

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

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

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 Boards
9. Constitution of committees
10. Temporary association of persons with Board for particular purposes
11. Vacancy in Board not to invalidate acts or proceedings
- 11A. Delegation of powers to Chairman
12. Member-secretary and officers and other employees of Board

CHAPTER III JOINT BOARDS

13. Constitution of Joint Board

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 results 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 discharges

26. Provision regarding existing discharge of sewage or trade effluent

27. Refusal or withdrawal of consent by State Board

28. Appeals

29. Revision

30. Power of State Board to carry out certain works

31. Furnishing 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

33A. Power to give directions

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

37A. Borrowing Powers of Board

38. Budget

39. Annual report

40. Account and audit

CHAPTER VII

PENALTIES AND PROCEDURE

41. Failure to comply with directions under sub-section (2) or sub-section (3) of section of 20 or orders issued under clause (c) of sub-section (1) of 32 or direction issued under sub-section (2) of section 33 or section 33A

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

45A. Penalty for contravention or certain provisions of the Act

46. Publication of names of offenders

47. Offences by companies

48. Offences by Government Departments

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 analysis

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 rule

64. Power of State Government to make rules

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

[No. 6 of 1974]

[23rd March, 1974]

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

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

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

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

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

CHAPTER I

PRELIMINARY

1. Short title, application and commencement-

(1) This Act may be called the Water (Prevention and Control of Pollution) Act, 1974.

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

(3) It shall come into force, at once in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union territories; and in any other State which adopts this Act under clause (1) of

article 252 of the Constitution on the date of such adoption and any reference in this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory.

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

(a) "Board" means the Central Board or a State Board;

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

(c) "Member" means a member of a Board and includes the chairman thereof;

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

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 affluent from any sewerage system or sewage disposal works and includes sullage from open drains;

2[(gg) "Sewer" means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;]

4[(h) "State Board" means a State Pollution Control Board constituted under Section 4;]

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

(j) "Stream" includes-

- (i) River,
 - (ii) Water course (whether flowing or for the time being dry);
 - (iii) Inland water (whether natural or artificial);
 - (iv) Sub-terranean waters;
 - (v) Sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;
- (k) "Trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any 5[industry, operation or process, or treatment and disposal system], other than domestic sewage.
1. Sub. by Act 53 of 1988, & 2, for Cls. (b), (d) and (b).
 2. Ins. by Act 44 of 1978, S. 2.
 3. Subs. by Act 53 of 1988, S. 2, for "trade or industry".
 4. Subs. by Act 53 of 1988, S. 2, for Cls. (b), (d) and (b).
 5. Subs. by Act 53 of 1988, S; 2, for "trade or industry".

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 1[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 2[matters relating to environmental protection] or a person having knowledge and

experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

(b) 2[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) 3[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;

4[(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.

1. Subs. by Act 53 of 1988, S. 3.

2. Subs. by Act 44 of 1978, S. 3.

3. Subs by Act 44 of 1978, S. 3, for "three non-officials".

4. Subs. by Act 53 of 1988, S. 3, for Cl. (f).

4. Constitution of State Boards-

(1) The State Government shall, with effect from such date 1*** as it may, by notification in the Official Gazette, appoint, constitute a 2[State Pollution Control Board], under such name as may be specified in the notification, to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

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

(a) A 3[*** chairman, being a person having special knowledge or practical experience in respect of 4[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.

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

(b) 6[such number of officials, not exceeding five,] to be nominated by the State Government to represent that Government;

(c) 7[such number of person, not exceeding five,] to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

(d) 8[such number of non-officials, not exceeding three] to be nominated by the State Government to represent the interest of agriculture, fishery or industry or trade or any other interest which, in the opinion of the State Government, ought to be represented;

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

9[(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 used.

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

1. Omitted by Act 44 of 1978, S.4

2. Subs. by Act 53 of 1988, S. 4, for "State Board"

3. The word “full-time” omitted by Act 44 of 1978, S. 4.

4. Subs. by Act 44 of 1978, S. 4.

5. Ins. by Act 44 of 1979, s. 4.

6. Subs. by Act 44 of 1978, S. 4, for “five officials”.

7. Subs. by Act 44 of 1978, S. 4, for “five persons”.

8. Subs. by Act 44 of 1978, S. 4, for “three non-officials”.

9. Subs. by Act 53 of 1988, S. 4, for Cl. (f).

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.

1[(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 think 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, any at any time resign his office by writing under his hand addressed-

(a) In the case of 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 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, 2[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 Gazettee, 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 3 [shall be eligible for re-nomination].

(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.

1. Subs. by Act 44 of 1978, S. 5, for subsection (2).

2. Subs. 6y Act 44 of 1978, S. 5, for certain words.

3. Subs by Act 53 of 1988, S.5, for "shall not be eligible for renomination for more than two terms".

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 any offence under this Act, or

(e) Has directly or indirectly by himself or by any partner, any share or interest in any firm or

company carrying on the business of manufacture, sale or hire of machinery, plant, equipment, apparatus or fittings for the treatment of sewage or trade effluents, or

(f) Is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board, or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of sewerage schemes or for the installation of plants for the treatment of sewage or trade effluents, or

(g) Has so abused, in the opinion of the Central Government or as the case may be, of the State Government, his position as a member, as to render his continuance on the Board detrimental to the interest of the general public.

(2) No order of removal shall be made by the Central Government or the State Government, as the case may be, under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-sections (1) and (7) of section 5, a member who has been removed under this section shall not be eligible for re-nomination 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 Boards – 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 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 may be prescribed any Person whose assistance or advice it such purpose, as in Performing any of its functions under this Act may desire to obtain

(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 purposes, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

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

1. Ins. by Act 44 of 1978, S. 6.

11. Vacancy in Board not to invalidate acts or proceedings- No act or proceeding of a Board or any committee thereof shall 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.

1[11A. Delegation of powers to Chairman- The chairman of a Board shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board.)

1. Ins. by Act 44 of 1978. S. 7.

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

(1) 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, 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

1* * *

2[(3A) The method of recruitment and the terms and conditions of service (including the scales of pay) of the officers (other than the member-secretary) and other employees of the Central Board or a State Board shall be such as may be determined by regulations made by the Central Board or, as the case may be, by the State Board:

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

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

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

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

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

1. Omitted by Act 44 of 1978, S. 8.

2. Ins. by Act 44 of 1978, S. 8.

3. Ins. by Act 53 of 1988, S. 6.

CHAPTER III JOINT BOARDS

13. Constitution of joint Board-

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

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

(b) By the Central Government (in respect of one or more Union territories) and one or more Governments of State 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 subsection (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) Made 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 participating Union territory or Union territories and participating State or States.

14. Composition of joint Boards-

(1) A joint Boards constituted in pursuance of an agreement entered into under clause (a) of sub-section (1) of section 13 shall consist of the following members, namely: –

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

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

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

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

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

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

(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 3 [matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

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

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

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

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

Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;

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

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

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

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

1. Subs. by Act 44 of 1978, S. 9.

2. Subs. by Act 53 of 1988, S. 7, for Cl. (f).

3. Subs. by Act 44 of 1978, S. 9.

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 program regarding the prevention and control of water pollution;

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

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

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

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

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

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

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

1. Ins. by Act 53 of 1988, S. 8.

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) Lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality or 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;

(1) To make, vary or revoke any order-

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

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

(m) To lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both 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-