



Water And Air Acts

Chirag Bhimani, DEE

R. R. Panchal, ALO

Gujarat Pollution Control Board

Gandhinagar

Water Pollution

What is Water Pollution?

"Water pollution" is defined as the addition of harmful or objectionable material causing an alteration of water quality.

What is Water Pollution?



How does Water Pollution occur?

Mankind through socio-economic activities introduce pollutants to the environment.

“Then the Earth’s waters cycle, carry and spread the pollutants all around the planet.”

Effects of Water Pollution

- 1. Effects on Agriculture** - use of wastewater and polluted surface and groundwater which contaminate crops and transmit disease to consumers and farm workers; Depositions of deleterious chemicals in soil leading to loss of soil fertility;
- 2. Effects on Environment/ecosystems** - pungent smell, discolourisation; increased temps; contamination; change the pH; decreased oxygen; detergents that create a mass of white foam in the river waters; Enrichment of groundwater with salts, nutrients from irrigated lands; eutrophication/algal blooms-what is the effect on recreational activities, water treatment plants/water providers; loss of aesthetic value;

Effects of Water Pollution

3. **Domestic effects** - toxic substances such as lead, mercury, cadmium, and chromium or cyanide, which may affect the use of the receiving water for domestic use or for aquatic life.
4. **Effects on industry** - boiler scales, Heavy metals cause unpleasant taste and odour to drinking water; Suspended particles cause unpleasant taste & discoloration to drinking water;

Effects of Water Pollution

5. Effects on Economy

- Unsightly color, reduced clarity, and obnoxious odor of the receiving waters also make it unfit for recreation and other productive uses;
- Adverse effects of water pollution lead to economic losses in terms of reduced health, reduced agricultural productivity, and low-quality tourism.
- There is also economic losses to family income due to the desire for safe bottled water which is more expensive than unbottled water.
- When water is polluted, fish and other aquatic resources can perish, which leads to a decline in fisheries production. Erosion from degraded uplands and pollution from silt and sedimentation, as well as untreated sewerage, cause productivity losses in fisheries. Silt and sedimentation are major causes for losses in fishery production.
- High levels of turbidity leads to economic losses;

Effects of Water Pollution

5. Effects in Economy (Contd.)

- Increased salinization and salt runoff leading to salinization of major rivers.;
- Heavy metals cause unpleasant taste and odour to drinking water;
- Suspended particles cause unpleasant taste & discoloration to drinking water;

Effects of Water Pollution

6. Effects on Human Health

Increased incidence of tumours, ulcers due to nitrate pollution; Increased incidence of skin disorders due to contact with pollutants; Increased incidence of constipation, diarrhea, and infections to intestine; Dangerous effects on growing foetus in pregnant women; Concentration of pollutants due to bioaccumulative pesticides through secondary and tertiary food chains in case of non-vegeterians; Still births, abortions, and birth of deformed children; Blue baby disease caused by methanoglobinemia-which results in asphyxia (reduced oxygen supply); Reduced activity of immune system; Loss of memory power and reduced mental sharpness; Water borne diseases like jaundice, hepatitis, gastroenteritis, will be more prevalent due to water pollution; Reduced bone development and muscular development; Reduced male fertility; Shifts in physiological cycles of human body.

Effects of Water Pollution

7. Effects on Animal Health

Large scale death of aquatic and terrestrial animals;
Reduced reproduction rate; Increased disease incidences;
Imbalances created in secondary foodchains; Accumulation of bioaccumulative and nonbiodegradable pollutants in animal bodies; Bioaccumulation eg of organochlorine pesticides; Biomagnification; Cause health hazards like impotence, cancerous tumours etc

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

Important Definitions

- (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;

Important Definitions

- (g) "sewage effluent" means affluent from any sewerage system or sewage disposal works and includes sullage from open drains;
- (gg) "sewer" means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;
- (j) "stream" includes-
 - (i) river; (ii) water course (whether flowing or for the time being dry); (iii) inland water (whether natural or artificial); (iv) sub-terranean waters; (v) sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;
- (k) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any [Industry, operation or process, or treatment and disposal system], other than domestic sewage.

Powers & Functions of Board

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;

Powers & Functions of Board

17. FUNCTIONS OF STATE BOARD (Contd.)

(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) 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;

Powers & Functions of Board

17. FUNCTIONS OF STATE BOARD (Contd.)

(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 discharge of waste into streams or wells;

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

Powers & Functions of Board

17. FUNCTIONS OF STATE BOARD (Contd.)

(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 advice 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.

Prevention and Control of Water Pollution

19. POWER OF STATE GOVERNMENT TO RESTRICT THE APPLICATION OF THE ACT TO CERTAIN AREAS.

(1) Notwithstanding 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.

Prevention and Control of Water Pollution

19. POWER OF STATE GOVERNMENT TO RESTRICT THE APPLICATION OF THE ACT TO CERTAIN AREAS. (Contd.)

- (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.

Prevention and Control of Water Pollution

20. POWER TO OBTAIN INFORMATION.

- (1) For the purpose of enabling a State Board to perform the function conferred on it by or under this Act, the State Board or any officer empowered by it in that behalf, may make surveys of any area and gauge and keep records of the flow or volume and other characteristics of an 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.

Prevention and Control of Water Pollution

20. POWER TO OBTAIN INFORMATION. (Contd.)

- (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.

Prevention and Control of Water Pollution

20. POWER TO OBTAIN INFORMATION. (Contd.)

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

Prevention and Control of Water Pollution

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 a 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 --

Prevention and Control of Water Pollution

21. POWER TO TAKE SAMPLES OF EFFLUENTS AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH. (Contd.)

(3) (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;

Prevention and Control of Water Pollution

21. POWER TO TAKE SAMPLES OF EFFLUENTS AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH. (Contd.)

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

Prevention and Control of Water Pollution

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 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.

Prevention and Control of Water Pollution

24. PROHIBITION ON USE OF STREAM OR WELL FOR DISPOSAL OF POLLUTING MATTER, ETC. (Contd.)

(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;

Prevention and Control of Water Pollution

24. PROHIBITION ON USE OF STREAM OR WELL FOR DISPOSAL OF POLLUTING MATTER, ETC. (Contd.)

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

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

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

Prevention and Control of Water Pollution

25. RESTRICTIONS ON NEW OUTLETS AND NEW DISCHARGES.

- (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 an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or
 - (b) bring into use any new or altered outlets for the discharge of sewage; or
 - (c) begin to make any new discharge of sewage;
- (2) An applications for consent of the State Board under subsection (1) shall be made in such form, contain such particulars and shall be accompanied by such fees as may be prescribed.

Prevention and Control of Water Pollution

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.

(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 subsection (1), the fees payable for such appeal and the procedure to be followed by the appellate authority shall be such as may be prescribed.

Prevention and Control of Water Pollution

33A. POWER TO GIVE DIRECTIONS

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

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

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

Penalties and Procedures

41. FAILURE TO COMPLY WITH DIRECTIONS UNDER SUB-SECTION (2) OR SUB-SECTION (3) OF SECTION 20, OR ORDERS ISSUED UNDER CLAUSE (c) OF SUB-SECTION (1) OF 32 OR DIRECTIONS ISSUED UNDER SUB-SECTION (2) OF SECTION 33 OR SECTION 33A.

- (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, or 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.

Penalties and Procedures

41. FAILURE TO COMPLY WITH DIRECTIONS UNDER SUB-SECTION (2) OR SUB-SECTION (3) OF SECTION 20, OR ORDERS ISSUED UNDER CLAUSE (c) OF SUB-SECTION (1) OF 32 OR DIRECTIONS ISSUED UNDER SUB-SECTION (2) OF SECTION 33 OR SECTION 33A. (Contd.)

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

Penalties and Procedures

41. FAILURE TO COMPLY WITH DIRECTIONS UNDER SUB-SECTION (2) OR SUB-SECTION (3) OF SECTION 20, OR ORDERS ISSUED UNDER CLAUSE (c) OF SUB-SECTION (1) OF 32 OR DIRECTIONS ISSUED UNDER SUB-SECTION (2) OF SECTION 33 OR SECTION 33A. (Contd.)

- (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.

Penalties and Procedures

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 six months but which may extend to six years and with fine.

Penalties and Procedures

44. PENALTY FOR CONTRAVENTION OF SECTION 25 OR SECTION 26.

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

Penalties and Procedures

45. ENHANCED PENALTY AFTER PREVIOUS CONVICTION.

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

Penalties and Procedures

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.

Air Pollution

What is Air Pollution?

"Water pollution" is defined as the addition of harmful or objectionable material causing an alteration of water quality.

What is Air Pollution?



How does Air Pollution occur?

- Combustion of fuel (natural gas, petroleum, coal and wood)
- Industrial process
- Natural process (Volcanic)

Effects of Air Pollution

Particulate Matter

Dust and smoke particles cause Eye irritation, Respiratory tract infection, Exacerbation of asthma, Bronchial irritation, Heart disease etc.

Dust and smoke function as nuclei for condensation of water vapors and produce smog which attract chemicals like SO₂, H₂S, NO₂, etc. Smog not only reduce visibility but is also harmful due to its contained chemicals.

Effects of Air Pollution

Sulphur Dioxide

It causes trachial irritation, cough, bronchial spasms, Pulmonary function impairment

Carbon Monoxide

It causes impairment of judgment and vision, headache and dizziness.

Chlorine

It causes eye and respiratory ailments.

Chlorine rising up in the atmosphere poses danger to ozone layer.

Effects of Air Pollution

Carbon Dioxide

It partially restricts infrared radiation going back from the earth into space, which produces the so-called greenhouse effect that prevents a drastic cooling of the Earth during the night.

Increasing the amount of CO₂ in the atmosphere reinforces this effect and is expected to result in a warming of the Earth's surface i.e. we know as GLOBAL WARMING.

Effects of Air Pollution

When emissions of sulfur dioxide and nitric oxide from stationary sources are transported long distances by winds, they form secondary pollutants such as nitrogen dioxide, nitric acid vapor, and droplets containing solutions of sulfuric acid, sulfate, and nitrate salts

These chemicals descend to the earth's surface in wet form as rain or snow and in dry form as a gases fog, dew, or solid particles, it is known as acid rain or acid deposition.

Effects of Air Pollution

Sulfur dioxide, nitrogen oxides, ozone and peroxyacetyl nitrates (PANs), cause direct damage to leaves of crop plants and trees when they enter leaf pores (stomates).

Chronic exposure of leaves and needles to air pollutants can also break down the waxy coating that helps prevent excessive water loss and damage from diseases, pests, drought and frost.

Types of Air Pollution

- Individual pollutants
- Reducing pollution (SO₂)
- Acid rain (fog)
- Corrosive, eroding
- Photochemical pollution
- Aldehydes, electrophilic HCs
- Oxidative, carcinogenic
- Mixtures and complex patterns

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

Important Definitions

- (a) "air pollutant" means any solid, liquid or gaseous substance [(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
- (d) "approved fuel" means any fuel approved by the State Board for the purposes of this Act
- (h) "chimney" includes any structure with an opening or outlet from or through which any air pollutant may be emitted,

Important Definitions

- (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;

Powers & Functions of Board

17. FUNCTIONS OF STATE BOARD

- (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 (Act 6 of 1974), the functions of a State Board shall be-
- (a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof-,
 - (b) to advise the State Government on any matter concerning the prevention, control or abatement of air pollution;
 - (c) to collect and disseminate information relating to air pollution;
 - (d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise mass-education programme relating thereto;

Powers & Functions of Board

17. FUNCTIONS OF STATE BOARD (Contd.)

- (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;

Powers & Functions of Board

17. FUNCTIONS OF STATE BOARD (Contd.)

- (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.

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.

Prevention and Control of Air Pollution

19. POWER TO DECLARE AIR POLLUTION CONTROL AREAS (Contd.)

- (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.

Prevention and Control of Air Pollution

20. POWER TO GIVE INSTRUCTIONS FOR ENSURING STANDARDS FOR EMISSION FROM AUTOMOBILES.

With a view to ensuring that the standards for emission of air pollutants from automobiles laid down by the State Board under clause (g) of sub-section (1) of section 17 are complied with, the State Government shall, in consultation with the State Board, give such instructions as may be deemed necessary to the concerned authority in charge of registration of motor vehicles under the Motor Vehicles Act, 1939 (Act 4 of 1939), and such authority shall, notwithstanding anything contained in that Act or the rules made thereunder be bound to comply with such instructions.

Prevention and Control of Air Pollution

21. RESTRICTIONS ON USE OF CERTAIN INDUSTRIAL PLANTS.

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

Prevention and Control of Air Pollution

21. RESTRICTIONS ON USE OF CERTAIN INDUSTRIAL PLANTS. (Contd.)

- (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
- (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,

Prevention and Control of Air Pollution

21. RESTRICTIONS ON USE OF CERTAIN INDUSTRIAL PLANTS. (Contd.)

- (5) Every person to whom consent has been granted by the State Board under sub-section (4), shall comply with the following conditions, namely -
 - (i) the control equipment of such specifications as the State Board may approve in this behalf shall be installed and operated in the premises where the industry is carried on or proposed to be carried on;
 - (ii) the existing control equipment, if any, shall be altered or replaced in accordance with the directions of the State Board;
 - (iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;
 - (iv) chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected or re-erected in such premises; .and
 - (v) such other conditions as the State Board, may specify in this behalf,
 - (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-

Prevention and Control of Air Pollution

21. RESTRICTIONS ON USE OF CERTAIN INDUSTRIAL PLANTS. (Contd.)

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

Prevention and Control of Air Pollution

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;

Prevention and Control of Air Pollution

24. POWER OF ENTRY AND INSPECTION. (Contd.)

- (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 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 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 willfully 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.

Prevention and Control of Air Pollution

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 its 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.

Prevention and Control of Air Pollution

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 subsection (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;

Prevention and Control of Air Pollution

26. POWER TO TAKE SAMPLES OF AIR OR EMISSION AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH. (Contd.)

- (c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;
- (d) send, without delay, the container to the laboratory established or recognised by the State Board under section 17 or, if a request in that behalf is made by the occupier or his agent when the notice is served on him under clause (a), to the laboratory established or specified under sub-section (1) of section 28.
- (4) When a sample of emission is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3), then,-
 - (a) in a case where the occupier or his agent willfully 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 subsection (3), the marked and sealed container or containers shall be signed by the person taking the sample,

Prevention and Control of Air Pollution

31. APPEALS.

- (1) Any person aggrieved by an order made by the State Board under this Act may, within thirty day 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 tile 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 appoint by the State Government.
- (3) The form and the manner in which an appeal may be preferred under subsection (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.
- (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.

Prevention and Control of Air Pollution

31A. POWER TO GIVE DIRECTIONS

Notwithstanding anything contained in any other law, im. 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 tile power to issue directions under this section, includes the power to direct-

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

Penalties and Procedures

- 37. FAILURE TO COMPLY WITH THE PROVISIONS OF SECTION 21 OR SECTION 22 OR WITH THE DIRECTIONS ISSUED UNDER SECTION 31A.**
- (1) whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.
- (2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

Penalties and Procedures

39. PENALTY FOR CONTRAVENTION OF 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.

Penalties and Procedures

46. BAR OF JURISDICTION.

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



Love your environment



...be proud of it.

Thank You!
😊