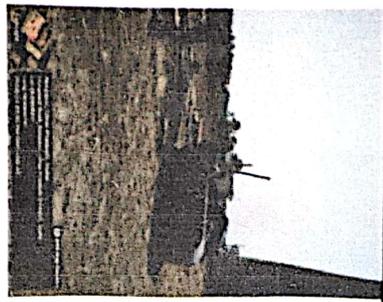
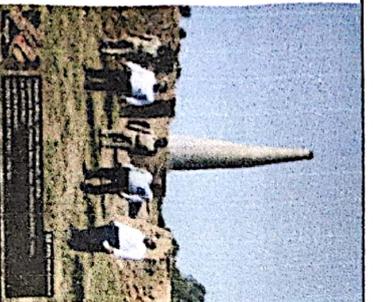
जो० ए० रिवासी
सहा० प्र० निरन्तरण बोर्ड
उ०प्र० प्र० मुरादाबाद

राष्ट्रीय हरित अधिकरण से सम्बन्धित ईट भट्टों की निरीक्षण आख्या

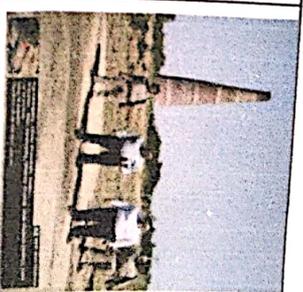
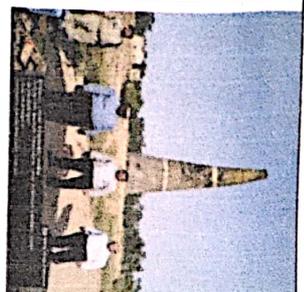
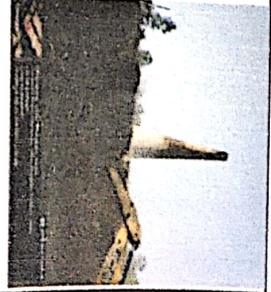
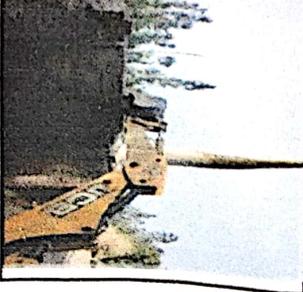
जनपद रामपुर

निरीक्षण दिनांक: 20.06.2024

क्र० सं०	ईट भट्टे का नाम	पता	भट्टा स्वामी का नाम	मो० नं०	तहसील	जनपद	अनुमति प्राप्त	भट्टे की वर्तमान स्थिति	अभियुक्ति
1	मैसर्स जगदम्बे ब्रिक वर्क्स	ग्राम गहनी	श्री सुधीश कुमार	7500799356	शाहबाद	रामपुर	नहीं	ईट भट्टा संचालित पाया गया। निरीक्षण के दौरान मौके पर ईट भट्टे की फर्द निष्पादन (चाबी निकालकर व चैम्बर खुलवाकर मैसर्स रितीज) कर बन्द कर दिया गया है।	
2	मैसर्स कोको ब्रिक वर्क्स	ग्राम विचपुरी शुबल, दकिया रोड	मौ० राशद	9412871791	शाहबाद	रामपुर	नहीं	ईट भट्टा बन्द पाया गया। ईट भट्टे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित/भण्डारित नहीं पाया गया।	
3	मैसर्स कादरी ब्रिक फौन्ड	ग्राम सुहावा	मौ० दिलशाद	9891146829	शाहबाद	रामपुर	नहीं	ईट भट्टा बन्द पाया गया। ईट भट्टे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित/भण्डारित नहीं पाया गया।	
4	मैसर्स भारत ब्रिक वर्क्स (पूर्व नाम असम ब्रिक वर्क्स)	ग्राम ककरौआ	मौ० फुरकान पाशा	9719561462	शाहबाद	रामपुर	नहीं	ईट भट्टा बन्द पाया गया। ईट भट्टे पर घास उगी पायी गयी। ईट भट्टे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित/भण्डारित नहीं पाया गया।	

5.	मैसर्स हिदाया ब्रिक नाम फील्ड (पूर्व ब्रिक फील्ड) खुर्शीद ब्रिक फील्ड	ग्राम ककरौआ सिरौली	श्री अहमद, प्रोपराइटर	7310742423	शाहबाद	रामपुर	नही	ईट भट्ठा संचालित / उत्पादनरत पाया गया। निरीक्षण के दौरान मौके पर ईट भट्ठे की फर्द निष्पादन (चाबी निकालकर व गैस रिलीज) की कार्यवाही कर ईट भट्ठा का उत्पादन कार्य बन्द करा दिया गया है।	
6	मैसर्स न्यू राज ब्रिक वर्क्स (पूर्व नाम अमन ईट उद्योग)	ग्राम देवीपुरा रोड, बडगाव	श्री प्रमोद कुमार शर्मा	9758779551	शाहबाद	रामपुर	नही	ईट भट्ठा संचालित / उत्पादनरत पाया गया। निरीक्षण के दौरान मौके पर ईट भट्ठे की फर्द निष्पादन (चाबी निकालकर व गैस रिलीज) की कार्यवाही कर ईट भट्ठा का उत्पादन कार्य बन्द करा दिया गया है।	
7	मैसर्स ओमेश ब्रिक वर्क्स	ग्राम चोकानी	श्री राजपाल सिंह	-	शाहबाद	रामपुर	नही	ईट भट्ठा बन्द पाया गया। ईट भट्ठे पर घास उगी पायी गयी। ईट भट्ठे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित / भण्डारित नहीं पाया गया।	

जे० एन० तिवारी

8	मैसर्स फारमर ब्रिक इण्डस्ट्रीज	ग्राम करीमगंज	श्री आरिफ मियाँ, प्रोपराइटर	9068416750	शाहबाद	रामपुर	नहीं	ईट भट्ठा बन्द पाया गया। ईट भट्ठे पर घास उगी पायी गयी। ईट भट्ठे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित/भण्डारित नहीं पाया गया।	
9	मैसर्स पवन ब्रिक वर्क्स	ग्राम बल्लपुरा	श्री विजय सिंह	-	शाहबाद	रामपुर	नहीं	ईट भट्ठा बन्द पाया गया। ईट भट्ठे पर घास उगी पायी गयी। ईट भट्ठे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित/भण्डारित नहीं पाया गया।	
10	मैसर्स खान ब्रिक इण्डस्ट्रीज	ग्राम बल्लपुरा (मिपलिया मोज)	श्री यसीम अहमद	9758113367	शाहबाद	रामपुर	नहीं	ईट भट्ठा बन्द पाया गया। ईट भट्ठे की फर्द निष्पादन (जे०सी०बी० ध्वस्तीकरण) कर उत्पादन कार्य बन्द करा दिया गया।	
11	मैसर्स शबाना ब्रिक फील्ड (वर्तमान नाम चौधरी ब्रिक फील्ड)	ग्राम सैफनी	श्री दीपक कुमार, प्रोपराइटर	6395297375	शाहबाद	रामपुर	नहीं	ईट भट्ठा बन्द पाया गया। ईट भट्ठे की फर्द निष्पादन (जे०सी०बी० ध्वस्तीकरण) कर उत्पादन कार्य बन्द करा दिया गया।	

जे० एन० तिवारी
सहा० पर्या० अभियन्ता
उ०प्र० प्रदूषण नियन्त्रण बोर्ड
मरादाबाद

12	मैसर्स वर्क्स फेमस ब्रिक वर्क्स)	ख्वाजा (पुराना नाम	ब्रिक नाम	ग्राम खरसोल	श्री जगिब अली, पार्टनर	9761593420	शाहबाद	रामपुर	नही	ईट भट्टा पाया गया। ईट भट्टे की फर्द निष्पादन (जे०सी०बी० ध्वसीकरण) उत्पादन कार्य बन्द करा दिया गया।	संचालित ईट भट्टे निष्पादन द्वारा कर	
----	--	--------------------------	--------------	----------------	---------------------------------	------------	--------	--------	-----	---	---	---

[Signature]
(ए०के० शुक्ल)
एल०ए०
उ०प्र०प्र०नि०बोर्ड
मुरादाबाद

[Signature]
(अनिल कुमार)
वैज्ञा०सहा०
उ०प्र०प्र०नि०बोर्ड
मुरादाबाद

[Signature]
(अरविन्द कुमार शर्मा)
नायब तहसीलदार
तहसील शाहबाद
रामपुर

[Signature]
(शाहबाद)

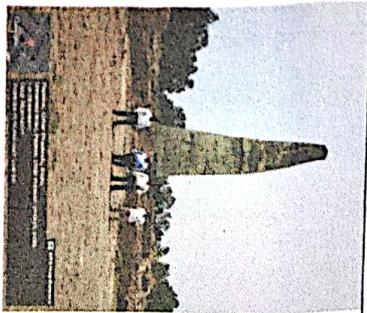
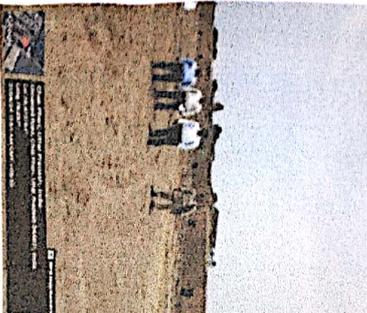
1
वे० एन० तिवारी
सहा० पर्या० अभियन्ता
उ०प्र० प्रदूषण नियन्त्रण बोर्ड
मुरादाबाद

तहसील बिलासपुर

राष्ट्रीय हरित अधिकरण से सम्बन्धित ईट भट्टों की निरीक्षण आख्या

जनपद रामपुर

निरीक्षण दिनांक: 21.06.2024

क0 सं0	ईट भट्टे का नाम	पता	भट्टा स्वामी का नाम	मो0 नं0	तहसील	जनपद	अनुमति प्राप्त	भट्टे की स्थिति	वर्तमान	अभियुक्ति
1	मैसर्स शादाब ब्रिक फील्ड (पूर्व नाम कुबरा ब्रिक फील्ड एण्ड मोमीन ब्रिक वर्क्स)	ग्राम पजाबा, पंजाबनगर	श्री अब्दुल कलाम, पार्टनर	9690605457	बिलासपुर	रामपुर	नही	ईट भट्टा बन्द पाया गया। ईट भट्टे पर ईंधन (लकड़ी / कोयला) तथा कच्चा माल एकत्रित / भण्डारित नही पाया गया। ईट भट्टे का चूल्हा ध्वस्त पाया गया।	ईट भट्टा बन्द पाया गया। ईट भट्टे पर स्थापित चिमनी ध्वस्त पायी गयी। ईट भट्टे पर ईंधन (लकड़ी / कोयला) तथा कच्चा माल एकत्रित / भण्डारित नही पाया गया।	
	मैसर्स इण्डियन ब्रिक इण्डस्ट्री (पूर्व शान ब्रिक फील्ड)	ग्राम अण्डखेडी	श्री आफाक अहमद	9319286757	बिलासपुर	रामपुर	नही			

2143

जे० एन० तिवारी
सहा० पर्या० अभियन्ता
उ०प्र० प्रदूषण नियन्त्रण बोर्ड
मुरादाबाद

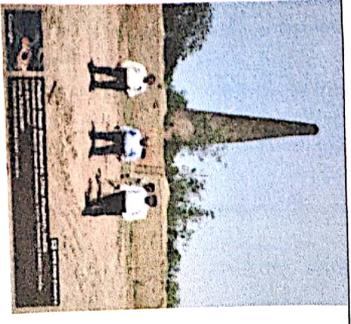
[Signature]

[Signature]
S.A.

[Signature]
निरीक्षक (आ.)
बिलासपुर

[Signature]

[Signature]
अभियुक्ति

3	मैसर्स गुरु नानक ब्रिक वर्क्स (पूर्व नाम शिव शक्ति पील्ड)	ब्रिक ओम ब्रिक	ग्राम नरसुआ	श्री सिंह, प्रोपराइटर	बूटा	9837322555	बिलासपुर	रामपुर	नही	ईट भट्टा बन्द पाया गया। ईट भट्टे पर घास उगी पायी गयी। ईट भट्टे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित/भण्डारित नही पाया गया।	
4	मैसर्स न्यू ब्रिक पील्ड	कोहिनूर	ग्राम पदपुरी	मो0 जुल्फकार, पार्टनर		8476826094	बिलासपुर	रामपुर	नही	ईट भट्टा बन्द पाया गया। ईट भट्टे पर घास उगी पायी गयी। ईट भट्टे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित/भण्डारित नही पाया गया।	

2144

(ए0क0 शुक्ल)
एल0ए0
उ0प्र0प्र0नि0बोर्ड
मुरादाबाद

(अनिल कुमार)
वैजा0सडा0
उ0प्र0प्र0नि0बोर्ड
मुरादाबाद

(अवनीश कुमार)
लेखपाल
तहसील बिलासपुर
रामपुर

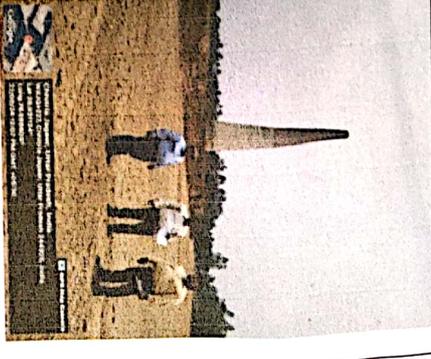
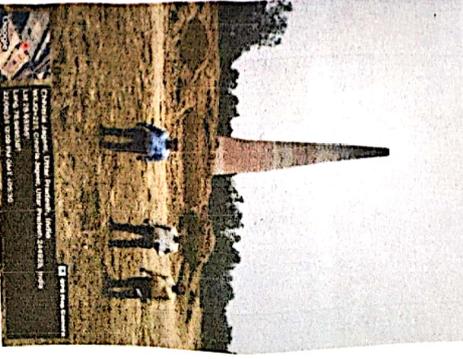
जे० एन० दिवारी
सहा० पर्मा० अभियन्ता
उ०प्र० प्रदू० नियन्त्रण बोर्ड
मुरादाबाद

(मानवेंद्र सिंह)
नायव तहसीलदार
तहसील बिलासपुर
रामपुर

राष्ट्रीय हरित अधिकरण से सम्बंधित ईट भट्टों की निरीक्षण आख्या

जनपद - रामपुर

निरीक्षण दिनांक: 22.06.2024

क0 सं0	ईट भट्टे का नाम	पता	भट्टा स्वामी का नाम	मो0 नं0	तहसील	जनपद	अनुमति प्राप्त	भट्टे की वर्तमान स्थिति	निरीक्षण अभियुक्ति
1	मैसर्स राशिद एण्ड राशिद ब्रिक वर्क्स	ग्राम छितरिया जागीर	श्री वासिद	9917069755	टाण्डा	रामपुर	नही	ईट भट्टा बन्द पाया गया। ईट भट्टे पर घास उगी पायी गयी। ईट भट्टे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित/ भण्डारित नही पाया गया।	
2	मैसर्स ओ0के0 ब्रिक वर्क्स	ग्राम छितरिया जागीर	मोहम्मद समी	9358457801	टाण्डा	रामपुर	नही	ईट भट्टा बन्द पाया गया। ईट भट्टे पर घास उगी पायी गयी। ईट भट्टे पर ईंधन (लकड़ी/कोयला) तथा कच्चा माल एकत्रित/ भण्डारित नही पाया गया।	

2145

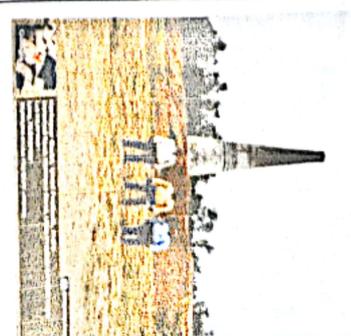
[Handwritten signature]

[Handwritten signature]
S. RA

[Handwritten signature]

[Handwritten signature]
SDM (TOST)

जे० एन० तिवारी
सहा० पर्या० नियन्त्रण बोर्ड
उ०प्र० प्रदूषण नियन्त्रण
मुगादाबाद

3	मैसर्स नाज ब्रिक वर्क्स	ग्राम दर्शनपुर, लालपुर रोड	श्री अफसर अली, पार्टनर	9412587557	टाण्डा	रामपुर	नही	ईट भट्ठा बन्द पाया गया। ईट भट्टे पर घास उगी पायी गयी। ईट भट्टे पर ईधन (लकडी/कोयला) तथा कच्चा माल एकत्रित/भण्डारित नही पाया गया।	
4	मैसर्स हमजा ब्रिक वर्क्स (नया मुनशाद ब्रिक वर्क्स)	ग्राम सरावा सैदनगर	श्री असागर अली, पार्टनर	9758684963	टाण्डा	रामपुर	नही	ईट भट्ठा बन्द पाया गया। ईट भट्टे पर घास उगी पायी गयी। ईट भट्टे पर ईधन (लकडी/कोयला) तथा कच्चा माल एकत्रित/भण्डारित नही पाया गया।	
5	मैसर्स गरीब ब्रिक वर्क्स	ग्राम मीलक नंगली, परसपुरा रोड	श्री वजाहत खॉं, पार्टनर	9411288099	टाण्डा	रामपुर	नही	ईट भट्ठा संग्रहित/उत्पादनरत पाया गया। निरीक्षण के दौरान मौक पर ईट भट्टे की फर्द निष्पादन (बाबी निकाल कर व गैस रिलीज) की कार्यवाही कर ईट भट्ठा का उत्पादन कार्य बन्द करा दिया गया है।	

ने. पन्ना ब्रिकारी

समा. पन्ना अभियन्ता
उ.प्र. भू-संसाधन विभाग बोर्ड
मुनशाद

(Signature)

(Signature)
S.A.

(Signature)

(Signature)
SOM (का)

6	भैरवस ब्रिक वर्क्स ए0एन0एस0	ग्राम रनूआ नंगला, सैदानगर	मौ0 यामीन, पार्टनर	9719423765	टाण्डा	रामपुर	नही	ईट भट्ठा संयोजित / उत्पादनरत पाया गया। निरीक्षण के दौरान मौके पर ईट भट्टे की फर्द निष्पादन (बांधी निकाल कर व गैस रिलीज) की कार्यवाही कर ईट भट्टा का उत्पादन कार्य बन्द करा दिया गया है।	
---	-----------------------------------	---------------------------------	-----------------------	------------	--------	--------	-----	--	---

2147

Chauhan
22/6/24
(ए0कै0 शुक्ल)
एल0 ए0
उ0प्र0प्र0नि0बोर्ड
मुरादाबाद

Abul K
22-6-24
(अनिल कुमार)
वैज्ञा0सहा0
उ0प्र0प्र0नि0बोर्ड
मुरादाबाद

श्री. नि. क. सिंघ
22/6/24
(महिपाल सिंह)
लेखपाल
तहसील टाण्डा
रामपुर

Anand Prasad
(अमित कुमार)
नायव तहसीलदार
तहसील टाण्डा
रामपुर

1
जे० एन० विवारी
सहा० पदा० अभियन्ता बोर्ड
उ०प्र० प्रदूषण नियन्त्रण बोर्ड
मुरादाबाद



उत्तर प्रदेश प्रदूषण नियन्त्रण बोर्ड

क्षेत्रीय कार्यालय: महर्षि दयानन्द नगर, निकट सैण्टमेरी स्कूल, आदमपुर-चक्कर रोड, बिजनौर-246701

सन्दर्भ सं० : 351/N-47/जनरल-2024

दिनांक : 01-7-2024

सेवा में,
जिलाधिकारी महोदय,
अमरोहा।

विषय-जनपद अमरोहा के डिफाल्टर ईट भट्टों के संबंध में।

महोदय,

कृपया उपरोक्त विषयक सादर अवगत कराना है कि जनपद-अमरोहा के 71 ईट भट्टे, जो कि डिफाल्टर श्रेणी में हैं, जिनके विरुद्ध राज्य प्रदूषण नियन्त्रण बोर्ड द्वारा वायु (प्रदूषण निवारण तथा नियन्त्रण) अधिनियम-1981 की धारा-31(ए) के अन्तर्गत बन्दी आदेश जारी किये गये हैं।

उक्त ईट भट्टों की अद्यतन स्थिति की आख्या पत्र के साथ संलग्नकर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित की जा रही है।

संलग्नक-यथोपरि।

भवदीय,


(विजय)

क्षेत्रीय अधिकारी

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1-अपर जिलाधिकारी (वि०/रा०), अमरोहा।

2-खान अधिकारी, अमरोहा।


क्षेत्रीय अधिकारी

०/२

2149
Regional Office
UP Pollution Control Board,
Bijnor

Status of defaulter Brick Kiln District-Amroha

S. No.	District	Name of the Brick Kiln	Location (Village/Tehsil/ District)	Tehsil	Inspection Date	Remark
1	Amroha	A.K.M Brick Field (New Name HKN Brick field)	Vill-Kamalpur, Distt- Amroha.	Amroha	22.01.2024	Brick kiln closed
2	Amroha	Abbu Brick Works (New Name Indian Brick works)	Vill-Kanpura, Amroha.	Amroha	30.01.2024	Brick kiln closed
3	Amroha	Akram Entt Udyog,	Vill- Barkhera Rajput, , Amroha.	Amroha	30.01.2024	Brick kiln closed
4	Amroha	Ali Ent Udyog	Shahpur, Post-Joya, Amroha	Amroha	11.01.2024	Brick kiln closed
5	Amroha	Amir ent Udyog (Old Name Raj Ent Udyog)/New Name Arju ent udyog,	Vill-Maksudpur, Dist- Amroha.	Amroha	11.01.2024	Brick kiln closed
6	Amroha	Arsh Ent Udyog, (Old Name-Bharat Ent Udyog)	Kaserwa, Dhanaura, Amroha.	Dhanaura	03.01.2024	Brick kiln closed
7	Amroha	Asra Ent Udyog	Vill-Chandnagar, Amroha.	Amroha	28.05.2024	Brick kiln closed
8	Amroha	B.M Ent Udyog	Bakainiya, Amroha.	Naugawa sadat	22.04.2024	Brick kiln closed
9	Amroha	Bharat Ent Udyog	Shekhpur Mafi, Amroha.	Amroha	11.01.2024	Brick kiln closed
10	Amroha	Bilal Ent Brick Field (New Name Janu ent udyog, Old Name Laxmi Ent Udyog)	Vill-Dariyapur, Amroha.	Amroha	11.01.2024	Brick kiln closed
11	Amroha	Chapna Brick Works	Vill-Chapna Gangeshwari, Amroha.	Hasanpur	06.05.2024	Brick kiln closed
12	Amroha	Chaudhary Brick Works Udyog	Vill-Chuchela Khurd, Dist-Amroha.	Dhanaura	06.01.2024	Brick kiln closed
13	Amroha	Chaudhary Ent Udyog	Kakrali, Joya,	Amroha	22.01.2024	Brick kiln closed
14	Amroha	Chaudhary Ent Udyog	Vill-Lisadi Khurd, Post-Kaisra, Amroha.	Dhanaura	08.05.2024	Brick kiln closed
15	Amroha	Chaudhary Ent Udyog (New Name Balaji ent udyog).	Vill-Pelitaga, Dhanaura, Amroha.	Dhanaura	06.01.2024	Brick kiln closed

Sujit
(F.A)

Asok Kumar
(MTS)

20

Amroha
(JRF)

GA
(JRF)

	Amroha	Classic Brick Works	Vill-Kala Kheda, Amroha.	Amroha	28.05.2024	Brick kiln closed
17	Amroha	Durga Brick Works	Vill-Aharola Tejvan, Amroha.	Dhanaura	03.01.2024	Brick kiln closed
18	Amroha	Avon Ent Udyog	Vill-Akbarpur Sakeniya, Amroha.	Amroha	28.05.2024	Brick kiln closed
19	Amroha	Avon Ent Udyog (Old name Farukh ent Udyog)	Dehri Khurram, Amroha.	Naugawa sadat	22.04.2024	Brick kiln closed
20	Amroha	Golden Brick Works	Vill-Fattepur Mafi, Dist-Amroha.	Amroha	30.01.2024	Brick kiln closed
21	Amroha	Papu ent udyog (New name Gufran Ent Udyog	Vill- Maksoodpur Bambu gharah Amroha.	Amroha	11.01.2024	Brick kiln closed
22	Amroha	Guru Arjun Brick Works	Vill-Shahpur Rajheda, Amroha.	Dhanaura	30.01.2024	Brick kiln closed
23	Amroha	Guru Nanak Brick Works	Daulatpur Bhud, Dhanaura, Amroha.	Dhanaura	06.01.2024	Brick kiln closed
24	Amroha	Hindustan ent Udyog	Vill-Payti kalan, Dist- Amroha.	Amroha	11.01.2024	Brick kiln closed
25	Amroha	Indian/India Brick Works (Old Name Madad Brick works)	Mirpur Joya Amroha.	Amroha	22.01.2024	Brick kiln closed
26	Amroha	Jai Brick Works (New Name Sujumna Int Udyog)	Sujmana, Dhanaura, Amroha.	Dhanaura	08.05.2024	Brick kiln closed
27	Amroha	Jishan Ent Udyog	Kailsha Road, Paytikalan, Amroha.	Amroha	08.05.2024	Brick kiln closed
28	Amroha	Jogan Brick Works	Banskhedi, Amroha.	Naugawa sadat	11.01.2024	Brick kiln closed
29	Amroha	Kamar ent udhyog (New Name Papu ent udyog)	Vill-Maqsoodpur, Bamboogarh Road, bypass, Amroha	Amroha	11.01.2024	Brick kiln closed
30	Amroha	Kanak Bricks Works (New Present Name Shri Bala ji ent udyog and Old Name Krishan Brick Works)	Maumaychak, Hasampur, Amroha.	Amroha	29.05.2024	Brick kiln closed
31	Amroha	Kanha Ent Udyog	Najarpur, Amroha.	Naugawa sadat	30.01.2024	Brick kiln closed
32	Amroha	Kaushar Brick Works	Bans Khedi, Amroha.	Naugawa sadat	30.01.2024	Brick kiln closed
33	Amroha	Keshav Ent Udyog	Sujmana, Teh- Dhanaura, Amroha.	Dhanaura	03.01.2024	Brick kiln closed
34	Amroha	Kisan Ent Udhyog	Gram Fatehpur Sumali, Dhanaura, Amroha.	Dhanaura	03.01.2024	Brick kiln closed

Sujit
(F.A)

Abul Kalam
(MTS) 21

Nand Lal
(JRF)

@h
(JRF)

	Amroha	Kohinoor Brick Works	Bo-2151 Naugawan sadat, Amroha.	Naugawa sadat	30.01.2024	Brick kiln closed
36	Amroha	Lakshmi Ent Udyog	Vill-Sirsa Khumar, Kailsa Road, Amroha.	Amroha	29.05.2024	Brick kiln closed
37	Amroha	M.I.Z.	Kakrali Mafi, Amroha.	Amroha	22.01.2024	Brick kiln
38	Amroha	National Brick Works	Vill-Noner, Amroha.	Dhanaura	08.05.2024	Brick kiln
39	Amroha	Mahak Ent Udyog (New Name New R.K. Ent udyog)	Bhutiya Milak Papadi, Amroha.	Amroha	30.01.2024	Brick kiln closed
40	Amroha	Malik Ent Udyog	Shadipur, Amroha.	Naugawa sadat	22.01.2024	Brick kiln closed
41	Amroha	Malik. Entt Udyog	Vill- Tokra Patti, Gajraula Dist- Amroha.	Dhanaura	06.01.2024	Brick kiln closed
42	Amroha	Mansoori Ent Udyog	Vill-Kakrali, Mubarakpur noori, Amroha,	Amroha	29.05.2024	Brick kiln closed
43	Amroha	Mohasin Brick Works (Present name New Fine brick Works)	Vill-Payati Kalan, Amroha.	Amroha	22.01.2024	Brick kiln closed
44	Amroha	Monu Ent Udyog (Old Name Shiv Ent Udyog)	Behlolpur, Gajraula, Amroha	Dhanaura	06.01.2024	Brick kiln closed
45	Amroha	New Bharat Brick Works	Vill-Payanti Kala, Joya, Amroha.	Amroha	22.01.2024	Brick kiln closed
46	Amroha	New Fauji Brick Works	Gangacholi, Gangeshwari, Amroha.	Hasanpur	06.05.2024	Brick kiln closed
47	Amroha	King Brick Field (New Present Name New King Brick field)	Vill-Karanpur Chaudharpur, Amroha.	Amroha	29.05.2024	Brick kiln closed
48	Amroha	New Raja Entt Udyog (Old Name Raja ent Udyog)	Vill-Shahbajpur, Post- Joya, Amroha.	Amroha	11.01.2024	Brick kiln closed
49	Amroha	New Rashik Ent Udyog (New Name Anmol Ent Udyog)	Vill-Sinaura, Dist- Amroha.	Amroha	29.05.2024	Brick kiln closed
50	Amroha	Shiv Om Brick Works	Village-Aharoula Tejwan, Post- Gajraula, Dhanaura, Distt-Amroha	Dhanaura	03.01.2024	Brick kiln closed
51	Amroha	Om Baba Brick Works	Vill-Kanjar Baseda, Dhanaura, Amroha.	Dhanaura	06.01.2024	Brick kiln closed
52	Amroha	Raja Brick Works	Lalu Nangla, Post- Gajna, Amroha.	Naugawa sadat	22.04.2024	Brick kiln closed
53	Amroha	Rasik Ent Udyog (Present name Baba ent udyog)	Vill-Nazarpur Nanheda Rajput, Joya, Amroha.	Amroha	31.05.2024	Brick kiln closed

Sujit (F.A)

Abhinav (MTS) 22

(JRF)

(JRF)

	Amroha	Shankar Brick Works (New Name Narayan Brick works)	2152 Gangeshwari, Amroha.	Hasanpur	06.05.2024	Brick kiln closed
55	Amroha	Shiv Brick Works (Old Name-Shubham Brick Works & Bhagat Ji Brick Works)	Vill-Chuchela Kalan, Dhanaura, Amroha.	Dhanaura	03.01.2024	Brick kiln closed
56	Amroha	Shiv Ent Udyog	Vill-Nanheda Rajput, Dist-Amroha.	Amroha	31.05.2024	Brick kiln closed
57	Amroha	Shri Balak Ram Ent Udyog,	Abbalpur, Amroha.	Naugawa sadat	22.04.2024	Brick kiln closed
58	Amroha	Shyam Ent Udyog (New Present name sangum ent udyog)	Payanti Kalan, Amroha.	Amroha	22.01.2024	Brick kiln closed
59	Amroha	Subodh Ent Udyog	Ajampur, Dhanaura, Amroha.	Dhanaura	06.01.2024	Brick kiln closed
60	Amroha	Super Gold Bricks Works (New Name R.K. ent udyog)	Sirsa Khumar, Amroha.	Amroha	31.05.2024	Brick kiln closed
61	Amroha	Umar Altmas Brick Field (Present Name Social Brick works)	Vill-Kanpura, Post- Didoli, Amroha.	Amroha	31.05.2024	Brick kiln closed
62	Amroha	Vikas Brick Works (Present Name AN Brick works)	Chuchela kala, Mandi Dhanaura, Amroha.	Dhanaura	03.01.2024	Brick kiln closed
63	Amroha	Khan Brick field	Village-Sakergarhi, Amroha	Hasanpur	06.05.2024	Brick kiln closed
64	Amroha	Jugunu Ent Udyog	Village-Barkheda Rajput, Amroha.	Amroha	31.05.2024	Brick kiln closed
65	Amroha	Saklani Ent Udyog (Old Name Mehrab Ent Udyog)	Village-Paity Kalan, Amroha	Amroha	22.01.2024	Brick kiln closed
66	Amroha	Hazi Mustak Brick Works	Village and Post- Tavai Majra, Paity Kalan, Amroha	Amroha	29.05.2024	Brick kiln closed
67	Amroha	Musthafa Ent Udyog	Asrafpur Fazganj, Amroha.	Amroha	29.05.2024	Brick kiln closed
68	Amroha	New Chaudhary Brick Works	kakrali mafi, Amroha.	Amroha	22.01.2024	Brick kiln closed
69	Amroha	New Shama Brick works	Vill.-Sailpura, Bachhraun, amroha	Dhanaura	03.01.2024	Brick kiln closed
70	Amroha	Mailk ent udyog,	Vill.-Lohari khadar, Hasanpur, amroha	Hasanpur	07.05.2024	Brick kiln closed
71	Amroha	Fauji Phalwan Bricks works,	Lalapur, Tehsil- Hsanpur, amroha	Hasanpur	07.05.2024	Brick kiln closed

Sujit
(F.A)
01/07/24

Asok Kumar
(M.T.S)
01/07/24

23

Mpathah
01/07/24
(J.R.F)

01.07.2024
(J.R.F)



क्षेत्रीय कार्यालय
उ०प्र० प्रदूषण नियंत्रण बोर्ड
1-ए/आई.एन.एस.-1, आवास विकास कालोनी, बौद्ध विहार,
दिल्ली रोड, मुरादाबाद

ई-मेल : romoradabad@uppcb.in, दूरभाष : 0591-2972012

पत्र संख्या : 673/एन-13/889/जनरल

दिनांक: 01.07.2024

सेवा में,

जिलाधिकारी महोदय,
संभल (बहजोई)।

विषय : जनपद संभल के डिफाल्टर ईट-भट्टों के संबंध में।

महोदय,

कृपया उपरोक्त विषयक सादर अवगत कराना है कि जनपद संभल के 109 ईट भट्टे, जो कि डिफाल्टर श्रेणी में है, जिनके विरुद्ध राज्य प्रदूषण नियंत्रण बोर्ड द्वारा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम-1981 की धारा-31ए के अन्तर्गत बन्दी आदेश जारी किये गये थे।

उक्त ईट भट्टों की अद्यतन स्थिति की आख्या पत्र के साथ संलग्नकर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित की जा रही है।

संलग्नक - यथोपरि।

भवदीय

(आशुतोष चौहान)
क्षेत्रीय अधिकारी

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. अपर जिलाधिकारी (वि०/रा०), संभल ।
2. जिला खान अधिकारी, संभल।
3. श्रीमती प्रियंका स्वामी, शासकीय अधिवक्ता, राष्ट्रीय हरित अधिकरण, नई दिल्ली को सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

Regional Office						
UP Pollution Control Board						
Moradabad						
Status of defaulter Brick Klin District - Sambhal						
S.No.	District	Name of Brick Kilns	Village	Tehsil	Inspection Date	Remark
1	Sambhal	A One Ent Udyog	Raja ka Majhola	Chandausi	10.05.2024	Brick Klin closed
2	Sambhal	Bankey Bihari Brick Works	Balkaranpur	Chandausi	10.05.2024	Brick Klin closed
3	Sambhal	Chaudhary Brick Field	Gumthal	Chandausi	10.05.2024	Brick Klin closed
4	Sambhal	Chaudhary Brick Works	Jaineta	Chandausi	10.05.2024	Brick Klin closed
5	Sambhal	Chetan Eint Udyog	Amiyapur Pachak	Chandausi	10.05.2024	Brick Klin closed
6	Sambhal	G and C Brick Works (Old Name Hind Brick Works)	Pathra, Badayun Road	Chandausi	10.05.2024	Brick Klin closed
7	Sambhal	Ganesh Brick Works	Mudiya Khera	Chandausi	25.06.2024	Brick Klin closed
8	Sambhal	GGR Brick Works	Chhabra	Chandausi	25.06.2024	Brick Klin closed
9	Sambhal	HMK Brick Works(old Name Haji Mateen)	Rahauli	Chandausi	25.06.2024	Brick Klin closed
10	Sambhal	Jai Durga Maa Brick Works	Mundia Khera	Chandausi	25.06.2024	Brick Klin closed
11	Sambhal	Kalawati Brick Works	Muriyakhera	Chandausi	25.06.2024	Brick Klin closed
12	Sambhal	Khan Entt. Udyog(Old name Raj Brick works & Nayab Brick works)	Narauli, Sambhal Road	Chandausi	25.06.2024	Brick Klin closed
13	Sambhal	Om Sai Ent Udyog	Ahmadnagar Tharesa	Chandausi	25.06.2024	Brick Klin closed
14	Sambhal	R S Brick Works(New name Kajal Brick Works)	Mudiya Khera	Chandausi	25.06.2024	Brick Klin closed
15	Sambhal	Shri Krishna Ent Udyog	Mudiya Khera	Chandausi	25.06.2024	Brick Klin closed
16	Sambhal	Siddhart Brick Works (Old Name Mahaveer Brick Works)	Asalatpur Jarai	Chandausi	10.05.2024	Brick Klin closed
17	Sambhal	Tiranga Brick Works (Old Name Kisan Brick Works)	Sarai Jwalapuri	Chandausi	10.05.2024	Brick Klin closed
18	Sambhal	Vishv Hari Sakar Ent Udyog	Khera Khas	Chandausi	10.05.2024	Brick Klin closed
19	Sambhal	MS Brick Works	Mirzapur	Chandausi	10.05.2024	Brick Klin closed

Regional Office						
UP Pollution Control Board						
Moradabad						
Status of defaulter Brick Klin District - Sambhal						
S.No.	District	Name of Brick Kilns	Village	Tehsil	Inspection Date	Remark
1	Sambhal	B P Y Brick Udyog	Vill- Singhdalanpur	Gunnaur	08.06.2024	Brick Klin closed
2	Sambhal	D K S brick Udyog	Vill- Singhdalanpur	Gunnaur	29.05.2024	Brick Klin closed
3	Sambhal	D K Y Brick Works	Vill- Singhdalanpur	Gunnaur	29.05.2024	Brick Klin closed
4	Sambhal	P K Y Brick Udyog	Vill- Singhdalanpu	Gunnaur	29.05.2024	Brick Klin closed
5	Sambhal	Pradhan Ent Udyog (JP Eint Udyog)	Riwada	Gunnaur	08.06.2024	Brick Klin closed
6	Sambhal	Ram Bhatta Company	Vill- Singholi Purv	Gunnaur	08.06.2024	Brick Klin closed
7	Sambhal	Ram Prakash Ent Udyog	Simrai	Gunnaur	29.05.2024	Brick Klin closed
8	Sambhal	Shri Radhey Krishna Ent Udhog	Dohri Kalan, Asadpur	Gunnaur	08.06.2024	Brick Klin closed

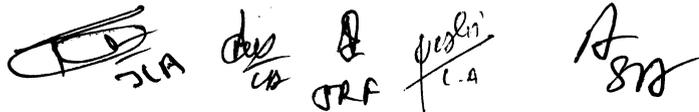

JLA


C.A


CA


SIA

Regional Office						
UP Pollution Control Board						
Moradabad						
Status of defaulter Brick Klin District - Sambhal						
S.N o.	District	Name of Brick Kilns	Village	Tehsil	Inspection Date	Remark
1	Sambhal	Ahmad Shah Brick Works(New name - Akbar Husain Brick Works)	Oberi	Sambhal	07.06.2024	Brick Klin closed
2	Sambhal	Ahmad Ullah Brick Works	Mohammadpur Malani	Sambhal	26.06.2024	Brick Klin closed
3	Sambhal	Akram Ent Udyog(New name - Arham Brick Works)	Barahi, Rahtol	Sambhal	01.05.2024	Brick Klin closed
4	Sambhal	Al Haram Brick Field	Lahara Kamangar	Sambhal	07.06.2024	Brick Klin closed
5	Sambhal	Alamdard Ent Udyog & Alamdad Brick Industries(New name - Star Entt. Udyog)	Harsinghpur	Sambhal	26.06.2024	Brick Klin closed
6	Sambhal	Alidad Ent Udyog (Mohammad Entt. Udyog)	Harsinghpur	Sambhal	26.06.2024	Brick Klin closed
7	Sambhal	Al-Madina Ent Udyog	Racheta	Sambhal	26.06.2024	Brick Klin closed
8	Sambhal	AMD Brick Works(New name - Rana Brick Works)	Malpura Urf Malpur	Sambhal	26.06.2024	Brick Klin closed
9	Sambhal	Anwari Brick Works	Waripur Bhamraua	Sambhal	28.06.2024	Brick Klin closed
10	Sambhal	Arzu Brick Works (Old Name Labiba Brick Works)	Bilalpath, Asmoli	Sambhal	28.06.2024	Brick Klin closed
11	Sambhal	Azazi Brick Works	Maatipur Dhaktoda	Sambhal	26.06.2024	Brick Klin closed
12	Sambhal	Balaji Maharaj ent Udyog	Khaspur, Asmoli	Sambhal	26.06.2024	Brick Klin closed
13	Sambhal	Bharat Brick field(New name - Jiya Intt. Udyog)	Mahmoodpur Malini	Sambhal	26.06.2024	Brick Klin closed
14	Sambhal	Burhan Brick Field	Fatehpur Sarai	Sambhal	07.06.2024	Brick Klin closed
15	Sambhal	Chaudhary Brick Works	Daboi Khurd, Asmoli	Sambhal	26.06.2024	Brick Klin closed
16	Sambhal	Chaudhary Brick Works (Old Name HMT Brick Works)	Mohammadpur Malini, Sirsi	Sambhal	01.05.2024	Brick Klin closed
17	Sambhal	Chishti Ent Udyog	Pahra, Chandausi Road	Sambhal	01.05.2024	Brick Klin closed



 JLA
 ORA
 L.A
 8/11

18	Sambhal	Chisti Shan Brick Works	Chandwar, PS - Asmauli	Sambhal	07.06.2024	Brick Klin closed
19	Sambhal	FKF Brick Works	Bilalpath, Asmoli PS Asmoli	Sambhal	26.06.2024	Brick Klin closed
20	Sambhal	Friend Brick Work (Old Name Haji Banne Miyan ent Udyog)	Razakpur, Barahi	Sambhal	26.06.2024	Brick Klin closed
21	Sambhal	Gupta Brick Works	Saidpur Imma, Hasanpur Road, PS - Asmauli	Sambhal	26.06.2024	Brick Klin closed
22	Sambhal	Haji Munshi Ahamad Brick Works	Pahera, Mohamadpur Tanda	Sambhal	01.05.2024	Brick Klin closed
23	Sambhal	Hari Anand Brick Works(New name - Giriraj Brick Works)	Patrasi (Dhareta)	Sambhal	01.05.2024	Brick Klin closed
24	Sambhal	Husain Brick Field (Husain Ent Udyog) (New Name Kisan Brick works)	Bela Ki Milak	Sambhal	01.05.2024	Brick Klin closed
25	Sambhal	Ilahi Brick Works	Mukarrabpur	Sambhal	26.06.2024	Brick Klin closed
26	Sambhal	Ilahi Brick Works (Old Name Shareef Brick Works)	Barahi, Sirsi	Sambhal	07.06.2024	Brick Klin closed
27	Sambhal	Indian Brick Works	Ahrola Maafi	Sambhal	26.06.2024	Brick Klin closed
28	Sambhal	Indian Brick Works(New name - Sabri Brick Works)	Asgaripur, PS - Asmoli, Chaudharpur, Manouta road	Sambhal	26.06.2024	Brick Klin closed
29	Sambhal	Indian Brick Works(New name- Chaudhary Brick Works)	Sirsi	Sambhal	26.06.2024	Brick Klin closed
30	Sambhal	Indian Green Brick Works	Akabarpur, Bahjoi	Sambhal	26.06.2024	Brick Klin closed
31	Sambhal	Jai Ambe Brick Works	Babaina, Mohra Lakhupura	Sambhal	26.06.2024	Brick Klin closed
32	Sambhal	Jai Baba Brick Works (New name Singh Baba Brick Works)	Rajjak Pur	Sambhal	26.06.2024	Brick Klin closed
33	Sambhal	Jai Maa Durgey (Old Name Jai Shri Ram Brick Works)	Chirauli Bhagwantpur	Sambhal	26.06.2024	Brick Klin closed
34	Sambhal	Kadri Brick Field & Warsi Brick Field (New name - Khwaja Garib Nawaj)	Tanda Kothi, Asmoli	Sambhal	26.06.2024	Brick Klin closed
35	Sambhal	KGN Brick Works	Navada	Sambhal	07.06.2024	Brick Klin closed
36	Sambhal	Khan & Sons Brick Works	Babaina, Bahjoi Road	Sambhal	01.05.2024	Brick Klin closed

[Handwritten signature]
JRF

[Handwritten signature]
JRF

[Handwritten signature]
SR

37	Sambhal	Khan Brick Works	Mukarabpur, Sirsi	Sambhal	01.05.2024	Brick Klin closed
38	Sambhal	Khwaja Ent Udyog(New name - Radhe Radhe Entt Udyog)	Taharpur Simraua, Near Hindaui	Sambhal	01.05.2024	Brick Klin closed
39	Sambhal	Khwaja Garib Nawaj Ent Udyog (old Name Sabri Ent Udhyog)	Mohammadpur Malini,Sirsi	Sambhal	28.06.2024	Brick Klin closed
40	Sambhal	Kisan Brick Works (Old Name Naved Brick Works & Hasan Brick Works)	Milak Bela	Sambhal	28.06.2024	Brick Klin closed
41	Sambhal	Kisan Brick Works(New name - Asadullah Brick Works)	Rachaita, Asmoli	Sambhal	07.06.2024	Brick Klin closed
42	Sambhal	Mahal Brick Works (present name warsi brick works)	Safat Nagar	Sambhal	26.06.2024	Brick Klin closed
43	Sambhal	Majid Brick Works	Bhawanipur (Tigri)	Sambhal	26.06.2024	Brick Klin closed
44	Sambhal	Malik Ent Udyog (Old Name Mansoori Ent Udyog)	Heerapur	Sambhal	26.06.2024	Brick Klin closed
45	Sambhal	MH Brick Works	Aitmad pur Bhatpura PS Anchoda	Sambhal	28.06.2024	Brick Klin closed
46	Sambhal	MLK Brick Works	Gumsani,Saidri Road	Sambhal	28.06.2024	Brick Klin closed
47	Sambhal	MMA Brick Works(New Name - SSA Brick works)	Rattupura	Sambhal	28.06.2024	Brick Klin closed
48	Sambhal	Mohammad Ent Udyog	Overy	Sambhal	28.06.2024	Brick Klin closed
49	Sambhal	National Ent Udyog	Mattawali Patti	Sambhal	26.06.2024	Brick Klin closed
50	Sambhal	New Ansari Brick Works	Barahi, Sirsi	Sambhal	26.06.2024	Brick Klin closed
51	Sambhal	New Vip Brick works(New name - Aditya Entt. Udyog)	Benipur Chak,adampur Road	Sambhal	26.06.2024	Brick Klin closed
52	Sambhal	NS Brick works	Darapur,Saidpur	Sambhal	28.06.2024	Brick Klin closed
53	Sambhal	Om sai Brick field	Majhola fatehpur	Sambhal	28.06.2024	Brick Klin closed
54	Sambhal	PHD Brick Works	Ahmadnagar Tharesa	Sambhal	07.06.2024	Brick Klin closed
55	Sambhal	Prince Brick Work(Old name - KSN Brick works)	Sevapur Pedaraspur, Gumsani	Sambhal	01.05.2024	Brick Klin closed
56	Sambhal	Quality Brick Works	Pota, Sirsi	Sambhal	01.05.2024	Brick Klin closed



 SLR
 JRG
 C-4
 SA

57	Sambhal	Rehman Brick Works (Old Name Tehjeeb Brick Works)	Sahbaspur	Sambhal	01.05.2024	Brick Klin closed
58	Sambhal	Riyal Diamond Brick Works	Sherpur, Bahjoi Road	Sambhal	28.06.2024	Brick Klin closed
59	Sambhal	RNZ Brick Works	Chak Viran	Sambhal	26.06.2024	Brick Klin closed
60	Sambhal	Royal Brick Works & Ruby Brick Works (New name AKA Brick works)	Mukarrabpur, Sirsi	Sambhal	26.06.2024	Brick Klin closed
61	Sambhal	Sabri Brick Works	Navada	Sambhal	26.06.2024	Brick Klin closed
62	Sambhal	Sadar Ent Udhog(New name - Hazrat Ali Brick Works)	Ratupura	Sambhal	01.05.2024	Brick Klin closed
63	Sambhal	Sahiba Ent Udyog	Barahi, Sirsi	Sambhal	01.05.2024	Brick Klin closed
64	Sambhal	Sana Brick Works	Khaspur, Asmoli	Sambhal	01.05.2024	Brick Klin closed
65	Sambhal	Saqlani Brick Works(New name - Noori Entt. Udyog)	Racheta	Sambhal	01.05.2024	Brick Klin closed
66	Sambhal	Seven Sky Brick Works(New name - Seven Star Brick Works)	Hadakur, Sirsi	Sambhal	01.05.2024	Brick Klin closed
67	Sambhal	Shadan Brick Works(Shri Balaji Brick works)	Rehtol	Sambhal	01.05.2024	Brick Klin closed
68	Sambhal	Shahdos Mohhamad Shah Brick Field(New name - Zohan Brick Works)	Barahi, Sirsi	Sambhal	01.05.2024	Brick Klin closed
69	Sambhal	Shan Brick Works(New name - Sania Brick Works)	Oberi	Sambhal	01.05.2024	Brick Klin closed
70	Sambhal	Shiv Shakti Ent Udyog (Shri Balaji Ent Udyog)	Dugawar, Asmoli	Sambhal	26.06.2024	Brick Klin closed
71	Sambhal	Shri Ram Eint Udyog	Matawali Patti, Asmloli	Sambhal	01.05.2024	Brick Klin closed
72	Sambhal	SK Brick Works	Sirsi, Bhamrauwa Road	Sambhal	01.05.2024	Brick Klin closed
73	Sambhal	Sona Ent Udyog(New name - Gause Brick Works)	Gandipur, Salarpur Road	Sambhal	01.05.2024	Brick Klin closed
74	Sambhal	Sri Sai Ent Udyog(New name - Almadina Entt. Udyog)	Lahara Kamangar	Sambhal	26.06.2024	Brick Klin closed
75	Sambhal	Teba Hasan Brick works(New name - Sofia Brick works)	Petia Maafi	Sambhal	26.06.2024	Brick Klin closed

76	Sambhal	Yagosh Brick Works(New Name - New Saqleni Brick Works)	Shafatnagar	Sambhal	26.06.2024	Brick Klin closed
77	Sambhal	NSR Brick Field	Sheedal Mafi, Asmoli Road	Sambhal	28.06.2024	Brick Klin closed
78	Sambhal	Zen Brick Works(Old name - Zaid Brick works)	Mansoorpur Maafi	Sambhal	28.06.2024	Brick Klin closed
79	Sambhal	Mukhtar Brick Works	Bilalpath, Asmoli	Sambhal	28.06.2024	Brick Klin closed
80	Sambhal	Shadab Brick Works	Khaspur	Sambhal	28.06.2024	Brick Klin closed
81	Sambhal	Jai Shri Sai Brick Works	Dhureta Bahjoi road	Sambhal	26.06.2024	Brick Klin closed
82	Sambhal	Gul bahar Brick Works	Bhaisoda	Sambhal	26.06.2024	Brick Klin closed

The Air (Prevention and Control of Pollution) Act, 1981¹

(Air (Prevention and Control of Pollution) Act, 1981)

[Act 14 of 1981 as amended up to Act 18 of 2023 and updated as of 31st August 2023]

[29th March, 1981]

CONTENTS

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement
2. Definitions

CHAPTER II

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

3. Central Pollution Control Board
4. State Pollution Control Boards constituted under Section 4 of Act 6 of 1974 to be State Boards under this Act
5. Constitution of State Boards
6. Central Board to exercise the powers and perform the functions of a State Board in the Union Territories
7. Terms and conditions of service of members
8. Disqualifications
9. Vacation of seats by members
10. Meetings of Board
11. Constitution of committees
12. Temporary association of persons with Board for particular purposes

13. Vacancy in Board not to invalidate acts or proceedings
14. Member-secretary and officers and other employees of State Boards
15. Delegation of powers

CHAPTER III

POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board
17. Functions of State Boards
18. Power to give directions

CHAPTER IV

PREVENTION AND CONTROL OF AIR POLLUTION

19. Power to declare air pollution control areas
20. Power to give instructions for ensuring standards for emission from automobiles
21. Restrictions on use of certain industrial plants
- 21-A. Power to issue guidelines
22. Persons carrying on industry, etc., not to allow emission of air pollutants in excess of the standards laid down by State Board
- 22-A. Power of Board to make application to court for restraining persons from causing air pollution
23. Furnishing of information to State Board and other agencies in certain cases
24. Power of entry and inspection
25. Power to obtain information
26. Power to take samples of air or emission and procedure to be followed in connection therewith
27. Reports of the result of analysis on samples taken under Section 26
28. State Air Laboratory
29. Analysts

30. Reports of analysts

31. Appeals

31-A. Power to give directions

31-B. Appeal to National Green Tribunal

CHAPTER V

FUND, ACCOUNTS AND AUDIT

32. Contributions by Central Government

33. Fund of Board

33-A. Borrowing powers of Board

34. Budget

35. Annual report

36. Accounts and audit

CHAPTER VI

PENALTIES AND PROCEDURE

37. Failure to comply with provisions of Section 22 or directions issued under Section 31-A

38. Penalties for certain acts

38-A. Penalty for contravention by Government Department

39. Penalties for contravention of certain provisions of this Act

39-A. Adjudicating officer

39-B. Appeal

39-C. Penalty amount to be credited to Environmental Protection Fund

39-D. Offences for failure to comply with provisions of Section 21 and for failure to pay penalty

42. Protection of action taken in good faith

43. Cognizance of offences

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

45. Reports and returns

46. Bar of jurisdiction

CHAPTER VII

MISCELLANEOUS

47. Power of State Government to supersede State Board

48. Special provision in the case of supersession of the Central Board or the State Boards constituted under the Water (Prevention and Control of Pollution) Act, 1974

49. Dissolution of State Boards constituted under the Act

50. Power to amend the Schedule

51. Maintenance of register

52. Effect of other laws

53. Power of Central Government to make rules

54. Power of State Government to make rules

THE SCHEDULE

Air (Prevention and Control of Pollution) Act, 1981

[Act 14 of 1981]

[29th March,
1981]

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

Whereas decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution;

And whereas it is considered necessary to implement the decisions aforesaid insofar as they relate to the preservation of the quality of air and control of air pollution;

Be it enacted by Parliament in the Thirty-second Year of the Republic of

India as follows:—

Statement of Objects and Reasons.—With the increasing industrialisation and the tendency of the majority of industries to congregate in areas which are already heavily industrialised, the problem of air pollution has begun to be felt in the country. The problem is more acute in those heavily industrialised areas which are also densely populated. Short-term studies conducted by the National Environmental Engineering Research Institute, Nagpur, have confirmed that the cities of Calcutta, Bombay, Delhi, etc., are facing the impact of air pollution on a steadily increasing level.

2. The presence in air, beyond certain limits, of various pollutants discharged through industrial emissions and from certain human activities connected with traffic, heating, use of domestic fuel, refuse incinerations, etc., has a detrimental effect on the health of the people as also on animal life, vegetation and property.

3. In the United Nations Conference on the Human Environment held in Stockholm in June 1972, in which India participated, decisions were taken to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution. The Government has decided to implement these decisions of the said conference insofar as they relate to the preservation of the quality of air and control of air pollution.

4. It is felt that there should be an integrated approach to tackling the environmental problems relating to pollution. It is, therefore, proposed that the Central Board for the Prevention and Control of Water Pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974, will also perform the functions of the Central Board for the Prevention and Control of Air Pollution and of a State Board for the Prevention and Control of Air Pollution in the Union territories. It is also proposed that the State Boards constituted under the said Act will also perform the functions of State Boards in respect of prevention, control and abatement of air pollution. However, in those States in which State Boards for the Prevention and Control of Water Pollution have not been constituted under that Act, separate State Boards for the Prevention and Control of Air Pollution are proposed to be constituted.

5. The Bill seeks to achieve the above objectives.

6. The notes on clauses appended to the Bill explain in detail the various provisions thereof.

Statement of Objects and Reasons Amending Act 47 of 1987.—The Air (Prevention and Control of Pollution) Act, 1981, was enacted under Article 253 of the Constitution to implement the decisions taken at the United Nations Conference on Human Environment held at Stockholm in June, 1972, in which India participated.

2. The Air Act is implemented by the Central and State Governments and the Central and State Boards. Over the past few years, the implementing

agencies have experienced some administrative and practical difficulties in effectively implementing the provisions of this Act and have brought these to the notice of Government.

The ways and means to remove these difficulties have been thoroughly examined in consultation with the concerned Central Government departments, the State Governments and the Central and State Boards. Taking into account the views expressed, the Government have decided to make certain amendments to the Act in order to remove such difficulties.

3. The Bill, inter alia, seeks to make the following amendments in the Act, namely—

- (i) The Central Board is proposed to be empowered to exercise the powers and perform the functions of a State Board in specific situations, particularly when a State Board fails to act and comply with the directions issued by the Central Board. It is also proposed to recover the cost of the exercise of such powers and the performance of such functions by the Central Board from the person or persons concerned, if the State Board is empowered to recover such costs under the provisions of the Act, as arrears of land revenue or of public demand.
- (ii) It is proposed to make it obligatory on the part of a person to obtain the consent of the relevant Board even while establishing an industrial plant.
- (iii) It is proposed to empower the Boards to obtain information regarding discharge of pollution in excess of specified standards by the industries operating even outside the air pollution control areas.
- (iv) In order to prevent effectively air pollution, the punishments provided in the Act are proposed to be made stricter.
- (v) In order to elicit public co-operation, it is proposed that any person should be able to complain to the courts regarding violations of the provisions of the Act after giving a notice of sixty days to the Board or the officer authorised in this behalf.
- (vi) It is proposed to omit the schedule to the Act so as to make the Act applicable to all the industries causing air pollution.
- (vii) It is proposed to empower the Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending establishments or stoppage or regulation of supply of services such as, water and electricity.
- (viii) It is proposed to empower the Boards to approach courts to obtain orders restraining any person from causing air pollution.
- (ix) For increasing the financial resources of the Boards, it is proposed to empower them to raise monies by means of obtaining loans and issue of debentures.

4. The Bill seeks to achieve the above objects.

► **Object.**—Proper implementation and enforcement of anti-pollution laws, is of prime

importance to avoid ecological degradation and its adverse effects, *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 5 SCC 281.

► **Scope.**—Right to pollution free water and air for full enjoyment of life is covered by Article 21, *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

Chapter I PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Air (Prevention and Control of Pollution) Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.

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

- (a) “air pollutant” means any solid, liquid or gaseous substance³ [(including noise)] present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;
- (b) “air pollution” means the presence in the atmosphere of any air pollutant;
- (c) “approved appliance” means any equipment or gadget used for the burning of any combustible material or for generating or consuming any fume, gas or particulate matter and approved by the State Board for the purposes of this Act;
- (d) “approved fuel” means any fuel approved by the State Board for the purposes of this Act;
- (e) “automobile” means any vehicle powered either by internal combustion engine or by any method of generating power to drive such vehicle by burning fuel;
- (f) “Board” means the Central Board or a State Board;
- (g) “Central Board” means the⁴[Central Pollution Control Board] constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (h) “chimney” includes any structure with an opening or outlet from or through which any air pollutant may be emitted;
- (i) “control equipment” means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant, and includes any device used for securing the efficient operation of any industrial plant;
- (j) “emission” means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet;
- (k) “industrial plant” means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;

- (l) "member" means a member of the Central Board or a State Board, as the case may be, and includes the Chairman thereof;
- ⁵[(m) "occupier", in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;]
- (n) "prescribed" means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;
- (o) "State Board" means,—
- (i) in relation to a State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is in force and the State Government has constituted for that State a ⁶[State Pollution Control Board] under Section 4 of that Act, the said State Board; and
- (ii) in relation to any other State, the State Board for the Prevention and Control of Air Pollution constituted by the State Government under Section 5 of this Act.

► **Noise Pollution.**—Noise generated up to unpleasant or obnoxious levels violates the rights of the people to a peaceful, comfortable and pollution-free life guaranteed by Article 21 of Constitution. No specific provision to deal with noise pollution, the Environment (Protection) Act confers power on the Government of India to take measures to deal with various types of pollution including noise pollution, *Anirudh Kumar v. MCD*, (2015) 7 SCC 779.

► **Protection of monuments.**—Directions issued to combat air pollution affecting Taj monument, *M.C. Mehta v. Union of India*, (2012) 8 SCC 137.

Chapter II

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

⁷[3. **Central Pollution Control Board.**—The Central Pollution Control Board constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the Central Pollution Control Board for the prevention and control of air pollution under this Act.

4. **State Pollution Control Boards constituted under Section 4 of Act 6 of 1974 to be State Boards under this Act.**—In any State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a State Pollution Control Board under Section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of Air Pollution constituted under Section 5 of this Act, and accordingly that State Pollution Control Board shall, without prejudice to the exercise and performance of its powers and functions under

that Act, exercise the powers and perform the functions of the State Board for the prevention and control of air pollution under this Act.]

5. Constitution of State Boards.—(1) In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is not in force, or that Act is in force but the State Government has not constituted a ⁸[State Pollution Control Board] under that Act, the State Government shall, with effect from such date as it may, by notification in the Official Gazette, appoint, constitute a State Board for the Prevention and Control of Air Pollution under such name as may be specified in the notification, to exercise the powers conferred on, and perform the functions assigned to that Board under this Act.

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

(a) a Chairman, being a person having special knowledge or practical experience in respect of matters relating to environmental protection, to be nominated by the State Government:

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

(b) such number of officials, not exceeding five, as the State Government may think fit, to be nominated by the State Government to represent that Government;

(c) such number of persons, not exceeding five, as the State Government may think fit, to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

(d) such number of non-officials, not exceeding three, as the State Government may think fit, to be nominated by the State Government to represent the interests of agriculture, fishery or industry or trade or labour or any other interest which, in the opinion of the 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;

⁹[(f) a full-time member-secretary having such qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control as may be prescribed, to be appointed by the State Government:]

Provided that the State Government shall ensure that not less than two of the members are persons having special knowledge or practical experience in respect of matters relating to the improvement of the quality of air or the prevention, control or abatement of air pollution.

(3) Every State Board constituted under this Act shall be a body corporate with the name specified by the State Government in the notification issued under sub-section (1), having perpetual succession and a common seal with

power, subject to the provisions of this Act, to acquire and dispose of property and to contract, and may by the said name sue or be sued.

► **Appointment/Nomination to SPCBs.**—Necessity of making appointments with due application of mind considering their duties, functions and responsibilities, emphasised. Lackadaisical and casual approach of State Government, strongly deprecated, *Techi Tagi Tera v. Rajendra Singh Bhandari*, (2018) 11 SCC 734.

6. Central Board to exercise the powers and perform the functions of a State Board in the Union Territories.—No State Board shall be constituted for a Union territory and in relation to a Union territory, the Central Board shall exercise the powers and perform the functions of a State Board under this Act for that Union Territory:

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

7. Terms and conditions of service of members.—(1) Save as otherwise provided by or under this Act, a member of a State Board constituted under this Act, other than the member-secretary, shall hold office for a term of three years from the date on which his nomination is notified in the Official Gazette:

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

(2) The term of office of a member of a State Board constituted under this Act and nominated under clause (b) or clause (e) of sub-section (2) of Section 5 shall come to an end as soon as he ceases to hold the office under the State Government or, as the case may be, the company or corporation owned, controlled or managed by the State Government, by virtue of which he was nominated.

(3) A member of a State Board constituted under this Act, other than the member-secretary, may at any time resign from his office by writing under his hand addressed:—

(a) in the case of the Chairman, to the State Government; and

(b) in any other case, to the Chairman of the State Board, and the seat of the Chairman or such other member shall thereupon become vacant.

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

(5) A casual vacancy in a State Board constituted under this Act shall be filled by a fresh nomination and the person nominated to fill the vacancy shall

hold office only for the remainder of the term for which the member whose place he takes was nominated.

(6) A member of a State Board constituted under this Act shall be eligible for re-nomination [10](#)[* * *].

(7) The other terms and conditions of service of the Chairman and other members (except the member-secretary) of a State Board constituted under this Act shall be such as may be prescribed.

8. Disqualifications.—(1) No person shall be a member of a State Board constituted under this Act, who—

- (a) is, or at any time has been, adjudged insolvent, or
- (b) is of unsound mind and has been so declared by a competent court, or
- (c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or
- (d) is, or at any time has been, convicted of an offence under this Act, or
- (e) has directly or indirectly by himself or by any partner, any share or interest in any firm or company carrying on the business of manufacture, sale, or hire of machinery, industrial plant, control equipment or any other apparatus for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or
- (f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board, or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of programmes for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or
- (g) has so abused, in the opinion of the State Government, his position as a member, as to render his continuance on the State Board detrimental to the interests of the general public.

(2) The State Government shall, by order in writing, remove any member who is, or has become, subject to any disqualification mentioned in sub-section (1):

Provided that no order of removal shall be made by the State Government under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of Section 7, a member who has been removed under this section shall not be eligible to continue to hold office until his successor enters upon his office, or, as the case may be, for re-nomination as a member.

9. Vacation of seats by members.—If a member of a State Board constituted under this Act becomes subject to any of the disqualifications

specified in Section 8, his seat shall become vacant.

10. Meetings of Board.—(1) For the purposes of this Act, a Board shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

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

(2) Copies of the minutes of the meetings under sub-section (1) shall be forwarded to the Central Board and to the State Government concerned.

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

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

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

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

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

(3) A person associated with a Board under sub-section (1) shall be entitled to receive such fees and allowances as may be prescribed.

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

14. Member-secretary and officers and other employees of State Boards.—(1) The terms and conditions of service of the member-secretary of a State Board constituted under this Act shall be such as may be prescribed.

¹¹[(2) The member-secretary of a State Board, whether constituted under this Act or not, shall exercise such powers and perform such duties as may be prescribed, or as may, from time to time, be delegated to him by the State Board or its Chairman.]

(3) Subject to such rules as may be made by the State Government in this behalf, a State Board, whether constituted under this Act or not, may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under this Act.

(4) The method of appointment, the conditions of service and the scales of pay of the officers (other than the member-secretary) and other employees of a State Board appointed under sub-section (3) shall be such as may be determined by regulations made by the State Board under this Act.

(5) Subject to such conditions as may be prescribed, a State Board constituted under this Act may, from time to time appoint any qualified person to be a consultant to the Board and pay him such salary and allowances or fees, as it thinks fit.

15. Delegation of powers.—(1) A State Board may, by general or special order, delegate to the Chairman or the member-secretary or any other officer of the Board subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

Chapter III POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board.—(1) Subject to the provisions of this Act, and without prejudice to the performance of its functions under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the main functions of the Central Board shall be to improve the quality of air and to prevent, control or abate air pollution in the country.

(2) In particular and without prejudice to the generality of the foregoing functions, the Central Board may—

- (a) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;
- (b) plan and cause to be executed a nationwide programme for the prevention, control or abatement of air pollution;
- (c) co-ordinate the activities of the State Boards and resolve disputes among them;
- (d) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air-pollution and prevention, control or abatement of air pollution;
- ¹²[(dd) perform such of the functions of any State Board as may be specified in an order made under sub-section (2) of Section 18;]
- (e) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of air pollution on such terms and conditions as the Central Board may specify;
- (f) organise through mass media a comprehensive programme regarding the prevention, control or abatement of air pollution;
- (g) collect, compile and publish technical and statistical data relating to air pollution and the measures devised for its effective prevention,

control or abatement and prepare manuals, codes or guides relating to prevention, control or abatement of air pollution;

(h) lay down standards for the quality of air;

(i) collect and disseminate information in respect of matters relating to air pollution;

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

(3) The Central Board may establish or recognise a laboratory or laboratories to enable the Central Board to perform its functions under this section efficiently.

(4) The Central Board may—

(a) delegate any of its functions under this Act generally or specially to any of the committees appointed by it;

(b) do such other things and perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

17. Functions of State Boards.—(1) Subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the functions of a State Board shall be—

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

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

(c) to collect and disseminate information relating to air pollution;

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

(e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;

(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;

(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft:

Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the

quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

- (h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;
- (i) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;
- (j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

18. Power to give directions.—¹³[(1)] In the performance of its functions under this Act—

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

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

¹⁴[(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 direction to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.]

Chapter IV

PREVENTION AND CONTROL OF AIR POLLUTION

19. Power to declare air pollution control areas.—(1) The State Government may, after consultation with the State Board, by notification in the Official Gazette, declare in such manner as may be prescribed, any area or areas within the State as air pollution control area or areas for the purposes of this Act.

(2) The State Government may, after consultation with the State Board, by notification in the Official Gazette,—

(a) alter any air pollution control area whether by way of extension or reduction;

(b) declare a new air pollution control area in which may be merged one or more existing air pollution control areas or any part or parts thereof.

(3) If the State Government, after consultation with the State Board, is of opinion that the use of any fuel, other than an approved fuel, in any air pollution control area or part thereof, may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.

(4) The State Government may, after consultation with the State Board, by notification in the Official Gazette, direct that with effect from such date as may be specified therein, no appliance, other than an approved appliance, shall be used in the premises situated in an air pollution control area:

Provided that different dates may be specified for different parts of an air pollution control area or for the use of different appliances.

(5) If the State Government, after consultation with the State Board, is of opinion that the burning of any material (not being fuel) in any air pollution control area or part thereof may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the burning of such material in such area or part thereof.

► **Power to declare air pollution control area.**—Once the manner is prescribed under the rules, undoubtedly, the declaration of the area has to be in accordance with the manner prescribed., but non-framing of rules does not curtail the power of the State Government to declare any area as air pollution control area by means of a notification published in the Official Gazette, *Orissa State (Prevention & Control of Pollution) Board v. Orient Paper Mills*, (2003) 10 SCC 421.

20. Power to give instructions for ensuring standards for emission from automobiles.—With a view to ensuring that the standards for emission of air pollutants from automobiles laid down by the State Board under clause (g) of sub-section (1) of Section 17 are complied with, the State Government shall, in consultation with the State Board, give such instructions as may be

deemed necessary to the concerned authority in charge of registration of motor vehicles under the Motor Vehicles Act, 1939 (4 of 1939), and such authority shall, notwithstanding anything contained in that Act or the rules made thereunder be bound to comply with such instructions.

21. Restrictions on use of certain industrial plants.—¹⁵[(1) No person shall establish or operate any industrial plant in an air pollution control area unless the previous consent of the State Board has been obtained in pursuance of an application made by such person in accordance with the provisions of this section:

Provided that the Central Government may in consultation with the Central Pollution Control Board, by notification in the Official Gazette, exempt certain categories of industrial plants from the application of the provisions of this sub-section.]

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

Provided that where any person, immediately before the declaration of any area as an air pollution control area, operates in such area any industrial plant ¹⁶[* * *] such person shall make the application under this sub-section within such period (being not less than three months from the date of such declaration) as may be prescribed and where such person makes such application, he shall be deemed to be operating such industrial plant with the consent of the State Board until the consent applied for has been refused.

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

(4) Within a period of four months after the receipt of the application for consent referred to in sub-section (1), the State Board shall, by order in writing ¹⁷[and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse such consent]:

¹⁸[Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled:

Provided further that before cancelling a consent or refusing a further consent under the first proviso, a reasonable opportunity of being heard shall be given to the person concerned.]

(5) Every person to whom consent has been granted by the State Board under sub-section (4), shall comply with the following conditions, namely:—

(i) the control equipment of such specifications as the State Board may

- approve in this behalf shall be installed and operated in the premises where the industry is carried on or proposed to be carried on;
- (i) the existing control equipment, if any, shall be altered or replaced in accordance with the directions of the State Board;
 - (ii) the control equipment referred to in clause (i) or clause (i) shall be kept at all times in good running condition;
 - (iv) chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected or re-erected in such premises;
 - (v) such other conditions as the State Board may specify in this behalf; and
 - (vi) the conditions referred to in clauses (i), (ii) and (iv) shall be complied with within such period as the State Board may specify in this behalf:

Provided that in the case of a person operating any industrial plant ¹⁹[* *] in an air pollution control area immediately before the date of declaration of such area as an air pollution control area, the period so specified shall not be less than six months:

Provided further that—

- (a) after the installation of any control equipment in accordance with the specifications under clause (i), or
 - (b) after the alteration or replacement of any control equipment in accordance with the directions of the State Board under clause (ii), or
 - (c) after the erection or re-erection of any chimney under clause (iv),
- no control equipment or chimney shall be altered or replaced or, as the case may be, erected or re-erected except with the prior approval of the State Board.

(6) If due to any technological improvement or otherwise the State Board is of the opinion that all or any of the conditions referred to in sub-section (5) require or requires variation (including the change of any control equipment, either in whole or in part), the State Board shall, after giving the person to whom consent has been granted an opportunity of being heard, vary all or any of such conditions and thereupon such person shall be bound to comply with the conditions as so varied.

(7) Where a person to whom consent has been granted by the State Board under sub-section (4) transfers his interest in the industry to any other person, such consent shall be deemed to have been granted to such other person and he shall be bound to comply with all the conditions subject to which it was granted as if the consent was granted to him originally.

²⁰[21-A. Power to issue guidelines.—(1) Notwithstanding anything contained in this Act, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the

matters relating to the grant, refusal or cancellation of consent by any State Board to establish or operate any industrial plant in an air pollution control area, including the mechanism for time bound disposal of the application made under Section 21 or validity period of such consent.

(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under Section 21 shall act in accordance with the guidelines issued under sub-section (1).]

► **Environmental Clearance.**—Environment Impact Assessment done, and environmental clearance granted by expert authorities can be quashed only if there is any illegality, irrationality or procedural impropriety in granting such permission. However, if after setting up of plant, it begins to pollute environment, fundamental right under Article 21 of Constitution can be invoked, *Sterlite Industries (India) Ltd. v. Union of India*, (2013) 4 SCC 575.

► **Pollution norms.**—Maharashtra Pollution Control Board a statutory authority, held, cannot be disbelieved on factual issue of installation of ESPs, *Tatyasaheb Kore Warana S.S.K. Ltd. v. Sharad Baburao Patil*, (2011) 12 SCC 543.

► **Polluter Pays Principle.**—The polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology, *Indian Council for Environmental Action v. Union of India*, (1996) 3 SCC 212.

► **Unauthorised land use causing noise Pollution.**—Illegal pathological lab/diagnostic centre functioning in multiple floors of a residential building without valid initial permission or a valid regularisation certificate, creating nuisance and harm to public health, public safety and public peace, harming structural safety of the residential building by creating cracks in it, creating traffic problems (with 100 parked cars and 300 visitors daily), harming environment by its hazardous discharges and resultantly creating sound, water and air pollution, directed to be closed/sealed, *Anirudh Kumar v. MCD*, (2015) 7 SCC 779.

► **Right to freedom from Noise pollution.**—As the Right to Hygienic, clean and safe environment, the Right to freedom from Noise pollution is a fundamental right protected by Article 21, and noise pollution beyond permissible limits is an inroad into that right, *Noise Pollution (V), In re*, (2005) 5 SCC 733.

22. **Persons carrying on industry, etc., not to allow emission of air pollutants in excess of the standards laid down by State Board.**—No person ²¹ [* * *] operating any industrial plant, in any air pollution control area shall discharge or cause or permit to be discharged the emission of any air pollutant in excess of the standards laid down by the State Board under clause (9) of sub-section (1) of Section 17.

²²[22-A. **Power of Board to make application to court for restraining persons from causing air pollution.**—(1) Where it is apprehended by a Board that emission of any air pollutant, in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of Section 17, is likely to occur by reason of any person operating an industrial plant or otherwise in any air pollution control area, the Board may make an application to a court, not

inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class for restraining such person from emitting such air pollutant.

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

(3) Where under sub-section (2), the court makes an order restraining any person from discharging or causing or permitting to be discharged the emission of any air pollutant, it may, in that order,—

(a) direct such person to desist from taking such action as is likely to cause emission;

(b) authorise the Board, if the direction under clause (a) is not complied with by the person to whom such direction is issued, to implement the direction in such manner as may be specified by the court.

(4) All expenses incurred by the Board in implementing the directions of the court under clause (b) of sub-section (3) shall be recoverable from the person concerned as arrears of land revenue or of public demand.]

23. Furnishing of information to State Board and other agencies in certain cases.—(1) Where in any ²³[* * *] area, the emission of any air pollutant into the atmosphere in excess of the standards laid down by the State Board occurs or is apprehended to occur due to accident or other unforeseen act or event, the person in charge of the premises from where such emission occurs or is apprehended to occur, shall forthwith intimate the fact of such occurrence or the apprehension of such occurrence to the State Board and to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or the apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the State Board and the authorities or agencies shall, as early as practicable, cause such remedial measures to be taken as are necessary to mitigate the emission of such air pollutants.

(3) Expenses, if any, incurred by the State Board, authority or agency in respect of the remedial measures referred to in sub-section (2) together with interest (at such reasonable rate as the State Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by that Board, authority or agency from the person concerned, as arrears of land revenue, or of public demand.

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

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

(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of

this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

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

(2) Every person ²⁴[* * *] operating any control equipment or any industrial plant, in an air pollution control area shall be bound to render all assistance to the person empowered by the State Board under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person wilfully delays or obstructs any person empowered by the State Board under sub-section (1) in the discharge of his duties, he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), or, in relation to the State of Jammu and Kashmir²⁵, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under Section 94 of the said Code or, as the case may be, under the corresponding provisions of the said law.

NOTES ► Section 94 of the Code of Criminal Procedure is given below:—

“94. Search of place suspected to contain stolen property, forged documents, etc.—(1) If a District Magistrate, sub-Divisional Magistrate or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit, sale or production of any objectionable article to which this section applies, or that any such objectionable article is deposited in any place, he may by warrant authorise any police officer above the rank of a constable—

- (a) to enter, with such assistance as may be required, such place,
- (b) to search the same in the manner specified in the warrant,
- (c) to take possession of any property or article therein found which he reasonably suspects to be stolen property or objectionable article to which this section applies,

- (d) to convey such property or article before a Magistrate, or to guard the same on the spot until the offender is taken before a magistrate, or otherwise to dispose of it in some place of safety,
 - (e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or production of any such property or article knowing or having reasonable cause to suspect it to be stolen property or, as the case may be, objectionable article to which this section applies.
- (2) The objectionable articles to which this section applies are—
- (a) counterfeit coin;
 - (b) pieces of metal made in contravention of the Metal Tokens Act, 1889 (1 of 1889) or brought into India in contravention of any notification for the time being in force under Section 11 of the Customs Act, 1962 (52 of 1962);
 - (c) counterfeit currency note; counterfeit stamps;
 - (d) forged documents;
 - (e) false seals;
 - (f) absence objects referred to in Section 292 of the Indian Penal Code (45 of 1860);
 - (g) instruments or materials used for the production of any of the articles mentioned in clauses (a) to (f)."

25. Power to obtain information.—For the purposes of carrying out the functions entrusted to it, the State Board or any officer empowered by it in that behalf may call for any information (including information regarding the types of air pollutants emitted into the atmosphere and the level of the emission of such air pollutants) from the occupier or any other person carrying on any industry or operating any control equipment or industrial plant and for the purpose of verifying the correctness of such information, the State Board or such officer shall have the right to inspect the premises where such industry, control equipment or industrial plant is being carried on or operated.

► **Environmental clearance.**—Environmental clearance or NOC cannot be equated to “consent to establish” under Section 21 of Water (Prevention and Control) Act, 1974 and “consent to operate” under Section 25 of the Air Act, *G. Sundarajan v. Union of India*, (2013) 6 SCC 620.

26. Power to take samples of air or emission and procedure to be followed in connection therewith.—(1) A State Board or any officer empowered by it in this behalf shall have power to take, for the purpose of analysis, samples of air or emission from any chimney, flue or duct or any other outlet in such manner as may be prescribed.

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

(3) Subject to the provisions of sub-section (4), when a sample of emission

is taken for analysis under sub-section (1), the person taking the sample shall—

- (a) serve on the occupier or his agent, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;
- (b) in the presence of the occupier or his agent, collect a sample of emission for analysis;
- (c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;
- (d) send, without delay, the container or containers to the laboratory established or recognised by the State Board under Section 17 or, if a request in that behalf is made by the occupier or his agent when the notice is served on him under clause (a), to the laboratory established or specified under sub-section (1) of Section 28.

(4) When a sample of emission is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3), then,—

- (a) in a case where the occupier or his agent wilfully absents himself, the person taking the sample shall collect the sample of emission for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and
- (b) in a case where the occupier or his agent is present at the time of taking the sample but refuses to sign the marked and sealed container or containers of the sample of emission as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the sample,

and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or specified under sub-section (1) of Section 28 and such person shall inform the Government analyst appointed under sub-section (1) of Section 29, in writing, about the wilful absence of the occupier or his agent, or, as the case may be, his refusal to sign the container or containers.

27. Reports of the result of analysis on samples taken under Section 26.—

(1) Where a sample of emission has been sent for analysis to the laboratory established or recognised by the State Board, the Board analyst appointed under sub-section (2) of Section 29 shall analyse the sample and submit a report in the prescribed form of such analysis in triplicate to the State Board.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the State Board to the occupier or his agent referred to in Section 26, another copy shall be preserved for production before the court in case any legal proceedings are taken against him and the other copy shall be kept by the State Board.

(3) Where a sample has been sent for analysis under clause (d) of sub-section (3) or sub-section (4) of Section 26 to any laboratory mentioned therein, the Government analyst referred to in the said sub-section (4) shall analyse the sample and submit a report in the prescribed form of the result of the analyse in triplicate to the State Board which shall comply with the provisions of sub-section (2).

(4) Any cost incurred in getting any sample analysed at the request of the occupier or his agent as provided in clause (d) of sub-section (3) of Section 26 or when he wilfully absents himself or refuses to sign the marked and sealed container or containers of sample of emission under sub-section (4) of that section, shall be payable by such occupier or his agent and in case of default the same shall be recoverable from him as arrears of land revenue or of public demand.

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

- (a) establish one or more State Air Laboratories; or
- (b) specify one or more laboratories or institutes as State Air Laboratories to carry out the functions entrusted to the State Air Laboratory under this Act.

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

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

29. Analysts.—(1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be Government analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or specified under sub-section (1) of Section 28.

(2) Without prejudice to the provisions of Section 14, the State Board may, by notification in the Official Gazette, and with the approval of the State Government, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or recognised under Section 17.

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

31. Appeals.—(1) Any person aggrieved by an order made by the State Board under this Act may, within thirty days from the date on which the order

is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute:

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

(2) The Appellate Authority shall consist of a single person or three persons as the State Government may think fit to be appointed by the State Government.

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

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

► **Form of presenting appeal.**—Appeal to be preferred in the manner “prescribed”.

The word “prescribe” means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government, *Monoj Kumar Roy v. Appellate Authority*, 2001 SCC OnLine Cal 621.

► **Sufficient cause of delay.**—In dealing with the question of condoning the delay the party has to satisfy the court that he had sufficient cause for not preferring the appeal within the prescribed time. The explanation has to cover the whole of the period of delay, *Sita Ram v. M.N. Nagrashana*, AIR 1960 SC 260.

Meaning of expression “sufficient cause”, explained, *State of Haryana v. Chandra Mani*, (1996) 3 SCC 132. The words “sufficient cause” must be given liberal construction so as to advance substantial justice, *Shakuntala Devi v. Kuntal Kumari*, AIR 1969 SC 575.

► **Effects of condoning delay.**—The effects of condoning the delay is not to extend the period of limitation but to treat the proceedings as filed within time on showing of sufficient cause, *Rajendra Nath Kar v. Ganga Das*, (1979) 1 SCC 531.

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

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

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

► **Illegal and uncontrolled/unmonitored mining.**—Directions issued to regulatory bodies for strict implementation of statutory provisions and monitoring of illegal and uncontrolled mining, *Goa Foundation v. Union of India*, (2014) 6 SCC 590.

²⁷[31-B. **Appeal to National Green Tribunal.**—Any person aggrieved by an order or decision of the Appellate Authority under Section 31, made on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.]

Chapter V

FUND, ACCOUNTS AND AUDIT

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

Provided that nothing in this section shall apply to any ²⁸[State Pollution Control Board] constituted under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), which is empowered by that Act to expend money from its fund thereunder also for performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

33. Fund of Board.—(1) Every State Board shall have its own fund for the purposes of this Act and all sums which may, from time to time, be paid to it by the Central Government and all other receipts (by way of contributions, if any, from the State Government, fees, gifts, grants donations, benefactions or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

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

(3) Nothing in this section shall apply to any ²⁹[State Pollution Control Board] constituted under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), which is empowered by that Act to expend money from its fund thereunder also for performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

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

functions under this Act.]

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

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

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

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under Section 226 of the Companies Act, 1956.³²

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

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

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

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

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

Legislature.

Chapter VI PENALTIES AND PROCEDURE

³³[37. Failure to comply with provisions of Section 22 or directions issued under Section 31-A.—(1) Whoever contravenes or does not comply with the provisions of Section 22 or directions issued under Section 31-A, shall, in respect of each such contravention, be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of ten thousand rupees for every day during which such contravention continues.

38. Penalties 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;
- (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;
- (c) damages any works or property belonging to the Board;
- (d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act;
- (e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of Section 23;
- (f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, shall be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention under sub-section (1), he shall be liable to additional penalty of ten thousand rupees for every day during which such contravention continues.

38-A. Penalty for contravention by Government Department.—(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary:

Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to penalty equal to one month of his basic salary:

Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.

39. Penalties for contravention of certain provisions of this Act.—If any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been provided for in this Act, shall be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to additional penalty which may extend to ten thousand rupees for every day during which such contravention continues.

39-A. Adjudicating officer.—(1) The Central Government, for the purposes of determining the penalties under Sections 37, 38, 38-A and Section 39, shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed: Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit under the provisions of Sections 37, 38, 38-A or 39, as the case may be:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

(3) The amount of penalty imposed under the provisions of Sections 37, 38, 38-A and 39, shall be in addition to the liability to pay relief or compensation under Section 15 read with Section 17 of the National Green Tribunal Act, 2010 (19 of 2010).

39-B. Appeal.—(1) Whoever aggrieved by the order passed by the adjudicating officer under Sections 37, 38, 38-A or 39, may prefer an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010 (19 of 2010).

(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(3) The Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) Where an appeal is preferred against any order of the adjudicating

officer under sub-section (1), it shall not be entertained by the Tribunal unless the person has deposited with the Tribunal ten per cent of the amount of the penalty imposed by the adjudicating officer.

39-C. Penalty amount to be credited to Environmental Protection Fund.—Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under Sections 37, 38, 38-A or 39, the amount of such penalty shall be credited to the Environmental Protection Fund established under Section 16 of the Environment (Protection) Act, 1986 (29 of 1986).

39-D. Offences for failure to comply with provisions of Section 21 and for failure to pay penalty.—(1) Whoever fails to comply with the provisions of Section 21, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to fifty thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

(3) Where any person fails to pay the penalty or the additional penalty, as the case may be, imposed under the provisions of this Act within ninety days of such imposition, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twice the amount of the penalty or additional penalty so imposed or with both.

(4) Where any offence under sub-section (1) or sub-section (2) or sub-section (3) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and he 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 sub-section (1) or sub-section (2) or sub-section (3), 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.

(5) Notwithstanding anything contained in sub-section (4), where an offence 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” includes body corporate, firm, trust, society and any other association of individuals;
- (b) “director” includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.]

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

► **Good faith.**—The expression “good faith” in criminal jurisprudence has a definite connotation. Its import is totally different from saying that the person concerned has honestly believed the truth of what is said. Good faith is defined in Section 52 of the IPC, *S.K. Sundaram, In Re*, (2001) 2 SCC 171 : 2001 SCC (Cri) 304.

Good faith according to the definition in General Clauses Act means a thing which is in fact done honestly, whether it is done negligently or not, *Madhav Rao Jivaji Rao Scindia v. Union of India*, (1971) 1 SCC 85 : AIR 1971 SC 530.

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

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

³⁵[(aa) the adjudicating officer or any officer authorised by him in this behalf;]

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

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

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

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

► **Delegation of Power.**—State Pollution Control Board can delegate power to Chairman of Board, because Section 43(1) of Air Pollution Act authorised the Board to do so. Either Board or Chairman of Board could have filed complaints alleging offences under the Act. However, this power cannot be exercised by any other authority/officer, *P. Pramila v. State of Karnataka*, (2015) 17 SCC 651.

44. Members, officers and employees of Board to be public servants.—All members and all officers and other employees of a Board when acting or purporting to act in pursuance of any of the provisions of this Act or the rules made thereunder shall be deemed to be public servants within the meaning of

Section 21 of the Indian Penal Code (45 of 1860).

► **Public servants.**—A person in actual possession of the situation of a public servant is a “public servant” notwithstanding the defect in his rights to hold that situation, *Bajranglal v. State*, (1976) 2 SCC 217 : 1976 SCC (Cri) 272; *G.A. Monterio v. State*, AIR 1957 SC 13, See also *Dattatraya Narayanan Patil v. State of Maharashtra*, (1976) 1 SCC 11, 14 : 1975 SCC (Cri) 733.

► **Public servant — who is.**—Minister of the State Government presiding over District Advisory Committee under government notification, is a public servant, *Dattatraya Narayanan Patil v. State of Maharashtra*, (1976) 1 SCC 11, 14 : 1975 SCC (Cri) 733.

Under Clause 12 of Section 21, IPC, an officer in the service of pay of the Government or of a local authority or a corporation established or owned by Government is liable as a public servant, *Akhtar Alam v. State of Bihar*, (1969) 1 SCC 142.

45. Reports and returns.—The Central Board shall, in relation to its functions under this Act, furnish to the Central Government, and a State Board shall, in relation to its functions under this Act, furnish to the State Government and to the Central Board such reports, returns, statistics, accounts and other information as that Government, or, as the case may be, the Central Board may, from time to time, require.

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

► **Brick kilns.**—Supreme Court's order dt. 22-8-2005 directing that applications relating to brick kiln or challenging decisions of Special Committee to be made before “the court having jurisdiction”. It was pleaded that order should be emended so as to require the applications to be made before “High Court” cannot be accepted as civil court will have jurisdiction under Section 9 CPC. However, in exercise of jurisdiction under Article 142 Supreme Court directed that in the event application is filed by Special Committee as also State Pollution Control Board questioning jurisdiction of said courts as being barred under Section 46 of Air (Prevention and Control of Pollution) Act, 1981, the same should be disposed of within four weeks, *M.C. Mehta v. Union of India*, (2009) 17 SCC 612.

Chapter VII

MISCELLANEOUS

47. Power of State Government to supersede State Board.—(1) If at any time the State Government is of opinion—

(a) that a State Board constituted under this Act has persistently made default in the performance of the functions imposed on it by or under this Act, or

(b) that circumstances exist which render it necessary in the public interest so to do,

the State Government may, by notification in the Official Gazette, supersede

the State Board for such period, not exceeding six months, as may be specified in the notification:

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

(2) Upon the publication of a notification under sub-section (1) superseding the State Board—

- (a) all the members shall, as from the date of supersession, vacate their offices as such;
- (b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the State Board shall, until the State Board is reconstituted under sub-section (3), be exercised, performed or discharged by such person or persons as the State Government may direct;
- (c) all property owned or controlled by the State Board shall, until the Board is reconstituted under sub-section (3), vest in the State Government.

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

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

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

48. Special provision in the case of supersession of the Central Board or the State Boards constituted under the Water (Prevention and Control of Pollution) Act, 1974.—Where the Central Board or any State Board constituted under the Water (Prevention and Control of Pollution) Act, 1974, is superseded by the Central Government or the State Government, as the case may be, under that Act, all the powers, functions and duties of the Central Board or such State Board under this Act shall be exercised, performed or discharged during the period of such supersession by the person or persons exercising, performing or discharging the powers, functions and duties of the Central Board or such State Board under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), during such period.

49. Dissolution of State Boards constituted under the Act.—(1) As and

when the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), comes into force in any State and the State Government constitutes a ³⁶[State Pollution Control Board] under that Act, the State Board constituted by the State Government under this Act shall stand dissolved and the Board first-mentioned shall exercise the powers and perform the functions of the Board second-mentioned in that State.

(2) On the dissolution of the State Board constituted under this Act,—

- (a) all the members shall vacate their offices as such;
- (b) all moneys and other property of whatever kind (including the fund of the State Board) owned by, or vested in, the State Board, immediately before such dissolution, shall stand transferred to and vest in the ³⁷[State Pollution Control Board];
- (c) every officer and other employee serving under the State Board immediately before such dissolution shall be transferred to and become an officer or other employee of the ³⁸[State Pollution Control Board] and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the State Board constituted under this Act had not been dissolved and shall continue to do so unless and until such tenure, remuneration and terms and conditions of service are duly altered by the ³⁹[State Pollution Control Board]:

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the State Government;

- (d) all liabilities and obligations of the State Board of whatever kind, immediately before such dissolution, shall be deemed to be the liabilities or obligations, as the case may be, of the ⁴⁰[State Pollution Control Board] and any proceeding or cause of action, pending or existing immediately before such dissolution by or against the State Board constituted under this Act in relation to such liability or obligation may be continued and enforced by or against the ⁴¹[State Pollution Control Board].

50. Power to amend the Schedule.—⁴²[* * *]

51. Maintenance of register.—(1) Every State Board shall maintain a register containing particulars of the persons to whom consent has been granted under Section 21, the standards for emission laid down by it in relation to each such consent and such other particulars as may be prescribed.

(2) The register maintained under sub-section (1) shall be open to inspection at all reasonable hours by any person interested in or affected by such standards for emission or by any other person authorised by such person

in this behalf.

52. Effect of other laws.—Save as otherwise provided by or under the Atomic Energy Act, 1962 (33 of 1962), in relation to radioactive air pollution the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

53. Power of Central Government to make rules.—(1) The Central Government may, in consultation with the Central Board by notification in the Official Gazette, make rules in respect of the following matters, namely:—

- (a) the intervals and the time and place at which meetings of the Central Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of Section 10 and under sub-section (2) of Section 11;
- (b) the fees and allowances to be paid to the members of a committee of the Central Board, not being members of the Board, under sub-section (3) of Section 11;
- (c) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of Section 12;
- (d) the fees and allowances to be paid under sub-section (3) of Section 12 to persons associated with the Central Board under sub-section (1) of Section 12;
- (e) the functions to be performed by the Central Board under clause (j) of sub-section (2) of Section 16;
- ⁴³[(f) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under Section 34;
- (ff) the form in which the annual report of the Central Board may be prepared under Section 35;]
- (g) the form in which the accounts of the Central Board may be maintained under sub-section (1) of Section 36.
- ⁴⁴[(h) the manner of holding inquiry and imposing penalties by the adjudicating officer under sub-section (1) of Section 39-A.]

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

to the validity of anything previously done under that rule.

54. Power of State Government to make rules.—(1) Subject to the provisions of sub-section (3), the State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act in respect of matters not falling within the purview of Section 53.

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

- ⁴⁵[(a) the qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control required for appointment as member-secretary of a State Board constituted under the Act;]
- ⁴⁶[(aa) the terms and conditions of service of the Chairman and other members (other than the member-secretary) of the State Board constituted under this Act under sub-section (7) of Section 7;
- (b) the intervals and the time and place at which meetings of the State Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of Section 10 and under sub-section (2) of Section 11;
- (c) the fees and allowances to be paid to the members of a committee of the State Board, not being members of the Board under sub-section (3) of Section 11;
- (d) the manner in which and the purposes for which persons may be associated with the State Board under sub-section (1) of Section 12;
- (e) the fees and allowances to be paid under sub-section (3) of Section 12 to persons associated with the State Board under sub-section (1) of Section 12;
- (f) the terms and conditions of service of the member-secretary of a State Board constituted under this Act under sub-section (1) of Section 14;
- (g) the powers and duties to be exercised and discharged by the member-secretary of a State Board under sub-section (2) of Section 14;
- (h) the conditions subject to which a State Board may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under sub-section (3) of Section 14;
- (i) the conditions subject to which a State Board may appoint a consultant under sub-section (5) of Section 14;
- (j) the functions to be performed by the State Board under clause (i) of sub-section (1) of Section 17;
- (k) the manner in which any area or areas may be declared as air

- pollution control area or areas under sub-section (1) of Section 19;
- (l) the form of application for the consent of the State Board, the fees payable therefore, the period within which such application shall be made and the particulars it may contain, under sub-section (2) of Section 21;
 - (m) the procedure to be followed in respect of an inquiry under sub-section (3) of Section 21;
 - (n) the authorities or agencies to whom information under sub-section (1) of Section 28 shall be furnished;
 - (o) the manner in which samples of air or emission may be taken under sub-section (1) of Section 26;
 - (p) the form of the notice referred to in sub-section (3) of Section 26;
 - (q) the form of the report of the State Board analyst under sub-section (1) of Section 27;
 - (r) the form of the report of the Government analyst under sub-section (3) of Section 27;
 - (s) the functions of the State Air Laboratory, the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of Laboratory's report thereon, the fees payable in respect of such report and other matters as may be necessary or expedient to enable that Laboratory to carry out its functions, under sub-section (2) of Section 28;
 - (t) the qualifications required for Government analysts under sub-section (1) of Section 29;
 - (u) the qualifications required for State Board analysts under sub-section (2) of Section 29;
 - (v) the form and the manner in which appeals may be preferred, the fees payable in respect of such appeals and the procedure to be followed by the Appellate Authority in disposing of the appeals under sub-section (3) of Section 31;
 - ⁴⁷[(w) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under Section 34;
 - (ww) the form in which the annual report of the State Board may be prepared under Section 35;]
 - (x) the form in which the accounts of the State Board may be maintained under sub-section (1) of Section 36;
 - ⁴⁸[(xx) the manner in which notice of intention to make a complaint shall be given under Section 43];
 - (y) the particulars which the register maintained under Section 51 may contain;
 - (z) any other matter which has to be, or may be, prescribed.

(3) After the first constitution of the State Board, no rule with respect to any of the matters referred to in sub-section (2) [other than those referred to ⁴⁹[in clause (aa)] thereof], shall be made, varied, amended or repealed without consulting that Board.

► **Scope.**—Section 54 of the Act only enumerates the subject on which State Government is entitled to frame rules. Hence, non-exercise of this power by State Government would not affect exercise of power by authority under the Act itself, *Orissa State (Prevention & Control of Pollution) Board v. Orient Paper Mills*, (2003) 10 SCC 421.

THE SCHEDULE

⁵⁰[* * *]

NOTIFICATIONS

(1)

Under Section 16(2)(h)

National Ambient Air Quality Standards Central Pollution Control Board, Noti.

No. B-29016/20/90/PCI-I, dated November 18, 2009, published in the Gazette of India, Extra., Part III, Section 4, dated 18th November, 2009, pp. 3-4, No. 217 [ADVT-III/4/184/09/Exty.]

In exercise of the powers conferred by sub-section (2)(h) of Section 16 of the Air (Prevention and Control of Pollution) Act, 1981 (Act No. 14 of 1981), and in supersession of the Notification Nos. S.O. 384(E), dated 11th April, 1994 and S.O. 935(E), dated 14th October, 1998, the Central Pollution Control Board hereby notify the National Ambient Air Quality Standards with immediate effect, namely:—

NATIONAL AMBIENT AIR QUALITY STANDARDS

Sl. No.	Pollutant	Time Weighted Average	Concentration in Ambient Air		
			Industrial, Residential, Rural and other Area	Ecologically Sensitive Area (Notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1.	Sulphur Dioxide (SO ₂), µg/m ³	Annual* 24 hours**	50 80	20 80	- Improved West and Gaeke - Ultraviolet fluorescence
2.	Nitrogen Dioxide (NO ₂),	Annual* 24 hours**	40 80	30 80	- Modified Jacob & Hochheiser (Na-Arsenite)

	$\mu\text{g}/\text{m}^3$				- Chemiluminescence
3.	Particulate Matter (Size less than 10 μm) or PM_{10} $\mu\text{g}/\text{m}^3$	Annual* 24 hours**	60 100	60 100	- Gravimetric - TOEM - Beta attenuation
4.	Particulate Matter (Size less than 2.5 μm) or $\text{PM}_{2.5}$ $\mu\text{g}/\text{m}^3$	Annual* 24 hours**	40 60	40 60	- Gravimetric - TOEM - Beta attenuation
5.	Ozone (O_3) $\mu\text{g}/\text{m}^3$	8 hours** 1 hour**	100 180	100 180	- UV photometric - Chemiluminescence - Chemical Method
6.	Lead (Pb) $\mu\text{g}/\text{m}^3$	Annual* 24 hours**	0.50 1.0	0.50 1.0	- AAS/ICP method after sampling on EPM 2000 or equivalent filter paper - ED-XRF using Teflon filter
7.	Carbon Monoxide (CO) $\mu\text{g}/\text{m}^3$	8 hours** 1 hour**	2 4	2 4	- Non-Dispersive Infra Red (NDIR) spectroscopy
8.	Ammonia (NH_3) $\mu\text{g}/\text{m}^3$	Annual* 24 hours**	100 400	100 400	- Chemiluminescence - Indophenol blue method
9.	Benzene (C_6H_6) $\mu\text{g}/\text{m}^3$	Annual*	5	5	- Gas chromatography based continuous analyzer
					-Adsorption and Desorption followed

					by GC analysis
10.	Benzo(a) Pyrene (BaP)- particulate phase only, ng/m ³	Annual*	1	1	- Solvent extraction followed by HPLC/GC analysis
11.	Arsenic (As), ng/m ³	Annual*	6	6	- AAS/ICP method after sampling on EPM 2000 or equivalent filter paper
12.	Nickel (Ni), ng/m ³	Annual*	20	20	- AAS/ICP method after sampling on EPM 2000 or equivalent filter paper

*Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

**24 hourly or 8 hourly or 1 hourly monitored values, as applicable, shall be complied with 98% of the time in a year. 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

Note.—Whenever and wherever monitoring results on two consecutive days of monitoring exceed the limits specified above for the respective category, it shall be considered adequate reason to institute regular or continuous monitoring and further investigation.

(2)

Under S. 16(3) r/w S. 17(2)

Ministry of Environment and Forests, Central Pollution Control Board, Noti. No. S.O. 389(E), dated September 23, 1994, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 1st May, 1995, pp. 2-3, No. 244 [No. Legal/42(3)/87]

In exercise of the power vested under sub-section (3) of Section 16 and sub-section (2) of Section 17 read with Section 6 of the Air (Prevention and Control of Pollution) Act, 1981 (Act 14 of 1981), the Central Pollution Control Board established the Laboratories located at:

- (i) Delhi— 'Parivesh Bhawan', East Arjun Nagar, Shahdara, Delhi-110032.
- (ii) Calcutta— Zonal Office (East), 61, Prince Anwar Shah Road, Calcutta-700033.
- (iii) Vadodara— Zonal Office (West), Chokshi Chamber, Priya Laxmi

Mill Road, Vadodara-390003

(iv) Kanpur— Zonal Office (Central), 1st Floor, 117/51-Q Block,
Sharda Nagar, Gurdeo Place, Kanpur-208025.

The fees payable to these laboratories in respect of each report of the analysis for various analytical parameters for air samples of source monitoring and for air samples of ambient and implant, shall be as per the rates given in schedule.

The rates shall come into force from the date of issue of the notification.

Schedule of Fees for Analysis of various Analytical Parameters in CPCB Laboratories for Air Samples of Source Monitoring.

Sl. No.	Parameters	Charge in Rs
1.	Sampling/measurement of velocity, flow rate, temperature and composition of gas	2000
2.	Particulate matter	300
3.	Sulphur dioxide	300
4.	Oxides of nitrogen	300
5.	Acid mist	300
6.	Ammonia	300
7.	Carbon monoxide	300
8.	Chlorine	300
9.	Fluoride (gaseous)	300
10.	Fluoride (particulate)	300
11.	Hydrogen sulphide	300
12.	Hydrogen chloride	300
13.	PAH (Particulate) each compound	500

For monitoring of only specific parameter, sampling charges have also to be paid.

For subsequent samples from the same source sampling charges will be Rs. 1000 per sample.

For reliability 2 to 3 samples are necessary for source measurement.

Note:

Transportation charges on actual.

Fee for analysis of various analytical parameters in CPCB Laboratories for Air Samples of Ambient and Inplant.

Sl. No.	Parameters	Charge in Rs.
1	2	3

I. Air Monitoring

A.	Sampling (up to 8 hours) and suspended particulate matter	1000
B.	For every additional parameter additional charges	
1.	SO ₂	300
2.	NO ₂	300
3.	Ammonia	300
4.	PAH in particulate (or each PAH)	500
5.	Chlorine	300
6.	Phenol	300
7.	Cyanide	300
8.	Mercapton	300
9.	Acid mist	300
10.	Lead and other metals (per metal)	150
11.	Analysis using dragger tubes (per tube)	200
II.	Noise Monitoring	
1.	First monitoring	2000
2.	Each subsequent monitoring within the same premises	1000

Note: Transportation charges on actual.

(3)

Ministry of Environment & Forests (Department of Environment, Forests & Wildlife), Noti. No. G.S.R. 71(E), dated February 1, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 2nd February, 1988, p. 2 [No. Q-14012/4/87-CPA]

In exercise of the powers conferred by sub-section (1) of Section 19 of the Air Prevention and Control of Pollution Act, 1981 (14 of 1981), read with Section 6 of that Act, the Central Government after consultation with the Central Board for the Prevention and Control of Water Pollution, hereby declares, with effect from the date of publication of this Notification in the Official Gazette, the whole of the Union Territory of Chandigarh, as air pollution control area.

(4)

Ministry of Environment & Forests (Department of Environment, Forests & Wildlife), Noti. No. G.S.R. 106(E), dated February 20, 1987, published in the Gazette of India, Extra., Part II, Section 3(i), dated 20th February, 1987, p. 2 [No. Q-14012/4/84-CPA]

In exercise of the powers conferred by sub-section (1) of Section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), read with Section 6 of that Act and Rule 8 of the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983, the Central Government after

consultation with the Central Board for the Prevention and Control of Water Pollution, hereby declares, with effect from the date of publication of this notification in the Official Gazette, the whole of the Union Territory of Delhi, as air pollution control area.

(5)

Ministry of Environment & Forests (Department of Environment, Forests & Wildlife), Noti. No. G.S.R. 429(E), dated February 1, 1989, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1989, p. 2 [No. Q-14012/4/84-CPA]

In exercise of the powers conferred by sub-section (1) of Section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), read with Section 6 of that Act and Rule 8 of the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983, the Central Government after consultation with the Central Pollution Control Board, hereby declares with effect from the date of publication of this notification in the Official Gazette, the whole of the Union Territory of Dadra and Nagar Haveli as air pollution control area.

(6)

Ministry of Environment & Forests (Department of Environment, Forests & Wildlife), Noti. No. G.S.R. 54(E), dated January 25, 1988, published in the Gazette of India, Extra., Part II, Section 3(i), dated 25th January, 1988, p. 2 [No. Q-14012/2/87-CPA]

In exercise of the powers conferred by sub-section (1) of Section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), read with Section 6 of that Act, the Central Government after consultation with the Central Board for the Prevention and Control of Water Pollution, hereby declares, with effect from the date of publication of this notification in the Official Gazette, the whole of the Union Territory of Pondicherry as air pollution control area.

(7)

Ministry of Environment & Forests (Department of Environment, Forests & Wildlife), Noti. No. G.S.R. 932(E), dated October 27, 1989, published in the Gazette of India, Extra., Part II, Section 3(i), dated 27th October, 1989, p. 2 [No. Q-14012/4/84-CPA]

In exercise of the powers conferred by sub-section (1) of Section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), read with Section 6 of that Act and Rule 8 of the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983, the Central Government after consultation with the Central Board, hereby declares, with effect from the date of publication of this notification in the Official Gazette, the whole of the Union Territory of Daman and Diu, as air pollution control area for the purposes of the said Act.

1. Received the assent of the President on March 29, 1981, published in the Gazette of India, Extra., Pt. II, S. 1, dt. 30-3-1981, pp. 55-80 [C][P].
2. 16-5-1981 [*Vide* G.S.R. 351(E), dt. 15-5-1981].
3. *Ins.* by Act 47 of 1987 (w.e.f. 1-4-1988).
4. *Subs.* by Act 47 of 1987, S. 2(ii) for "Central Board for the Prevention and Control of Water Prevention" (w.e.f. a date to be notified).
5. *Subs.* by Act 47 of 1987 (w.e.f. 1-4-1988).
6. *Subs.* by Act 47 of 1987, S. 2(iv) for "State Board for the Prevention and Control of Water Pollution" (w.e.f. a date to be notified).
7. *Subs.* by Act 47 of 1987, S. 3 (w.e.f. a date to be notified). Prior to substitution Ss. 3 and 4 read as under:
 3. *Central Board for the Prevention and Control of Air Pollution.*—The Central Board for the Prevention and Control of Water Pollution constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the Central Board for the Prevention and Control of Air Pollution under this Act.
 4. *State Boards for the Prevention and Control of Water Pollution to be State Boards for the Prevention and Control of Air Pollution.*—In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is in force and the State Government has constituted for that State a State Board for the Prevention and Control of Water Pollution under Section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of Air Pollution constituted under Section 5 of this Act and accordingly that State Board for the Prevention and Control of Water Pollution shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the Prevention and Control of Air Pollution under this Act."
8. *Subs.* by Act 47 of 1987, S. 4(i) "State Board for the Prevention and Control of Water Pollution" (w.e.f. a date to be notified).
9. *Subs.* by Act 47 of 1987 (w.e.f. 1-4-1988).
10. The words "but not for more than two terms" *Omitted* by Act 47 of 1987 (w.e.f. 1-4-1988).
11. *Subs.* by Act 47 of 1987 (w.e.f. 1-4-1988).
12. *Ins.* by Act 47 of 1987 (w.e.f. 1-4-1988).
13. *Renumbered* by Act 47 of 1987, S. 8 (w.e.f. 1-4-1988).
14. *Ins.* by Act 47 of 1987, S. 8 (w.e.f. 1-4-1988).

15. *Subs.* by Act 18 of 2023, S. 2 and Sch. (w.e.f. 1-4-2024). Prior to substitution it read as:
“(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area:
Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of Section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.”.
16. The words “for the purpose of any industry specified in the Schedule,” *omitted* by Act 47 of 1987, S. 9(ii) (w.e.f. 1-4-1988).
17. *Subs.* by Act 47 of 1987, S. 9(iii)(a) (w.e.f. 1-4-1988).
18. *Ins.* by Act 47 of 1987, S. 9(iii)(b) (w.e.f. 1-4-1988).
19. The words “for the purpose of any industry specified in the Schedule” *Omitted* by Act 47 of 1987, S. 9(iv) (w.e.f. 1-4-1988).
20. *Ins.* by Act 18 of 2023, S. 2 and Sch. (w.e.f. 1-4-2024).
21. The words “carrying on any industry specified in the Schedule or” *omitted* by Act 47 of 1987, S. 10 (w.e.f. 1-4-1988).
22. *Ins.* by Act 47 of 1987, S. 11 (w.e.f. 1-4-1988).
23. The words “air pollution control” *omitted* by Act 47 of 1987, S. 12 (w.e.f. 1-4-1988).
24. The words “carrying on any industry specified in the Schedule and every person” *omitted* by Act 47 of 1987, S. 13 (w.e.f. 1-4-1988).
25. Made applicable to the U.T. of Jammu and Kashmir and the U.T. of Ladakh [*Vide* S.O. 3912(E), dated 30-10-2019].
26. *Ins.* by Act 47 of 1987, S. 14 (w.e.f. 1-4-1988).
27. *Ins.* by Act 19 of 2010, S. 36 and Sch. III (w.e.f. 18-10-2010).
28. *Subs.* by Act 47 of 1987, S. 15 for “State Board for the Prevention and Control of Water Pollution” (w.e.f. a date to be notified).
29. *Subs.* by Act 47 of 1987, S. 15 for “State Board for the Prevention and Control of Water Pollution” (w.e.f. a date to be notified).
30. *Ins.* by Act 47 of 1987, S. 16 (w.e.f. 1-4-1988).
31. *Subs.* by Act 47 of 1987, S. 17 (w.e.f. 1-4-1988).

^{32.} See now Section 141 of Companies Act, 2013 (Act 18 of 2013) is given below:—

"141. *Eligibility, qualifications and disqualifications of auditors.*—(1) A person shall be eligible for appointment as an auditor of a company only if he is a chartered accountant:

Provided that a firm whereof majority of partners practising in India are qualified for appointment as aforesaid may be appointed by its firm name to be auditor of a company.

(2) Where a firm including a limited liability partnership is appointed as an auditor of a company, only the partners who are chartered accountants shall be authorised to act and sign on behalf of the firm.

(3) The following persons shall not be eligible for appointment as an auditor of a company, namely—

(a) a body corporate other than a limited liability partnership registered under the Limited Liability Partnership Act, 2008 (6 of 2009);

(b) an officer or employee of the company;

(c) a person who is a partner, or who is in the employment, of an officer or employee of the company;

(d) a person who, or his relative or partner—

(i) is holding any security of or interest in the company or its subsidiary, or of its holding or associate company or a subsidiary of such holding company:

Provided that the relative may hold security or interest in the company of face value not exceeding one thousand rupees or such sum as may be prescribed;

(ii) is indebted to the company, or its subsidiary, or its holding or associate company or a subsidiary of such holding company, in excess of such amount as may be prescribed; or

(iii) has given a guarantee or provided any security in connection with the indebtedness of any third person to the company, or its subsidiary, or its holding or associate company or a subsidiary of such holding company, for such amount as may be prescribed;

(e) a person or a firm who, whether directly or indirectly, has business relationship with the company, or its subsidiary, or its holding or associate company or subsidiary of such holding company or associate company of such nature as may be prescribed;

(f) a person whose relative is a director or is in the employment of the company as a director or key managerial personnel;

(g) a person who is in full time employment elsewhere or a person or a partner of a firm holding appointment as its auditor, if such persons or partner is at the date of such appointment or reappointment holding appointment as auditor of more than twenty companies;

(h) a person who has been convicted by a court of an offence involving fraud and a period of ten years has not elapsed from the date of such conviction;

(i) a person who, directly or indirectly, renders any service referred to in Section 144 to the company or its holding company or its subsidiary company.

Explanation.—For the purposes of this clause, the term "directly or indirectly" shall have the

meaning assigned to it in the Explanation to Section 144.

(4) Where a person appointed as an auditor of a company incurs any of the disqualifications mentioned in sub-section (3) after his appointment, he shall vacate his office as such auditor and such vacation shall be deemed to be a casual vacancy in the office of the auditor.”.

³³. *Subs.* for Section 37 to 41 by Act 18 of 2023, S. 2 and Sch. (w.e.f. 1-4-2024). Prior to substitution it read as:

“37. *Failure to comply with the provisions of Section 21 or Section 22 or with the directions issued under Section 31-A.*—(1) Whoever fails to comply with the provisions of Section 21 or Section 22 or directions issued under Section 31-A, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

38. *Penalties for certain acts.*—Whoever—

- (a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground, or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or
- (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or
- (c) damages any works or property belonging to the Board, or
- (d) fails to furnish to the Board or any offices or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act, or
- (e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of Section 23, or
- (f) in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, or
- (g) for the purpose of obtaining any consent under Section 21, makes a statement which is false in any material particular,

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

39. *Penalty for contravention of certain provisions of the Act.*—Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of continuing contravention, with an additional fine which may extend to five thousand

rupees for every day during which such contravention continues after conviction for the first such contravention.]

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

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

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

Explanation.—For the purposes of this section,—

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

(b) “director” in relation to a firm, means a partner in the firm.

41. *Offences by Government departments.*—(1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

³⁴. *Subs.* by Act 47 of 1987, S. 21 (w.e.f. 1-4-1988).

³⁵. *Ins.* by Act 18 of 2023, S. 2 and Sch. (w.e.f. 1-4-2024).

³⁶. *Subs.* by Act 47 of 1987, S. 15 for “State Board for the Prevention and Control of Water Pollution” (w.e.f. a date to be notified).

³⁷. *Subs.* by Act 47 of 1987, S. 15 for “State Board for the Prevention and Control of Water Pollution” (w.e.f. a date to be notified).

³⁸. *Subs.* by Act 47 of 1987, S. 15 for “State Board for the Prevention and Control of Water Pollution” (w.e.f. a date to be notified).

39. *Subs.* by Act 47 of 1987, S. 15 for "State Board for the Prevention and Control of Water Pollution" (w.e.f. a date to be notified).
40. *Subs.* by Act 47 of 1987, S. 15 for "State Board for the Prevention and Control of Water Pollution" (w.e.f. a date to be notified).
41. *Subs.* by Act 47 of 1987, S. 15 for "State Board for the Prevention and Control of Water Pollution" (w.e.f. a date to be notified).
42. *Omitted* by Act 47 of 1987 (w.e.f. 1-4-1988). Prior to omission it read as:
"50. *Power to amend the Schedule.*—(1) The Central Government may, of its own motion or on the recommendation of a Board, by notification in the Official Gazette, add to, or omit from, the Schedule any industry or alter the description of any industry and thereupon the Schedule shall be deemed to be amended accordingly.
(2) Every notification made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament."
43. *Subs.* by Act 47 of 1987, S. 23 (w.e.f. 1-4-1988).
44. *Ins.* by Act 18 of 2023, S. 2 and Sch. (w.e.f. 1-4-2024).
45. *Ins.* by Act 47 of 1987, S. 24(a)(i) (w.e.f. 1-4-1988).
46. *Renumbered* by Act 47 of 1987, S. 24(a)(i) (w.e.f. 1-4-1988).
47. *Subs.* by Act 47 of 1987, S. 24(ii) (w.e.f. 1-4-1988).
48. *Ins.* by Act 47 of 1987, S. 24(iii) (w.e.f. 1-4-1988).
49. *Subs.* by Act 47 of 1987, S. 24(b) (w.e.f. 1-4-1988).
50. *Omitted* by Act 47 of 1987, S. 25 (w.e.f. 1-4-1988). Prior to omission it read as:

"THE SCHEDULE

(See Sections 21, 22, 24 and 50)

1. Asbestos and asbestos products industries.
2. Cement and cement products industries.
3. Ceramic and ceramic products industries.
4. Chemical and allied industries.
5. Coal and lignite based chemical industries.
6. Engineering industries.
7. Ferrous metallurgical industries.

8. Fertilizer industries.
9. Foundries.
10. Food and agricultural products industries.
11. Mining industry.
12. Non-ferrous metallurgical industries.
13. Ores/mineral processing industries including beneficiation, pelletization, etc.
14. Power (coal, petroleum and their products) generating plants and boiler plants.
15. Paper and pulp (including paper products) industries.
16. Textile processing industry (made wholly or in part of cotton).
17. Petroleum refineries.
18. Petroleum products and petro-chemical industries.
19. Plants for recovery from the disposal of wastes.
20. incinerators.”.

Disclaimer: While every effort is made to avoid any mistake or omission, this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification is being circulated on the condition and understanding that the publisher would not be liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.

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

*[Act 6 of 1974 as amended up to Act 5 of 2024 and updated as of 16th
February 2024]*

[23rd March, 1974]

CONTENTS

CHAPTER I

PRELIMINARY

1. Short title, application and commencement
2. Definitions

CHAPTER II

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

3. Constitution of Central Board
4. Constitution of State Boards
5. Terms and conditions of service of members
6. Disqualifications
7. Vacation of seats by members
8. Meetings of Board
9. Constitution of committees
10. Temporary association of persons with Board for particular purposes
11. Vacancy in Board not to invalidate acts or proceedings
- 11-A. Delegation of powers to Chairman
12. Member-secretary and officers and other employees of Board

CHAPTER III

JOINT BOARDS

13. Constitution of Joint Boards
14. Composition of Joint Boards
15. Special provision relating to giving of directions

CHAPTER IV

POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board
17. Functions of State Board
18. Powers to give directions

CHAPTER V

PREVENTION AND CONTROL OF WATER POLLUTION

19. Power of State Government to restrict the application of the Act to certain areas
20. Power to obtain information
21. Power to take samples of effluents and procedure to be followed in connection therewith
22. Reports of the result of analysis on samples taken under Section 21
23. Power of entry and inspection
24. Prohibition on use of stream or well for disposal of polluting matter, etc
25. Restrictions on new outlets and new discharges
26. Provision regarding existing discharge of sewage or trade effluent
27. Refusal or withdrawal of consent by State Board
- 27-A. Power to issue guidelines
28. Appeals

- 29. Revision
- 30. Power of State Board to carry out certain works
- 31. Furnishing of information to State Board and other agencies in certain cases
- 32. Emergency measures in case of pollution of stream or well
- 33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells
- 33-A. Power to give directions
- 33-B. Appeal to National Green Tribunal

CHAPTER VI

FUNDS, ACCOUNTS AND AUDIT

- 34. Contributions by Central Government
- 35. Contributions by State Government
- 36. Fund of Central Board
- 37. Fund of State Board
- 37-A. Borrowing powers of Board
- 38. Budget
- 39. Annual report
- 40. Accounts and audit

CHAPTER VII

PENALTIES AND PROCEDURE

- 41. Failure to comply with provisions of Section 20 or directions issued thereunder
- 41-A. Failure to comply with provisions of Section 32, or directions issued under Section 33 or Section 33-A
- 42. Penalty for certain acts
- 43. Penalty for contravention of provisions of Section 24
- 44. Penalty for contravention of Section 25 or Section 26

- 45. Enhanced penalty after previous conviction
 - 45-A. Penalty for contravention of certain provisions of Act
 - 45-B. Adjudicating officer
 - 45-C. Appeal
 - 45-D. Penalty amount to be credited to Environmental Protection Fund
 - 45-E. Offences for failure to comply with provisions of Section 25 or 26 and for failure to pay penalty
- 46. Publication of names of offenders
- 47. Offences by companies
- 48. Penalty for contravention by Government Department
- 49. Cognizance of offences
- 50. Members, officers and servants of Board to be public servants

CHAPTER VIII

MISCELLANEOUS

- 51. Central Water Laboratory
- 52. State Water Laboratory
- 53. Analysts
- 54. Reports of analysts
- 55. Local authorities to assist
- 56. Compulsory acquisition of land for the State Board
- 57. Returns and reports
- 58. Bar of jurisdiction
- 59. Protection of action taken in good faith
- 60. Overriding effect
- 61. Power of Central Government to supersede the Central Board and Joint Boards

62. Power of State Government to supersede State Board
63. Power of Central Government to make rules
64. Power of State Government to make rules

Water (Prevention and Control of Pollution) Act, 1974

[Act 6 of 1974 as amended up to Act 5 of 2024] [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:—

Statement of Objects and Reasons.—The problem of pollution of rivers and streams has assumed considerable importance and urgency in recent years as a result of the growth of industries and the increasing tendency to urbanization. It is, therefore, essential to ensure that the domestic and industrial effluents are not allowed to be discharged into the watercourses without adequate treatment as such discharges would render the water unsuitable as source of drinking water as well as for supporting fish life and for use in irrigation. Pollution of rivers and streams also causes increasing damage to the country's economy.

2. A committee was set up in 1962 to draw a draft enactment for the prevention of water pollution. The report of the Committee was circulated to the State Governments and was also considered by the Central Council of Local Self-Government in September 1963. This Council resolved that a single law regarding measures to deal with water pollution control both at the Centre and at the State levels, may be enacted by Union Parliament. A draft Bill was accordingly prepared and put for consideration at a joint session of Central Council of Local Self-Government and the Fifth Conference of the State Ministers of Town and Country Planning held in 1965. In pursuance of the decision of the joint session, the draft Bill was considered subsequently in detail by a Committee of Ministers of Local Self-Government from the States of Bihar, Madras, Maharashtra, Rajasthan, Haryana and West Bengal.

3. Having considered the relevant local provisions existing in the country and recommendations of the aforesaid Committees, the Government came to the conclusion that the existing local provisions are neither adequate nor satisfactory. There is, therefore, an urgent need for introducing a comprehensive legislation which would establish unitary agencies in the Centre and States to provide for the prevention, abatement and control of pollution of rivers and streams, for maintaining or restoring wholesomeness of such watercourses and for controlling the existing and new discharges of domestic and industrial wastes.

4. The Bill follows the recommendations of the aforesaid Committees and seeks to—

- (i) establish at the Centre as well as in the States Water Pollution Prevention Boards with the necessary complement of technical and administrative staff and to confer on them such powers as are necessary to deal effectively with the problem of water pollution in the country;
- (ii) provide penalties for contravention of the provisions of the Act; and
- (iii) establish Central and State water testing laboratories to enable the Boards to assess the extent of pollution, lay down standards and establish guilt or default.

5. Legislation in respect of the aforesaid subject-matter is relatable to Entry 17 read with Entry 6 of List II in the Seventh Schedule to the Constitution and Parliament has no power to make a law in the States (apart from the provisions of Articles 249 and 250 of the Constitution) unless the legislatures of two or more States pass a resolution in pursuance of Article 252 of the Constitution empowering Parliament to pass the necessary legislation on the subject. The Legislatures of the States of Gujarat, Jammu and Kashmir, Kerala, Haryana and Mysore have passed such resolutions. The Bill is intended to give effect to the

resolutions passed by the Legislatures of the aforesaid States.—Gazette of India, 5-12-1969, Part II, Section 2, Extra., p. 1176.

Statement of Objects and Reasons of Amending Act 44 of 1978.—In the process of implementation of the Water (Prevention and Control of Pollution) Act, 1974, in various States, certain drawbacks have come to the notice of the Government and consequently it has become necessary to make certain amendments in the Act.

2. Section 4 of the Act requires that those State Governments which have adopted the Act should set up the State Boards within six months from the date of adoption. One of the fifteen States which have so far adopted the Act, has not set up the State Board within this time-limit. It has been felt that the prescribed time-limit of six months for constitution of the State Boards may be done away with. Further, it has come to the notice of the Government that some State Governments have set up the State Boards after the prescribed time-limit of six months. It is, therefore, necessary to regularize the setting up of these Boards and also the action of the State Boards constituted after the prescribed time-limit of six months.

3. Moreover, certain States are finding it difficult to provide a full-time Chairman for the State Boards. It is, therefore, proposed to amend the Act to provide for the appointment of a Chairman of the State Board either on full-time or on part-time depending on the specific situation and as the State Government thinks fit.

4. It is felt that there should be an integrated approach for tackling the water and air pollution problem. It is, therefore, proposed that the existing Boards for the Prevention and Control of Water Pollution should also be authorised to perform functions relating to the prevention, control and abatement of air pollution. The Government have already introduced a Bill, namely, the Air (Prevention and Control of Pollution) Bill, 1976, in the Lok Sabha on the 17th April, 1976. It has thus become necessary to authorise the Central Board and the State Boards for the Prevention and Control of Water Pollution to spend from their funds for performing functions relating to prevention, control and abatement of air pollution also.

5. In addition, certain other minor amendments are also proposed in the Bill.—Gazette of India, 25-7-1978, Part II, Section 2, Extra., p. 882.

Statement of Objects and Reasons of Amending Act 53 of 1988.—The Water (Prevention and Control of Pollution) Act, 1974 (Water Act) was enacted in pursuance of clause (1) of Article 252 of the Constitution to provide for the prevention and control of water pollution and the maintenance or restoration of wholesomeness of water. Subsequently, the Water Act was amended by Act 44 of 1978, to

remove certain practical difficulties that were faced in its implementation.

2. The Water Act is implemented by the Central and State Governments and the Central and State Pollution Control Boards. Over the past few years, the implementing agencies have experienced some more administrative and practical difficulties in effectively implementing the provisions of the Act. The ways and means to remove these difficulties have been thoroughly examined in consultation with the implementing agencies. Taking into account the views expressed, it is proposed to amend certain provisions of the Act in order to remove such difficulties. The State Legislatures of Himachal Pradesh, Manipur and Tripura have passed resolutions under Article 252(2) of the Constitution authorising the Parliament to amend the provisions of the Water Act to give effect to those amendments.

3. The Bill, *inter alia*, seeks to make the following amendments in the Act, namely:—

- (i) the Central Board and State Board for the Prevention and Control of Water Pollution are proposed to be renamed as 'Central State Pollution Control Board' as these Boards deal with both water and air pollution control;
- (ii) the Central Board is proposed to be empowered to exercise the powers and perform the functions of the State Board in specific situations, particularly when a State Board fails to act and comply with the directions issued by the Central Board. It is also proposed to recover the cost of the exercise of such powers and the performance of such functions by the Central Board from the person or persons concerned, if the State Board is empowered to recover such costs under the provisions of the Act, as arrears of land revenue or of public demand;
- (iii) it is proposed to make it obligatory on the part of a person to obtain the consent of the relevant Board for establishing or taking any steps to establish any industry, operation or process which is likely to cause pollution of water and also to empower the Boards to limit their consents for suitable periods so as to enable them to monitor observance of the prescribed conditions;
- (iv) in order to effectively prevent water pollution, the penal provisions of the Act are proposed to be made stricter and bring them at par with the punishments prescribed in the Air (Prevention and Control of Pollution) Act, 1981 as amended by Act 47 of 1987;
- (v) in order to elicit public co-operation, it is proposed that any person should be able to complain to the courts regarding violations of the provisions of the Act after giving a notice of sixty days to the concerned Board or the officer authorised in this

behalf;

- (vi) it is proposed to empower the Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending industry, operation or process or stoppage or regulation of supply of services such as water and electricity;
 - (vii) for increasing the financial resources of the Boards, it is proposed to empower them to raise monies by means of loans and debentures.
4. The Bill seeks to achieve the above objects.

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;]

³[(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;
- ⁴[(gg) "sewer" means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;]
- ⁵[(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) watercourse (whether flowing or for the time being dry);
(iii) inland water (whether natural or artificial);
(iv) subterranean waters;
(v) sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;
- (k) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any ⁶[industry, operation or process or treatment and disposal system], other than domestic sewage.

STATE AMENDMENTS

MAHARASHTRA.—In its application to State of Maharashtra.

- (i) in Section 2, after clause (c), the following clause shall be *inserted*, namely—

'(cc) "minor water body" in the Scheduled Areas shall have the same meaning as assigned to it in the Explanation to Section 54-B(h) of the Maharashtra Village Panchayats Act;'

- (ii) in Section 2, after clause (f), the following clause shall be *inserted*, namely—

‘(ff) “Scheduled Areas” means the area referred to in clause (1) of Article 244 of the Constitution;’

[Vide Mah. Gaz. 30-10-2014, Pt. V, Ext., p. 4]

► **Pollution due to effluent discharge.**—Indicators of pollution due to effluent discharge by dyeing and bleaching industries are very high pH value (meaning that water is highly alkaline), very high total dissolved solids (TDS), excess chloride (Cl) and Sodium (Na). Besides these biochemical oxygen demand (BOD), chemical oxygen demand (COD) and dark red colour of water can also be taken as indicators of pollution in river, *Tirupur Dyeing Factory Owners Assn. v. Noyyal River Ayacutdars Protection Assn.*, (2009) 9 SCC 737.

Chapter II

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

3. Constitution of Central Board.—(1) The Central Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union Territories) as it may, by notification in the Official Gazette, appoint, constitute a Central Board to be called the ²[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 matters relating to ⁸[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) ⁹[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) ¹⁰[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;

¹¹[(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 Boards.—(1) The State Government shall, with effect from such date [* * *]¹² as it may, by notification in the Official Gazette, appoint, constitute a State [Pollution Control]¹³ 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 [* * *]¹⁴ chairman, being a person having special knowledge or practical experience in respect of ¹⁵[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 ¹⁶[in such manner as may be prescribed by the Central Government]:

¹⁷[Provided that the chairman may be either whole-time or part-time as the State Government may think fit;]

(b) ¹⁸[such number of officials, not exceeding five] to be nominated by the State Government to represent that Government;

(c) ¹⁹[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) ²⁰[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 interests which, in the opinion of the State Government, ought to be represented;

(e) two persons to represent the companies or corporations

owned, controlled or managed by the State Government, to be nominated by that Government;

²¹[(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.

► **Member.**—Chairman, is also a member of the Board, *State of Manipur v. Chandam Manihar Singh*, (1999) 7 SCC 503 : 1999 SCC (L&S) 1351.

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.

²²[(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, ²³[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 ²⁴[shall be eligible for renomination].

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

(9) The other terms and conditions of service of the chairman shall be such as may be prescribed ²⁵[by the Central Government].

► **Vacancy in SPCB.**—Casual vacancy in State Pollution Control Board, occurs in cases of removal by the Central or State Government under Section 5 (3), resignation under Section 5(4) and disqualification under Section 6(1) and it is not necessary to reconstitute the Board every time a casual vacancy occurs, *State of Manipur v. Chandam Manihar Singh*, (1999) 7 SCC 503 : 1999 SCC (L&S) 1351.

Term of office of member of State Pollution Control Board, including Chairman, in cases of casual vacancy is three years, but in cases where a causal vacancy arises, the person nominated to fill the vacancy shall under Section 5(6) hold office only for the remainder of the term of the original member, *State of Manipur v. Chandam Manihar Singh*, (1999) 7 SCC 503 : 1999 SCC (L&S) 1351.

► **Appointment/Nomination to SPCBs.**—One of the principal attributes of good governance is establishment of viable institutions comprising professionally competent persons and strengthening of such institutions so that duties and responsibilities conferred on them are performed with dedication and sincerity in public interest. Further held, this is applicable not only to administrative bodies but statutory authorities as well, and more so, since statutory authorities are creation

of law made by competent legislature, representing will of people. State Government directed to frame appropriate guidelines or recruitment rules within stipulated time considering institutional requirements of SPCBs, law laid down by statute/Court, reports of experts committees to ensure appointment of suitable professionals and experts. Liberty granted to public-spirited individuals to move appropriate High Court for issuance of writ of quo warranto if any person who does not meet statutory or constitutional requirements is appointed or continuing as such, *Techi Tagi Tara v. Rajendra Singh Bhandari*, (2018) 11 SCC 734.

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

²⁶[(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.

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

12. Member-secretary and officers and other employees of Board.—

(1) 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 ²⁸[* * *].

²⁹[(3-A) 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.]

³⁰[(3-B) 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 Boards.—(1) Notwithstanding anything contained in this Act, an agreement may be entered into—

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

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

- (i) in a case referred 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 the participating State or States.

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

(a) a full-time chairman, being a person having special knowledge or practical experience in respect of matters relating to [31](#) [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;

³²[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]

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

- (a) a full-time chairman, being a person having special knowledge or practical experience in respect of matters relating to ³³[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;

³⁴[(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.

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;

³⁵[(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;
 - (d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
 - (e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;
 - (f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;
 - (g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;
 - (h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;
 - (i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;
 - (j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;
 - (k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;
 - (l) to make, vary or revoke any order—
 - (i) for the prevention, control or abatement of discharges of

waste into streams or wells;

(i) 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 adopt such remedial measures as are necessary to prevent, control or abate water pollution;

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

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

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

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

18. Powers to give directions.—[1]³⁶ In the performance of its functions under this Act—

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

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

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

³⁷[(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.]

► **Independent assessment of pollution.**—Direction issued for independent assessment of situation and condition of petitioner's industrial unit, which were directed to be closed down for emitting hazardous and industrial materials/waste by High Court and its effect with reference to environmental pollution by NEERI. Comments/suggestions and measures to remove deficiencies with reference to report of NEERI sought from State Pollution Control Board, State Pollution Control Board directed to issue directions to petitioner to carry out measures and remove deficiencies as suggested by Pollution Control Board within certain time, *Sterlite Industries (I) Ltd. v. Union of India*, (2011) 10 SCC 254.

► **Appellate jurisdiction - Scope.**—Order of State Government under Section 18 of the Water Act, not appealable to NGT either under Water Act or under NGT Act, held, cannot be judicially reviewed by NGT. NGT has no general powers of judicial review as those vested in High Court under Article 226 of the Constitution. NGT is not a tribunal set up either under Article 323-A or Article 323-B of the Constitution, *T.N. Pollution Control Board v. Sterlite Industries (I) Ltd.*, (2019) 19 SCC 479.

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.

► **Exemption to polluting industry.**—Fundamental objective of the Act, is to ensure provision of clean drinking water to the citizens of India. Therefore, Section 19 cannot be used by the State to grant exemption to an industry or particular company from the provisions of a prohibitory order against establishment of polluting industries, *A.P. Pollution Control Board II v. Prof. M.V. Nayudu*, (2001) 2 SCC 62.

► **Control over the Pollution Control Board.**—The Government of Assam (State Government) exercises its control over the Pollution Control Board, Assam and the Board cannot act in all matters independently without there being concurrent and/or approval of the Government of Assam, *Prakash Chandra Baruah v. State of Assam*, 2007 SCC OnLine Gau 570.

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

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

(3) Without prejudice to the provisions of sub-section (2), a State Board may, with a view to preventing or controlling pollution of water, give directions requiring any person in charge of any establishment where any ³⁸[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.

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

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

section (3) and such person shall inform the Government analyst appointed under sub-section (1) or sub-section (2), as the case may be, of Section 53, in writing about the wilful absence of the occupier or his agent; and

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

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

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

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

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

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

provisions of sub-section (2).

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

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

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

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

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

(2) The provisions of the ⁴⁰[Code of Criminal Procedure, 1973 (2 of 1974)], or, in relation to the State of Jammu and Kashmir⁴¹, 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 ⁴²[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 stream or well ⁴³[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.

► **Effluent treatment plants.**—Directions issued regarding establishment and functionality of effluent treatment plants, common effluent treatment plants, and sewerage treatment plants. Industrial units without functional effluent treatment plant directed to not be permitted to be operational. Directions for time-bound construction of common effluent treatment plants and for making sewerage

treatment plants functional issued. Mechanism for implementation of these directions also explained. Role of local bodies/Municipalities therein, emphasised, *Paryavaran Suraksha Samiti v. Union of India*, (2017) 5 SCC 326.

25. Restrictions on new outlets and new discharges.—⁴⁴[(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:

⁴⁵[Provided that the Central Government may in consultation with the Central Board, by notification in the Official Gazette, exempt certain categories of industrial plants from the provisions of this sub-section.]

(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.

⁴⁶[(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 or extension or addition thereto, or using the new or altered outlet, or discharging the effluent

from the land or premises aforesaid; or

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

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

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

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

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

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

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

STATE AMENDMENTS

MAHARASHTRA.—In its application to State of Maharashtra.

In Section 25, to sub-section (3), the following proviso shall be added, namely—

“Provided that, the State Board shall not grant its consent referred to in sub-section (1) in respect of the minor water body in the Scheduled Areas unless prior informed consent of the Gram Panchayat is obtained by it.”

[Vide Mah. Gaz. 30-10-2014, Pt. V, Ext, p. 5]

► **Consent of the Board.**—Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 does not confer any right on members of the public to demand information from A.P. PCB prior to issuance of NOC, *Akhil Bharat Goseva Sangh (3) v. State of A.P.*, (2006) 4 SCC 162.

Under Section 25(1) of the Water (Prevention and Control of Pollution) Act, 1974 as amended, the prohibition now extends even to “establishment” of the industry or taking of steps for that process and therefore before consent of the Pollution Board is obtained, neither can the industry be established nor can any steps be taken to establish it, *A.P. Pollution Control Board II v. Prof. M.V. Nayudu*, (2001) 2 SCC 62.

Consent of State Board under Section 25(1) to such installation of sewage or trade effluent treatment plant is not imperative for grant of rebate, *Rajasthan State Electricity Board v. Cess Appellate Committee*, (1991) 1 SCC 93.

► **Retrospective effect.**—The expression stream or well or sewer or on land as added by Act 44 of 1975 is to be operative retrospectively and would apply to the case where the water has already been polluted, *Wimco Ltd. v. U.P. Pollution Control Board*, 1990 SCC OnLine All 228.

► **Effluents, Sewage, River and Lake Pollution.**—Levy of sewerage cess on industries is permissible, when such industries were already getting the effluents treated, *Vasant Chemicals Ltd. v. Hyderabad Metropolitan Water Supply & Sewerage Board*, (2019) 4 SCC 562.

26. Provision regarding existing discharge of sewage or trade effluent.—Where immediately before the commencement of this Act any person was discharging any sewage or trade effluent into a stream or well ⁴⁷[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 ⁴⁸[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.—⁴⁹[(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.]

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

⁵¹[(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 deems 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.

⁵²[**27-A. Power to issue guidelines.**—(1) Notwithstanding anything in this Act, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board for establishment of any industry, operation or process, or treatment and disposal system or to bringing into use of a new or altered outlet including the mechanism for time-bound disposal of the application made under Section 25 or period of validity of such consent.

(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under Section 25 or Section 27 shall act in accordance with the guidelines issued under sub-section (1).]

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.

⁵³[(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.

(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.—⁵⁴(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.

STATE AMENDMENTS

MAHARASHTRA.—In its application to State of Maharashtra.

After Section 30, the following section shall be *inserted*, namely—

"30-A. Power of the State Board to take remedial measures in Scheduled Areas.—If the Gram Sabha in a Scheduled Area sends a resolution to the State Board stating that there is pollution of minor water body in the Scheduled Areas within its jurisdiction, it shall be imperative for the Board to investigate and ensure taking of necessary remedial action under the Act and the rules made thereunder, at the earliest, and in any case, not later than a month from the date of receipt of such resolution."

[*Vide Mah. Gaz. 30-10-2014, Pt. V, Ext., p. 5*]

31. Furnishing of information to State Board and other agencies in certain cases.—⁵⁵[(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 incharge of such place shall forthwith intimate the occurrence of such accident, act or event to the State Board and such other authorities or agencies as may be prescribed.]

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

32. Emergency measures in case of pollution of stream or well.—(1) Where it appears to the State Board that any poisonous, noxious or polluting matter is present in ⁵⁶[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 stream or well [or on land]⁵⁷ and disposing it of in such manner as the Board considers appropriate;
- (b) remedying or mitigating any pollution caused by its presence in the stream or well;
- (c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter into the stream or well [or on land]⁵⁸, 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.—⁵⁹[(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.

► **Jurisdiction of Chief Judicial Magistrate.**—Chief Judicial Magistrate is a Judicial Magistrate of 1st class and has jurisdiction to entertain applications under Section 33 of the Act, *Wimco Ltd. v. U.P. Pollution Control Board*, 1990 SCC OnLine All 228.

► **Prospective as well as retrospective effect.**—Provisions of this section is prospective and retrospective both in its operation in respect of discharge of sewage etc., *Wimco Ltd. v. U.P. Pollution Control Board*, 1990 SCC OnLine All 228.

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

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

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

► **Polluter pays principle.**—Polluter who unjustly enriches itself by abusing process of court and adopting delaying tactics to avoid paying remedial environmental costs directed to pay Rs 37.385 crores (i.e. remediation costs assessed by final decree) along with compound interest @ 12% p.a. from 4-11-1997 (date of final decree) till amount is paid or recovered. Polluter also directed to pay costs of Rs 10 lakhs in both the IAs, *Indian Council for Enviro-Legal Action v. Union of India*, (2011) 8 SCC 161 : (2011) 4 SCC (Civ) 87.

⁶¹[33-B. **Appeal to National Green Tribunal.**—Any person aggrieved by,—

- (a) an order or decision of the appellate authority under Section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or
 - (b) an order passed by the State Government under Section 29, on or after the commencement of the National Green Tribunal Act, 2010; or
 - (c) directions issued under Section 33-A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,
- may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with

the provisions of that Act.]

Chapter VI FUNDS, ACCOUNTS AND AUDIT

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

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

36. Fund of Central Board.—(1) The Central Board shall have its own fund, and all sums which may, from time to time, be paid to it by the Central Government and all other receipts (by way of gifts, grants, donations, benefactions [, fees]⁶² 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 ⁶³[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 that Board.

37. Fund of State Board.—(1) The State Board shall have its own fund, and the sums which may, from time to time, be paid to it by the State Government and all other receipts (by way of gifts, grants, donations, benefactions [, fees]⁶⁴ 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 ⁶⁵[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.

⁶⁶[**37-A. Borrowing powers of Board.**—A Board may, with the consent of, or in accordance with, the terms of any general or special authority given to it by the Central Government or, as the case may be, the State

Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for the performance of all or any of its functions under this Act.]

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

⁶⁷[**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.]

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

⁶⁸[41. Failure to comply with provisions of Section 20 or directions issued thereunder.—(1) Whoever contravenes or does not comply with the directions given under sub-section (2) or sub-section (3) of Section 20, within such time as may be specified in the direction, shall, in respect of each such contravention or non-compliance, be liable to pay a penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.]

⁶⁹[41-A. Failure to comply with provisions of Section 32, or directions issued under Section 33 or Section 33-A.—(1) Whoever contravenes or does not comply with any order or direction 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 33-A, shall, in respect of each such contravention or non-compliance, be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.]

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

- (a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or
- (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or
- (c) damages any works or property belonging to the Board, or
- (d) fails to furnish to any officer or other employee of the Board any information required by him for the purpose of this Act, or
- (e) fails to intimate the occurrence of any accident or other

unforeseen act or event under Section 31 to the Board and other authorities or agencies as required by that section, or

(f) in giving any information which he is required to give under this Act, knowingly or wilfully makes a statement which is false in any material particular, or

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

⁷⁰[shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.]

⁷¹[(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.]

⁷²[43. **Penalty for contravention of provisions of Section 24.**—Whoever contravenes the provisions of Section 24, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees and where such contravention continues, he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.]

⁷³[44. **Penalty for contravention of Section 25 or Section 26.**—Where for the purpose of grant of a consent in pursuance of the provisions of Section 25 or Section 26, the use of a meter or gauge or other measure or monitoring device is required and such device is used for the purposes of those provisions, any person who knowingly or wilfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.]

45. Enhanced penalty after previous conviction.—⁷⁴[* * *]

⁷⁵[45-A. **Penalty for contravention of certain provisions of Act.**—If any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been provided for in this Act, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to pay an additional penalty which may extend to ten thousand rupees for every day during which such contravention continues.]

⁷⁶[45-B. **Adjudicating officer.**—(1) The Central Government, for the purposes of determining the penalties under the provisions of this Act shall appoint an officer not below the rank of Joint Secretary to the

Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit under the provisions of this Act:

Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.

(3) The amount of penalty imposed under the provisions of Sections 41, 41A, 42, 43, 44, 45-A and 48, shall be in addition to the liability to pay relief or compensation under Section 15 read with Section 17 of the National Green Tribunal Act, 2010 (19 of 2010).]

⁷⁷[45-C. Appeal.—(1) Any person aggrieved by the order passed by the adjudicating officer under Section 45-B may prefer an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010 (19 of 2010).

(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.]

⁷⁸[45-D. Penalty amount to be credited to Environmental Protection Fund.—Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under the provisions of this Act, the amount of such penalty shall be credited to the Environmental Protection Fund established under Section 16 of the Environment (Protection) Act, 1986.]

⁷⁹[45-E. Offences for failure to comply with provisions of Section 25 or 26 and for failure to pay penalty.—(1) Whoever fails to comply with

the provisions of Section 25 or Section 26, in respect of each such failure, shall 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 fifty thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

(3) Where any person fails to pay the penalty or the additional penalty, as the case may be, imposed under the provisions of this Act within ninety days of such imposition, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twice the amount of the penalty or additional penalty so imposed or with both.

(4) Where any offence under sub-section (1) or sub-section (2) or sub-section (3) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and he shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in sub-section (1) or sub-section (2) or sub-section (3), 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.

(5) Notwithstanding anything in sub-section (4), where an offence 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 ⁸⁰[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" includes body corporate, firm, trust, society and any other association of individuals;
- (b) "director", includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.]

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.—⁸¹[* * *]

► **Prosecution of company.**—Section 47 is similar to Section 34(2) of the Drugs and Cosmetics Act, 1940. The words “punished accordingly” in Section 34 (2) in the context mean that a person deemed to be guilty of an offence committed by a company shall receive the punishment that is prescribed by the Act for that offence. These words do not suggest that the persons mentioned therein can be punished only in the same way as a company would be punishable, that is, only with a fine and not with imprisonment, *Rajasthan Pharmaceutical Lab. v. State of Karnataka*, (1981) 1 SCC 645.

► **Liability of person in charge.**—Every person in charge of conducting the affairs of the company at the time the offence was committed will be liable and it is not incumbent that the company and the partners should be prosecuted as a condition precedent to the prosecution of the person in charge, *Public Prosecutor v. Boggarapu Pullaiah*, 1973 SCC OnLine AP 200.

But a contrary view has been expressed by Madras and Delhi High Courts, *B.K. Verma v. Corporation of Madras*, *Chander Bhan v. State*, 1975 SCC OnLine Del 277.

In Section 47 of the Act, the expression ‘Manager’ has not been used. Liability has been fixed upon every person who was in charge of and was responsible for the conduct of the business of the Company. A person lesser than a manager can possibly plead that he is not in charge of and responsible to the Company for the business of the Company. But the manager cannot evade the liability only on the plea that he has been described as a manager and nothing more has been said as regards his responsibilities. Sub-section (1) of Section 47 exempts a person from the liability to any punishment if he can prove certain things as mentioned therein, *K.K. Nandi, Manager, Per Pro Shaw Wallace & Co. Ltd. v. Amitabha Banerjee*, 1983 SCC OnLine Cal 9.

► **Acquittal of company.**—Where a company has been acquitted whatever the reasons for the acquittal may be and as an inevitable concomitant thereof it is not possible to deem any person to be guilty of the offence because of his being in charge of the business of the company at the material time, *MCD v. Kishan Chand*, 1975 SCC OnLine Del 249.

⁸²[48. **Penalty for contravention by Government Department.**—(1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or State Government,

the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary:

Provided that such Head of the Department shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall be liable to pay the penalty equal to one month of his basic salary:

Provided that such officer shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.]

► **Sanction for Investigation/Prosecution.**—Section 48 of 1974 Act casts rebuttable presumption of deemed guilt against Head of Department of any offence committed by government department under 1974 Act. Such deemed fiction of guilt does not entail prior sanction under Section 197 CrPC. Further held, if prior sanction under Section 197 CrPC is permitted, it would certainly conflict with deemed fiction power created under Section 48 of 1974 Act and negate the same, *V.C. Chinnappa Goudar v. Karnataka State Pollution Control Board*, (2015) 14 SCC 535.

49. Cognizance of offences.—⁸³[(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

⁸⁴[(aa) the adjudicating officer or any officer authorised by him in this behalf; 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.]

⁸⁵[(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)]⁸⁶ Notwithstanding anything contained in ⁸⁷[Section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)] it shall be lawful for any

[88](#)[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.

► **“Offence” and “prosecution of offence”—Distinction.**—There is an essential distinction between an offence and the prosecution for an offence. The former forms part of the substantive law and the latter of procedural law. An offence is an aggregate of acts or omissions punishable by law while prosecution signified the procedure for obtaining an adjudication of court in respect of such acts or omissions, *Kapur Chand Pokhraj v. State of Bombay*, 1958 SCC OnLine SC 36.

► **Cognizance of Offence.**—As to when cognizance is taken of an offence will depend upon the facts and circumstances of each case and it is impossible to attempt to define what is meant by taking cognizance. Issuing of a search-warrant for the purpose of an investigation or of a warrant of arrest for that purpose cannot by themselves be regarded as acts by which cognizance was taken of an offence. Obviously, it is only when a Magistrate applies his mind for the purpose of proceeding under Section 200 and subsequent sections of Chapter XVI of the Code of Criminal Procedure or under Section 204 of Chapter XVII of the Code that it can be positively stated that he had applied his mind and therefore had taken cognizance, *Narayandas Bhagwandas Madhavdas v. State of W.B.*, 1959 SCC OnLine SC 39.

The word “cognizance” has no esoteric or mystic significance in criminal law or procedure. It merely means become aware of and when used with reference to a court or Judge, to take notice of judicially. “Taking cognizance does not involve any formal action; or indeed action of any kind, but occurs as soon as a Magistrate, as such, applies his mind to the suspected commission of an offence”, *Ajit Kumar Palit v. State of W.B.*, 1962 SCC OnLine SC 80.

The provisions regarding sanction should be observed with strictness. It is not intended to be an automatic formality, *Konsam Tharongou Singh v. Union Territory of Manipur*, 1971 SCC OnLine Mani 1.

Cognizance of offences under the Act can be taken by court on the complaint made by the Pollution Control Board or any officer authorised in this behalf by it, *Rairu Distillers Ltd. v. M.P. Pollution Control Board*, 2005 SCC OnLine MP 317.

► **Filing of complaint.**—Both amended as well as unamended Section 49 require the State Board to file complaint or authorise one of its officers to file complaint. The authorization has to be by the State Board, *Gujarat Pollution Control Board v. Nicosulf Industries and Exports (P) Ltd.*, (2009) 2 SCC 171 : (2009) 1 SCC (Cri) 700.

50. Members, officers and servants of Board to be public servants.—All members, officers and servants of a Board when acting or purporting to act in pursuance of any of the provisions of this Act and the rules made thereunder shall be deemed to be public servants within the

meaning of Section 21 of the Indian Penal Code (45 of 1860).

Chapter VIII
MISCELLANEOUS

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

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

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

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

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

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

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

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

► **Public interest.**—Central Govt. may not use “public interest” concept n/s 61(1)(b) as a cloak in order to avoid giving reasonable opportunity under Sections 5(3) and 61(1)(a) and more raising of matter in Parliament does not mean public interest necessarily involved, *N.S. Tiwana v. Union of India*, 1994 SCC OnLine Del 206.

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;

- [89](#) [(aa) the manner of nomination of the chairman of the State Board and the terms and conditions of service of the chairman of the State Board under clause (a) of sub-section (2) of Section 4 and under sub-section (9) 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;
- [90](#) [(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;
- (h) [* * *][91](#)
- (i) [* * *][92](#)
- (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;
- [93](#) [(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;
- [94](#) [(ma) the manner of holding inquiry and imposing penalties by the adjudicating officer under Section 45-B;]

⁹⁵[(*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, before the expiry of the session ⁹⁶[immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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

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

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

(*a*) the terms and conditions of service of the members (other than the chairman and the member-secretary) of the State Board under sub-section (8) of Section 5;

(*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 ⁹⁷[and the fees and allowances payable to such persons]:

- (e) the terms and conditions of service of ⁹⁸[the member-secretary of the State Board] under sub-section (1) of Section 12;
- (f) the conditions subject to which a person may be appointed as a consulting engineer to the State Board under sub-section (4) of Section 12;
- (g) the powers and duties to be exercised and discharged by the chairman and the member-secretary of the State Board;
- (h) the form of the notice referred to in Section 21;
- (i) the form of the report of the State Board analyst under sub-section (1) of Section 22;
- (j) the form of the report of the Government analyst under sub-section (3) of Section 22;
- (k) the form of application for the consent of the State Board under sub-section (2) of Section 25, and the particulars it may contain;
- (l) the manner in which inquiry under sub-section (3) of Section 25 may be made in respect of an application for obtaining consent of the State Board and the matters to be taken into account in granting or refusing such consent;
- (m) the form and manner in which appeals may be filed, the fees payable in respect of such appeals and the procedure to be followed by the appellate authority in disposing of the appeals under sub-section (3) of Section 28;
- ⁹⁹[(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;
- ¹⁰⁰[(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.

¹. *Subs.* by Act 53 of 1988, S. 2(a) (w.e.f. 29-9-1988). Prior to substitution it read as:

“(b) ‘Central Board’ means the Central Board for the Prevention and Control of Water Pollution constituted under Section 3;”

². *Subs.* by Act 53 of 1988, S. 2(b) (w.e.f. 29-9-1988). Prior to substitution it read as:

“(d) ‘occupier’ in relation to any factory or premises means the person who has control over the affairs of the factory or the premises and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory or the premises;”

³. *Ins.* by Act 44 of 1978, S. 2(a) (w.e.f. 12-12-1978).

⁴. *Ins.* by Act 44 of 1978, S. 2(b) (w.e.f. 12-12-1978).

⁵. *Subs.* by Act 53 of 1988, S. 2(c) (w.e.f. 29-9-1988). Prior to substitution it read as:

“(h) ‘State Board’ means a State Board for the Prevention and Control of Water Pollution constituted under Section 4;”

⁶. *Subs.* by Act 53 of 1988, S. 2(d) (w.e.f. 29-9-1988) for the words “trade or industry”.

⁷. *Subs.* by Act 53 of 1988, S. 3(a) (w.e.f. 29-9-1988) for the words “Central Board for the Prevention and Control of Water Pollution”.

⁸. *Subs.* by Act 44 of 1978, S. 3(a) (w.e.f. 12-12-1978) for the words “the use and conservation of water resources or the prevention and control of water pollution”.

⁹. *Subs.* by Act 44 of 1978, S. 3(b) (w.e.f. 12-12-1978) for the words “five officials”.

¹⁰. *Subs.* by Act 44 of 1978, S. 3(c) (w.e.f. 12-12-1978) for the words “three non-officials”.

¹¹. *Subs.* by Act 53 of 1988, S. 3(b) (w.e.f. 29-9-1988). Prior to substitution clause (f) as amended by Act 44 of 1978, S. 3(d), read as:

“(f) a full-time member-secretary qualified in public health, engineering and having practical experience in respect of matters relating to environmental protection, to be appointed by the Central Government”.

¹². The Words “being a date not later than six months of the commencement of this Act in the State” *omitted* by Act 44 of 1978, S. 4(a) (w.e.f. 12-12-1978).

¹³. *Ins.* by Act 53 of 1988, S. 4 (w.e.f. 29-9-1988).

¹⁴. The Word “full-time” *omitted* by Act 44 of 1978, S. 4(b)(i) (w.e.f. 12-12-1978).

¹⁵. *Subs.* by Act 44 of 1978, S. 4(b)(i) (w.e.f. 12-12-1978) for the words “matters relating to the use and conservation of water resources or the prevention and control of water pollution”.

¹⁶. *Ins.* by Act 5 of 2024, S. 2 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

¹⁷. Proviso *ins.* by Act 44 of 1978, S. 4(b)(i) (w.e.f. 12-12-1978).

18. *Subs.* for “five officials” by Act 44 of 1978, S. 4(b)(ii) (w.e.f. 12-12-1978).
19. *Subs.* for “five persons” by Act 44 of 1978, S. 4(b)(iii) (w.e.f. 12-12-1978).
20. *Subs.* for “three non-officials” by Act 44 of 1978, S. 4(b)(iv) (w.e.f. 12-12-1978).
21. *Subs.* by Act 53 of 1988, S. 4(b) (w.e.f. 29-9-1988). Prior to substitution clause (f) as amended by Act 44 of 1978, read as:
“(f) a full-time member-secretary qualified in public health engineering and having practical experience in matters relating to environmental protection, to be appointed by the State Government.”
22. *Subs.* by Act 44 of 1978, S. 5(a) (w.e.f. 12-12-1978). Prior to substitution it read as:
“(2) The term of office of a member of a Board nominated under clause (b) of sub-section (2) of Section 3 or clause (b) of sub-section (2) of Section 4 shall come to an end as soon as he ceases to hold the office under the Central Government or, as the case may be, the State Government, by virtue of which he was nominated.”
23. *Subs.* by Act 44 of 1978, S. 5(b) (w.e.f. 12-12-1978) for the words “or where he is nominated under clause (c) of sub-section (2) of Section 3 or under clause (c) of sub-section (2) of Section 4, if he ceases to be a member of the State Board, or as the case may be, of the local authority”.
24. *Subs.* by Act 53 of 1988, S. 5 (w.e.f. 29-9-1988) for the words “shall not be eligible for renomination for more than two terms”.
25. *Ins.* by Act 5 of 2024, S. 3 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).
26. *Ins.* by Act 44 of 1978, S. 6 (w.e.f. 12-12-1978).
27. *Ins.* by Act 44 of 1978, S. 7 (w.e.f. 12-12-1978).
28. The Words “and the rules so made may provide for the salaries and allowances and other terms and conditions of service of such officers and employees” *omitted* by Act 44 of 1978, S. 8(a) (w.e.f. 12-12-1978).
29. *Ins.* by Act 44 of 1978, S. 8(b) (w.e.f. 12-12-1978).
30. *Ins.* by Act 53 of 1988, S. 6 (w.e.f. 29-9-1988).
31. *Subs.* for the words “the use and conservation of water resources or the prevention and control of water pollution” by Act 44 of 1978, S. 9(a)(f) (w.e.f. 12-12-1978).
32. *Subs.* by Act 53 of 1988, S. 7(a) (w.e.f. 29-9-1988). Prior to substitution cl. (f) as amended by Act 44 of 1978, read as:
“(f) a full-time member-secretary qualified in public health, engineering and having

practical experience in respect of matters relating to environmental protection, to be appointed by the Central Government.”

^{33.} *Subs.* for the words “the use and conservation of water resources or the prevention and control of water pollution” by Act 44 of 1978, S. 9(b) (w.e.f. 12-12-1978).

^{34.} *Subs.* by Act 53 of 1988, S. 7(b) (w.e.f. 29-9-1988). Prior to substitution it read as:
“(f) a full-time member-secretary qualified in the public health, engineering and having practical experience in respect of matters relating to environmental protection, to be appointed by the Central Government.”

^{35.} *Ins.* by Act 53 of 1988, S. 8 (w.e.f. 29-9-1988).

^{36.} *Renumbered* by Act 53 of 1988, S. 9 (w.e.f. 29-9-1988).

^{37.} *Ins.* by Act 53 of 1988, S. 9 (w.e.f. 29-9-1988).

^{38.} *Subs.* for the words “industry or trade” by Act 53 of 1988, S. 10 (w.e.f. 29-9-1988).

^{39.} *Subs.* by Act 44 of 1978, S. 10 (w.e.f. 12-12-1978). Prior to substitution it read as:
“(4) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3) and the occupier or his agent wilfully absents himself, then, the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (e) of sub-section (3) and such person shall inform the Government analyst appointed under sub-section (1) or sub-section (2), as the case may be, of Section 53, in writing about the wilful absence of the occupier or his agent.”

^{40.} *Subs.* by Act 44 of 1978, S. 11(a) (w.e.f. 12-12-1978) for “Code of Criminal Procedure, 1898”.

^{41.} New made applicable to the Union Territory of Jammu and Kashmir and the Union Territory of Ladakh [*vide*: S.O. 3912(E), dt. 30-10-2019.].

^{42.} *Subs.* for “Section 98” by Act 44 of 1978, S. 11(b) (w.e.f. 12-12-1978).

^{43.} *Ins.* by Act 53 of 1988, S. 11 (w.e.f. 29-9-1988).

^{44.} *Subs.* by Act 53 of 1988, S. 12(a) (w.e.f. 29-9-1988). Prior to substitution sub-sections (1) & (2) as amended by Act 44 of 1978, read as:

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

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

45. *Subs.* by Act 5 of 2024, S. 4 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to substitution it read as:

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

46. *Subs.* by Act 53 of 1988, S. 12(b) (w.e.f. 29-9-1988). Prior to substitution sub-sections (4) to (6) read as:

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

(a) in the case of a new or altered outlet, conditions as to the point of discharge into the stream or well or sewer or on land or the construction of the outlet, or as to the use of that outlet or any other outlet for sewage or trade effluent from the same land or premises; and

(b) in the case of a new discharge, conditions as to the nature and composition, temperature, volume or rate of discharge of the effluent from the land or premises from which the new discharge is to be made, and any such conditions imposed shall be binding on any person using the outlet, or discharging the effluent from the land or premises aforesaid.

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

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

conditions.”

47. *Ins.* by Act 44 of 1978, S. 13(a) (w.e.f. 12-12-1978).
48. *Subs.* for the words “shall be made within a period of three months of the constitution of the State Board” by Act 44 of 1978, S. 13(b) (w.e.f. 12-12-1978).
49. *Subs.* by Act 53 of 1988, S. 13(a) (w.e.f. 29-9-1988). Prior to substitution it read as:
“(1) A State Board shall not grant its consent to the bringing into use of a new or altered outlet unless the outlet is so constructed as to comply with any conditions imposed by the Board to enable it to exercise its right to take samples of the effluent.”
50. *Subs.* by Act 44 of 1978, S. 14 (w.e.f. 12-12-1978). Prior to substitution it read as:
“(2) A State Board may from time to time review any condition imposed under Section 25 (other than a condition to be satisfied before an outlet is brought into use or a new discharge is made), or under Section 26 and may serve on the person using the outlet or making the discharge, as the case may be, a notice, making any reasonable variation of or revoking any such condition.”
51. *Subs.* by Act 53 of 1988, S. 13(b) (w.e.f. 29-9-1988). Prior to substitution it read as:
“(a) any condition imposed under Section 25 (other than a condition to be satisfied before an outlet is brought into use or a new discharge is made), or Section 26 and may serve on the person using the outlet or making the discharge, as the case may be, a notice, making any reasonable variation of or revoking any such condition;”
52. *Ins.* by Act 5 of 2024, S. 5 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).
53. *Subs.* by Act 44 of 1978, S. 15 (w.e.f. 12-12-1978). Prior substitution it read as:
“(2) An appellate authority shall consist of three persons.”
54. *Subs.* by Act 53 of 1988, S. 14 (w.e.f. 29-9-1988). Prior to substitution it read as:
“(1) Where under this Act any conditions have been imposed on any person for bringing into use any new or altered outlet for the discharge of sewage or trade effluent into a stream or well or for making any new discharge of sewage or trade effluent into a stream or well or on any person who, immediately before the commencement of this Act, was discharging any sewage or trade effluent in a stream or well and such conditions require such person to execute any work in connection therewith and such work has not been executed within such time as may be specified in this behalf, the State Board may serve on the person concerned a notice requiring him within such time (not being less than thirty days) as may be specified in the notice to execute the work specified therein.”
55. *Subs.* by Act 53 of 1988, S. 15 (w.e.f. 29-9-1988). Prior to substitution it read as:
“(1) If at any place where any industry or trade is being carried on, due to accident or other unforeseen act or event, any poisonous, noxious or polluting matter is being discharged, or is likely to be discharged into a stream or well and, as a result of such discharge, the water in such stream or well is being polluted, or is likely to be polluted,

then, the person in charge of such place shall forthwith intimate the occurrence of such accident, act or event to the State Board and to such other authorities or agencies as may be prescribed.”

^{56.} *Subs.* for the words “any stream or well” by Act 53 of 1988, S. 16(a) (w.e.f. 29-9-1988).

^{57.} *Ins.* by Act 53 of 1988, S. 16(b) (w.e.f. 29-9-1988).

^{58.} *Ins.* by Act 53 of 1988, S. 16(c) (w.e.f. 29-9-1988).

^{59.} *Subs.* by Act 53 of 1988, S. 17 (w.e.f. 29-9-1988). Prior to substitution it read as:

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

^{60.} *Ins.* by Act 53 of 1988, S. 18 (w.e.f. 29-9-1988).

^{61.} *Ins.* by Act 19 of 2010, S. 36 and Sch. III (Pt. I) (w.e.f. 18-10-2010).

^{62.} *Ins.* by Act 44 of 1978, S. 16(a) (w.e.f. 12-12-1978).

^{63.} *Ins.* by Act 44 of 1978, S. 16(b) (w.e.f. 12-12-1978).

^{64.} *Ins.* by Act 44 of 1978, S. 17(a) (w.e.f. 12-12-1978).

^{65.} *Ins.* by Act 44 of 1978, S. 17(b) (w.e.f. 12-12-1978).

^{66.} *Ins.* by Act 53 of 1988, S. 19 (w.e.f. 29-9-1988).

^{67.} *Subs.* by Act 53 of 1988, S. 20 (w.e.f. 29-9-1988). Prior to substitution it read as:

“39. *Annual report.*—(1) The Central Board shall during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and copies thereof shall be forwarded to the Central Government and that Government shall cause every such report to be laid before both Houses of Parliament within six months of the date on which it is received by that Government. (2) The State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and copies thereof shall be forwarded to the State Government and that Government shall cause every such report to be laid before the State Legislature within a period of six months of the date on which it is received by that Government.”

^{68.} *Subs.* by Act 5 of 2024, S. 6 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to substitution it read as:

“41. *Failure to comply with directions under sub-section (2) or sub-section (3) of Section 20, or orders issued under clause (e) of sub-section (1) of Section 32 or*

directions issued under sub-section (2) of Section 33 or Section 33-A.—(1) Whoever fails to comply with any direction given under sub-section (2) or sub-section (3) of Section 20 within such time as may be specified in the direction shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or 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 33-A 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.”

⁶⁹. *Ins.* by Act 5 of 2024, S. 6 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

⁷⁰. *Subs.* by Act 5 of 2024, S. 7(a) (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to substitution it read as:

“shall 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.”

⁷¹. *Subs.* by Act 5 of 2024, S. 7(b) (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to substitution it read as:

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

⁷². *Subs.* by Act 5 of 2024, S. 8 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to substitution it read as:

“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 one year and six months but which may extend to six years and with fine.”

⁷³. *Subs.* by Act 5 of 2024, S. 8 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to substitution it read as:

“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 one year and six months but which may extend to six years and with fine."

^{74.} *Omitted* by Act 5 of 2024, S. 9 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to omission it read as:

"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 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."

^{75.} *Subs.* by Act 5 of 2024, S. 10 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to substitution it read as:

"45-A. *Penalty for contravention of certain provisions of the Act.*—Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in 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."

^{76.} *Ins.* by Act 5 of 2024, S. 10 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

^{77.} *Ins.* by Act 5 of 2024, S. 10 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

^{78.} *Ins.* by Act 5 of 2024, S. 10 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

^{79.} *Ins.* by Act 5 of 2024, S. 10 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

^{80.} *Subs.* for "have deemed" by corrigendum published in the Gazette of India, Pt. II, S. 1, Sl. No. 14, dt. 20-2-2024.

^{81.} *Omitted* by Act 5 of 2024, S. 11 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to omission it read as:

"47. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge

of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.—For the purposes of this section,—

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

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

⁸². *Subs.* by Act 5 of 2024, S. 12 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories). Prior to substitution it read as:

“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.”

⁸³. *Subs.* by Act 53 of 1988, S. 26(a) (w.e.f. 29-9-1988). Prior to substitution sub-section (1) as amended by Act 44 of 1978, read as:

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

⁸⁴. *Ins.* by Act 5 of 2024, S. 13 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

⁸⁵. *Ins.* by Act 53 of 1988, S. 26(b) (w.e.f. 29-9-1988).

⁸⁶. *Renumbered* by Act 53 of 1988, S. 26(b) (w.e.f. 29-9-1988).

⁸⁷. *Subs.* for “Section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)” by Act 44 of 1978, S. 19(b) (w.e.f. 12-12-1978).

⁸⁸. *Subs.* for “any Magistrate of the first class or for any Presidency Magistrate” by Act 44 of 1978, S. 19(b) (w.e.f. 12-12-1978).

⁸⁹. *Ins.* by Act 5 of 2024, S. 14(i) (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

⁹⁰. *Subs.* by Act 44 of 1978, S. 20(a) (w.e.f. 12-12-1978). Prior to substitution cl. (d) read as:

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

⁹¹. *Omitted* by Act 44 of 1978, S. 20(a) (w.e.f. 12-12-1978). Prior to omission cl. (h) read as:

“(h) the prohibition or regulation of bathing in any stream or well or the washing or cleaning therein of things of any class or description, or the putting of litter or other objectionable matter, whether poisonous, noxious or polluting or not into any stream or well;”

⁹². *Omitted* by Act 44 of 1978, S. 20(a) (w.e.f. 12-12-1978). Prior omission that cl. (i) read as:

“(i) the prohibition or regulation of the keeping or use, on any stream, of vessels provided with sanitary appliances from which polluting matter passes into the stream;”

⁹³. *Subs.* by Act 53 of 1988, S. 27(a) (w.e.f. 29-9-1988). Prior to substitution cl. (l) read as:

“(l) the form in which, and the time within which, the budget and annual report of the Central Board may be prepared and forwarded to the Central Government under Sections 38 and 39;”

⁹⁴. *Ins.* by Act 5 of 2024, S. 14(ii) (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

⁹⁵. *Ins.* by Act 53 of 1988, S. 27(b) (w.e.f. 29-9-1988).

⁹⁶. *Subs.* by Act 44 of 1978, S. 20(b) (w.e.f. 12-12-1978) for the words “in which it is so laid or the successive sessions aforesaid”.

⁹⁷. *Ins.* by Act 44 of 1978, S. 21 (w.e.f. 12-12-1978).

⁹⁸. *Subs.* for “the chairman and the member-secretary of the State Board under sub-section (9) of Section 5 and” by Act 5 of 2024, S. 15 (w.e.f. 15-2-2024 in Himachal Pradesh, Rajasthan and Union Territories).

⁹⁹. *Subs.* for cl. (n) by Act 53 of 1988, S. 28(a) (w.e.f. 29-9-1988). Prior to substitution cl. (n) read as:

“(n) the form in which, and the time within which, the budget and annual report of the State Board may be prepared and forwarded to the State Government under Sections 38 and 39;”

¹⁰⁰: *Ins. by Act 53 of 1988, S. 28(b) (w.e.f. 29-9-1988).*

Disclaimer: While every effort is made to avoid any mistake or omission, this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification is being circulated on the condition and understanding that the publisher would not be liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.