

---

*Attachments*

---

*Andhra Pradesh Land, Water & Trees Act  
2002*



ఆంధ్రప్రదేశ్ రాజపత్రము

**THE ANDHRA PRADESH GAZETTE  
PART IV-B EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

No. 11] HYDERABAD, FRIDAY, APRIL 19, 2002.

**ANDHRA PRADESH ACTS, ORDINANCES AND  
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 18th April, 2002 and the said assent is hereby first published on the 19th April, 2002 in the Andhra Pradesh Gazette for general information :

ACT NO. 10 OF 2002

**AN ACT TO PROMOTE WATER CONSERVATION, AND TREE COVER AND REGULATE THE EXPLOITATION AND USE OF GROUND AND SURFACE WATER FOR PROTECTION AND CONSERVATION OF WATER SOURCES, LAND AND ENVIRONMENT AND MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-third Year of the Republic of India, as follows:-

[1]

A. 11-1

**CHAPTER - 1  
PRELIMINARY**

Short title, extent and commencement.

1. (1) This Act may be called the Andhra Pradesh Water, Land and Trees Act, 2002.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification appoint

Definitions

2. In this Act, unless the context other wise requires, -

(1) 'Authority' means the Andhra Pradesh State Water, Land and Trees Authority constituted under section 3;

(2) 'Designated Officer' means an officer or any person so designated by the Authority to perform the functions, under the Act;

(3) 'Government' means the State Government of Andhra Pradesh;

(4) 'Ground water' means water existing in an aquifer below the surface of the ground at any particular location of the local area regardless of the geological structure in which it is stationary or moving and includes all ground water reservoirs;

(5) 'Ground water basin' means an area confined within such geological boundaries which will act as water divides and identified and notified by the Authority;

(6) 'Industry' means an activity wherein goods are produced by physical or chemical processes;

(7) 'Landscape' includes all forms of trees, shrubs, grasses planted and water bodies to enhance aesthetic value;

(8) 'Notification' means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;

(9) 'Over exploited basin' means a ground water basin so declared by the Authority on the advice of the technical expert who duly consider the quantum and pattern of rainfall, degree of extraction of ground water and any other relevant factor while advising the Authority;

(10) 'Prescribed' means prescribed by rules made under this Act;

(11) 'Preservation of trees' includes planting of new trees and transplanting trees to other sites; including protection measures such as fence, tree guards etc;

(12) 'Public drinking water source' means a well, from which the Government or any local authority or such other authority as the Government may by notification specify, provides water to the public and includes such well or any other drinking water source as may be notified by the Authority;

(13) 'Public water supply system' means the structures relating to a public drinking water source; including conveying pipeline, storage reservoir, stand post, cistern, hand pump; power

pump and all other materials connected thereto through which water is supplied for drinking purpose;

(14) 'Sink' with all its grammatical variations and cognate expressions in relation to a well includes any drilling, boring or digging of a new well or deepening carried out to an existing well;

(15) 'State' means the State of Andhra Pradesh;

(16) 'Surface water' means water occurring on the land surface in ponds, lakes, streams and rivers;

(17) 'Technical Officer' means a subject specialist so designated by the Authority to give advice on technical matters;

(18) 'To fell a tree' includes burning, cutting, debarking, girdling and release of harmful chemicals and such other operations which cause damage to any part of the tree;

(19) 'Tree' means any woody plant, whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than 5.5 cm. in diameter and is not less than one metre in height from the ground level; and includes young saplings and seedlings etc., which are planted at sites;

(20) 'Urban Area' means a development area declared as such under the Andhra Pradesh Urban Areas (Development) Act, 1975 or a Municipal Corporation constituted under the Andhra Pradesh Municipal Corporations Act, 1994 or the Hyderabad Municipal Corporations Act, 1955 or a Municipality or a notified area committee constituted under the Andhra Pradesh Municipalities Act, 1965 and includes such town or village or area declared to be

an Urban area for the purpose of this Act, by a notification, by the Government;

(21) 'Water shed' means an area confined within the topographic water divide line as identified and notified by the authority from time to time for the purposes of this Act;

(22) 'Well' means a well sunk for the search and extraction of ground water and includes a dug well, bore well, dug-cum-bore well, tube well, and filter point;

(23) words and expressions used in this Act, but not defined herein shall have the meanings assigned to them in the relevant Acts.

## CHAPTER --2.

### CONSTITUTION OF ANDHRA PRADESH WATER, LAND AND TREES AUTHORITY

3. (1) As soon as may be after this Act is brought into force the Government shall, by notification with effect from the date as may be specified therein constitute an authority called the Andhra Pradesh State Water, Land and Trees Authority.

(2) The Authority shall consist of, -

- (a) Minister, Panchayat Raj, Rural Development and Rural Water Supply      Ex-Officio  
Chairperson  
or any other Minister, nominated by  
the Chief Minister.

(b) Three Members of the State Legislative Assembly, nominated by the Government out of which one shall be from the main opposition political party.

Ex-Officio  
Members

(c) Chief Secretary to the Government.

Vice-  
Chairperson

(d) Secretary to the Government in charge of Agriculture.

Ex-Officio  
Member

(e) Secretary to the Government in charge of Irrigation and Command Area Development.

Ex-Officio  
Member

(f) Secretary to the Government in charge of Municipal Administration.

Ex-Officio  
Member

(g) Secretary to the Government in charge of Rural Water Supply.

Ex-Officio  
Member

(h) Secretary to the Government in charge of Panchayat Raj

Ex-Officio  
Member

(i) Secretary to the Government in charge of Environment, Forests, Science and Technology Department.

Ex-Officio  
Member

(j) Vice Chancellor, Acharya N.G.Ranga Agricultural University.

Ex-Officio  
Member

(k) Three Professors of whom one each

from the faculties of Life Sciences, Earth sciences and Engineering and Technology from the Universities in the State nominated by the Government for a two year term by rotation.

Members

(l) Three experts in the field of water and soil conservation and economics nominated by the Government.

Members

(m) Such other non-official persons not exceeding five in number who, in the opinion of the Government are interested in the conservation of natural resources of whom one each shall be from the Scheduled Tribes, Scheduled Castes and Woman respectively.

Members

(n) Secretary to the Government incharge of Rural Development

Ex-Officio Member Secretary

(3) The term of office of the nominated members except those nominated under clause (k) of sub-section (2) shall be such as may be prescribed.

(4) The members shall be entitled to such allowances as may be prescribed for attending the meetings of the authority or performing duties entrusted by the authority.

(5) The Government, may in consultation with the State Authority, constitute by notification, authorities at District and Mandal levels with such composition and to perform such functions in such manner as may be prescribed.

(6) The Authority constituted under sub-section (1) shall be a body corporate having perpetual succession and a common seal, with power to contract, acquire, hold and dispose of property, both movable and immovable and to do all things necessary for the purposes of this Act and may sue and be sued by the said name.

Meetings of the Authority

4. (1) The Authority shall meet at least once in three months at such place and time as the Chairman may decide.

(2) The quorum to constitute a meeting of the authority shall be one third of the total number of members.

(3) Save as otherwise expressly provided by or under this Act, the procedure for the conduct of business at the meetings of the Authority shall be such as may be prescribed.

Officers and servants.

5. (1) The Authority may designate such persons as designated officers for the purposes of this Act in such manner and for such areas as may be prescribed.

(2) The Authority may, from time to time, appoint such other officers and servants subordinate to the designated officer, as may be required by way of deputation from Government departments, or from Universities or on contract basis.

(3) The Authority may also appoint such other officers to assist the State Authority in such manner and for such purposes as may be prescribed.

April 19, 2002]

ANDHRA PRADESH GAZETTE EXTRAORDINARY

9

(4) The conditions of appointment, service, and the powers and duties of such officers shall be such as may be determined by the Authority.

6. Subject to any special or general directions by the <sup>Functions</sup> of the <sup>of the</sup> <sup>Authority.</sup> Government in this behalf, the Authority shall perform the following functions, namely,

(a) promote water conservation and enhancement of tree cover in the State;

(b) regulate the exploitation of ground and surface water in the State;

(c) make regulations for the functioning of the authorities at District and Mandal level constituted under the Act;

(d) advise the Government on the legislative and administrative measures to be taken from time to time for the conservation of natural resources;

(e) advise on economic measures to be taken by the Government as incentives or disincentives relating to taxes, levies, fees or other charges to promote conservation of natural resources;

(f) advise on strengthening public participation in conservation of natural resources from time to time in such a way that equity in access to water in different basins, sub-basins and regions in the State is maintained;

(g) advise on any other matter that may be referred to it by the Government; and

(h) advise the Government on the constitution and functions of the District level and Mandal level Authorities.

~~Delegation~~  
of powers.

7. The Authority may delegate any of their powers to the District level and Mandal level authorities or any Department or Officer of the Government or Local Bodies for the purpose of carrying out the provisions of this Act.

### CHAPTER - 3 GROUND WATER PROTECTION MEASURES

~~Registra-~~  
tion of  
wells.

8: (1) All ground water resources in the State shall be regulated by the Authority, subject to any general or special directions issued in this behalf by the Government.

(2) On and from the date of commencement of this Act, the owners of all the wells including those which are not fitted with power driven pumps and water bodies in the State, shall register their wells/water bodies with the Authority in such manner as may be prescribed.

~~Prohibi-~~  
tion of  
water  
pumping  
in certain  
areas.

9. (1) The Designated Officer, with the approval of the Authority, may prohibit water pumping by individuals, groups of individuals or private organizations in any particular area, if in his view such water pumping in such area is likely to cause damage to the level of ground water or cause deterioration or damage to natural resources or environment for a period of not more than six months which after review may be extended for a further period of not more than six months at a time:

Provided that no well shall be sunk in such areas as may be prescribed.

(2) The Authority may issue directions to A.P. TRANSCO not to raise and collect electricity bills during stoppage of pumping of water in pursuance of order issued under sub-section (1) thereof.

10. (1) Notwithstanding anything contained in any law for the time being in force and having regard to the interests of the general public to have the supply of requisite quantity of water for drinking purposes from the public drinking water source, no person subject to sub-section (2) shall sink any well in the vicinity of a public drinking water source within a distance of two hundred and fifty meters in areas other than the areas covered under section 9 and sub-section (1) of section 11 thereof.

Provided that sinking of any well for public drinking purpose and hand pump for public or private drinking water purpose shall be exempted under this section.

(2) Any person, who intends to sink a well for purpose of irrigation or drinking or for any other purpose within a distance as specified under sub-section (1) of a public drinking water source, shall apply for permission to the Authority in such manner and on payment of such fee as may be prescribed:

Provided that in respect of sinking a well for the purpose of irrigation or drinking or for any other purpose and if such source is intended to be used with a power driven pump, the person shall also obtain prior permission of the A.P. TRANSCO constituted under section 13 of the Andhra Pradesh Electricity Reform Act, 1998 in such manner as may be prescribed.

A.P. Act  
34 of  
1998

(3) The Authority within forty-five days of receipt of an application under sub-section (2), may, on the advice of the Technical Officer, for reasons to be recorded in writing, grant

permission for the sinking of a well for irrigation or drinking water purpose; if it is satisfied that such sinking shall not adversely affect the public drinking water source or refuse to grant permission if such sinking affects such source adversely.

(4) Every permission granted under sub-section (3) shall be subject to the condition that the authority may for the reasons to be recorded in writing, by order, prohibit, restrict or regulate from time to time the extraction of water from such well if in its opinion it is necessary so to do in the public interest and also such other conditions and restrictions as may be prescribed.

Over  
Exploited  
areas

11. (1) The Authority may on the advice of the technical expert, declare a particular ground water basin as over exploited for a period of not more than six months which, after review, may be extended for a further period of not more than six months at a time.

(2) For the purpose of sub-section (1), the technical officer shall take into consideration the quantum and pattern of rainfall, degree of extraction of ground water and any other relevant factor while advising the Authority.

(3) On and from the date of such declaration under sub-section (1), no well shall be sunk in such areas except wells sunk for public drinking purposes or hand pump for public or private drinking water purpose.

(4) The Authority may issue guidelines for improving the ground water by suitable measures in such over-exploited ground water basins as declared under sub-section (1) and such guidelines shall be followed by each individual or group of individuals or

institution or organization or Government department or local body concerned as the case may be.

(5) The Authority may review from time to time the ground water and results achieved after taking the measures under sub-section (4) and it may revoke the declaration of over exploited basins as made under sub-section (1) and permit sinking of wells duly specifying the number of wells to be sunk, depth of the well, distance between two adjoining wells and other conditions as deemed fit after satisfying itself that such sinking shall not adversely affect the public drinking water source.

12. (1) Notwithstanding anything contained in any law for the time being in force, the Authority may, on the advice of the Technical Officer, that any existing well is found to be adversely affecting any public drinking water source, after giving the owner a reasonable opportunity of being heard by an order, prohibit the extraction of water for commercial, industrial, irrigation or any other purposes from such well for a period of not more than six months which after review may be extended for a further period of not more than six months at a time:

Provided that irrigation well with standing crop shall be taken as last priority for such purpose.

(2) Notwithstanding anything contained in any law for the time being in force and in any other provisions of this Act, the Authority, on the advice of the Technical Officer that any existing well is found to be adversely affecting any public drinking water source and if such source cannot be adequately protected by action under sub-section (1) may after giving the owner of such well a reasonable opportunity of being heard, by an order require him to stop the extraction of water and close or seal off such well forthwith either temporarily or permanently.

(3) Whenever it is necessary to make an inquiry or examination in connection with the protection of a public drinking water source or with the maintenance of a public water supply system, the Authority or any officer duly authorised by it in this behalf may after giving prior notice to the owner or occupier of any land:-

- a) enter upon such land as he may think necessary for the said purpose;
- b) undertake surveys or take water levels;
- c) conduct pumping tests and geophysical surveys;
- d) conduct well logging on the bore;
- e) install and maintain water levels recorded and water gauges on the well; and
- f) do all such other things as may be necessary for pursuing such inquiry and examination;

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), the Authority may on the advice of the Technical Officer in any urban area, issue an order,-

- a) Prohibiting extraction of water for sale from an over exploited water source or aquifer or residential areas or in the recharge zones of residential areas depleting the public or private water sources and affecting the supply of water for domestic usage;
- b) Prohibiting the drawl of the ground water within the premises of multi-storied buildings for sale of water outside the premises of such multi-storied building.



(5) The Authority may, on the consideration of the availability of drinking water, command any existing well in order to ensure supply of drinking water to the local population. For this purpose the Authority may take over the well for such period as deemed necessary subject to such conditions as the Authority may prescribe.

(6) The Authority may issue directions to the concerned including local bodies for preventing wastage of water from the public water supply system or public drinking water source.

(7) The Authority may issue directions by general or specific order to A.P. TRANSCO not to raise and collect electricity bills during stoppage of pumping of water in pursuance of order issued under this section.

13. In order to curb unhealthy competition to tap water from deeper layers of ground water and to maintain ground water, the Authority may issue directions specifying the distance for sinking of wells from the existing well and depth for such sinking and such other conditions in areas other than over-exploited ground water basins as declared under sub-section (1) of section 11, areas declared under section 9 and near drinking water sources as specified under sub-section (1) of section 10.

14. (1) Every rig owner shall register his machinery with the Authority in such manner and on payment of such fee as may be prescribed:

(2) Every rig owner or operator shall follow the instructions issued by the Authority from time to time.

15. (1) Wherever it appears to the Authority that any well has been sunk or is being sunk or water has been extracted or is being extracted in contravention of any of the provisions of this Act, the Authority or any officer duly authorised by it in this behalf,

may enter upon that land, remove obstruction, if any, close the pumping of the water, disconnect the power supply, seize any material or equipment used in connection with such extraction of water and take any such action, as may be required to stop such extraction and may by order require the owner or the person in possession of the well to close or seal off the well at his expense and in such manner as the Authority may specify in such order and such owner or person shall comply with such order.

(2) Where such owner or person fails to comply with any order made under sub-section (1), the Authority may after giving such owner or person due notice in that behalf enter upon the land and close or seal off the well and the cost incurred thereof shall be recoverable from such owner or person as arrears of land revenue.

Compensation for closed wells.

16. Where an order of permanently closing down or sealing off the well, which is giving substantial yield and which is really useful for irrigating any land or for an industrial use, is made under sub-section (1) or sub-section (2) or sub-section (5) of section 12, the Authority may on making such enquiry and requiring the owner to produce such evidence as he may deem necessary, make an order for payment of compensation which shall not be less than the market value of the well including the other expenditure incurred like energisation thereon and structure thereon and standing crop at the time of making such an order and with regard to the determination of compensation for the well situated in a land acquired shall apply the provisions of the Land Acquisition Act, 1894 in determining the market value of the well under this section:

Central Act of 1894.

Provided that, where an order under sub-section (1) or sub-section (2) or sub-section (5) of section 12, relates to temporarily closing down or sealing off a well, water from which is

used for the irrigated crops standing at the time of making such an order, compensation for such crops shall be payable under this section:

Provided further that where by virtue of an order made under sub-section (1) or sub-section (2) or sub-section (5) of section 12, any well which is permanently closed or sealed off for any reason whatsoever, allowed to be opened for extracting water therefrom and any subsequent order made for permanently closing down or sealing off such well again shall not entitle the owner thereof, to claim compensation to such well:

Provided also that compensation shall not be paid in such cases of temporary or permanent closure of wells in pursuance of order passed under section 15.

17. (1) To improve the ground water resources, by Rain water harvesting and recharge, the Authority may issue guidelines for constructing appropriate rainwater-harvesting structures in all residential, commercial and other premises and open spaces having an area of not less than 200 square meters in the manner prescribed within stipulated period failing which the authority may get such rain water harvesting structure constructed and recover the cost incurred along with a penalty as may be prescribed.

(2) Notwithstanding anything contained in the relevant laws the Municipal Corporation or Municipality or any other local Authority as the case may be, shall impose a condition for providing appropriate rain water harvesting structure and or roof top harvesting structures in the building plans in an area of not less than two hundred square meters, while according approval for

construction and permanent water and electricity connection shall be extended only after compliance of the directions given in this regard.

(3) The Authority may issue guidelines to Municipal Corporations or Municipalities or any other local authorities in the state for providing incentives for constructing roof top harvesting structure:

18. The Authority may formulate guidelines including suitable incentives for recycling and reuse of waste water by industrial, commercial users and local bodies and in the event of non-feasibility in the opinion of the Authority to install suitable recycling and reuse system, the Authority may levy appropriate charges:

Re-use of  
water

Provided that the Technical Officer may suggest appropriate measures for this purpose; which shall be adopted by the industry, commercial unit and local bodies concerned.

19. (1) No ground water resources shall be contaminated in any manner by anybody including industrial, local bodies and aquaculture waste disposal.

Prohibit-  
ion of  
water  
contamin-  
ation

(2) Direct disposal of waste waters into the aquifers, is prohibited.

## CHAPTER - 4

### SURFACE WATER PROTECTION MEASURES

20. The Authority or any designated officer may direct the occupier of any land that land use shall be modified if the quality of the water coming from the land is not of acceptable quality compared to the prescribed standards:

Land use  
and water  
quality

21. (1) To ensure that land and water use in the watersheds shall be conducive for efficient utilization of these resources as well as ground water recharge, the watershed committees shall adopt the measures as suggested by the officer concerned and the members of watershed committees shall be trained by the officer concerned and the members so trained shall in turn train the other farmers prior to signing of the Memorandum of Understanding.

(2) The officer concerned shall have the power to determine and recover investments made hereafter by way of fresh sanctions by the Government in the watersheds and in case of non-compliance with the provisions of the Memorandum of Understanding, the amount due shall be recovered as if it were arrears of land revenue from the party found responsible.

22. In Irrigation Command Areas, Water Users Associations shall ensure optimum use of surface and ground water and for this purpose, the Water Users Associations shall adopt the measures suggested by the designated officer.

23. (1) The Authority may notify water bodies like lakes, ponds and minor irrigation tanks along with nalas (water course or drainage course) as heritage bodies and conservation areas to prevent conversion of their intended use and the authority shall take all measures to permanently demarcate the boundaries through the department of the Government or the organization concerned as per the memoirs of lakes / tanks / ponds / nalas (water course or drainage course) and shall take measures to evict and prevent encroachment. For this purpose, the Authority may give directions to the concerned department, agency, statutory body or official and upon such direction, the concerned department, agency, statutory body or official shall comply with

such directions. The authority may also issue guidelines in this regard and the guidelines shall be complied with by all the concerned.

(2) The designated officer shall have the power to prevent and remove encroachments into the demarcated area of the water body.

(3) No undesirable wastes including liquid wastes shall be allowed to be dumped in the water bodies by any person or organisation.

(4) The Authority shall in consultation with technical experts decide the permissible levels of pollutants which can be allowed into the water bodies.

(5) The designated officer shall have the authority to take required steps to prevent and control polluted water entering the water bodies.

24. (1) The designated officer may prescribe ceiling on water usage per unit of production by any industry or commercial unit.

(2) The Authority may levy cess or surcharge on the water used for production activities.

25. The Authority shall have power to designate an officer to be in charge of the water bodies in the State, Municipal Corporations, Municipalities, Urban Areas or Gram Panchayats to ensure proper protection and conservation of the water bodies.

26. The Authority may direct the water users associations to prevent and restore breaches to irrigation sources

within a specified time and take up such measures through the officer concerned.

27. The Authority may frame guidelines for sand mining Sand from water bodies wherever such sand mining is environmentally mining harmful both in private and Government lands:

Provided that sand mining shall not be permitted in over exploited basins as declared by the Authority under sub-section (1) of section 11 of the Act.

## CHAPTER-5 TREES

28. (1) The Authority may direct that every Municipal Corporation or Municipality or any other Local Authority, as the case may be, to insist for compulsory plantation with such number of trees and their maintenance as may be prescribed while according approval of building plans.

(2) The Authority may also direct the Municipal Corporation or Municipality or the other Local Authorities, as the case may be, to designate an officer to be incharge of tree plantations in their respective areas.

(3) Tree plantation and landscaping shall be adopted in all public and private premises for which purpose Municipal Corporations or Municipalities or other local Authorities, as the case may be, may issue directions to individuals, organisations or other persons for tree planting and landscaping in their premises. The directions issued shall be implemented by the individual, organisations or other persons within a period as may be prescribed failing which Municipal Corporations or Municipalities

or other Local Authorities, as the case may be, shall implement the directions and cost there of shall be recovered from the individual, organization or other persons along with a penalty as may be prescribed.

(4) Tree plantations in urban public areas and road margins shall be owned by the Municipal Corporation or Municipality or other Local Authority, as the case may be.

(5) No felling of the trees or branches is permitted without the prior permission of the designated officer. In case when a tree is to be felled, not less than two seedlings should be planted and when such planting is not possible, cost of raising seedlings and their maintenance shall be recovered from the concerned individual, organisation or other persons for raising plantations in public places.

(6) The Authority may issue suitable guidelines for planting, protection and maintenance of existing trees or landscape in public premises including public and private schools, colleges, Medical colleges, Engineering colleges and other institutions and the Head of the institution shall be made responsible for the same.

(7) The Authority may direct the Municipal Corporations or Municipalities or other local authorities, as the case may be, to take up plantation and maintenance of existing trees in all public places under control of such Municipal Corporations or Municipalities or local authorities concerned as the case may be.

29. (1) Any person, institution, organization or department, public or private, providing a public or private utility service including Roads and Buildings department, Energy department of the Government and Telecommunications Department shall ensure

Protection of trees

protection of trees and their branches while developing their infrastructure or carrying on their activities.

(2) Wherever laying of new roads or widening of roads involves cutting of existing tree, the Authority may issue suitable guidelines for protection of such tree growth as it deems fit.

30. (1) The Authority may formulate guidelines for tree plantations along with the road margins, canal banks, tank-fore shores and water bodies:

Tree plantations by Government departments etc.

Provided that the cost of plantation and further maintenance shall be included in the cost of formation of the roads, canals and tanks and suitable amount may be earmarked for plantation and protection of trees within any of the existing provisions for supervision or miscellaneous or unforeseen expenditure under all works estimates as prescribed.

(2) The Authority may direct the Local Authorities to ensure tree plantations in the fore-shore areas of the open water bodies.

(3) All agricultural land owners except small and marginal farmers and wetland owners as determined by the Government shall plant trees in their land holding as prescribed by the Authority upto 5% of their total land holding and felling permission for trees shall be given only when the land owner plants trees in equal extent of land:-

Provided that the area covered by the existing tree growth including fruit bearing horticultural crops shall be included while calculating the area under tree growth:

Provided further that suitable incentives, as may be prescribed, shall be given to the landowner who plants tree species in his total land holding.

(4) The government may constitute a committee for protection and maintenance of the plantations raised in the lands raised outside the forest and the said committee shall function as may be prescribed.

31. It shall be competent for the Authority to protect tree plantation by encouraging stall fed goat rearing and by rehabilitating the goat rearers in a phased manner.

Sheep and goat farming.

32. It shall be competent for the Authority to encourage all families especially living in the fringes of forest areas to acquire non-conventional energy devices in order to protect the trees.

Tree protection in fringe areas.

## CHAPTER-6.

### MISCELLANEOUS

33. (1) Any person, aggrieved by any order made under any of the provisions of this Act may, within a period of 30 days from the date of receipt of the order by him, appeal to the Authority, if the order is made by any other officer.

Appeals.

(2) On receipt of such appeal, the Authority shall after giving a reasonable opportunity to the appellant of being heard, pass such order as it may think fit.

*Explanation:* For the purpose of this section, the expression 'person aggrieved' includes a Local Authority, the Panchayat Raj or Municipal Administrative Engineering Department, State Ground Water Department and any other agency or authority entrusted with the responsibility of supplying drinking water or protection of trees.

(3) Before passing an order in such appeal, the Authority shall obtain the opinion of the technical experts appointed by the Authority and shall take the same also into consideration.

(4) The technical expert shall forward his opinion within ten days from the date of receipt of a reference in that behalf by him and in the event of failure to furnish such opinion by the technical officer within ten days, the Authority or Designated officer may call the technical expert with the relevant records and pass appropriate orders as it deems fit.

(5) Save as otherwise provided in sub-section (1), every order made by the Authority in appeal or otherwise may be reviewed by the Government and the Government may advise the Authority to reconsider the order and upon such advice, the Authority may pass orders after reconsideration and such orders passed shall be final and binding and shall not be reviewed.

34. (1) No suit, prosecution or other legal proceedings shall lie against any public servant or person appointed or authorised under this Act, in respect of anything which is in good faith done or intended to be done under this Act or in pursuance of any order made or directions issued under this Act.

(2) No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government for any damage caused or likely to be caused by any thing which is in good faith done or intended to be done under this Act or in pursuance of any order made or directions issued under this Act.

(3) Any action or act done by any public servant in the absence of good faith as determined by the Authority shall not be

covered under the protection given under sub-sections (1) and (2) and such public servant shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Penalties. 35. (1) Whoever contravenes any of the provisions of this Act or obstructs any person in the discharge of his duties under this Act or contravenes any order or violates any rule made under this Act shall be punished with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees:

Provided that the person responsible for abatement of such offence or connivance shall also be liable and punished accordingly.

(2) Whoever without any lawful authority damages, alters, pollutes or obstructs any part of a public water supply system or a water body, encroaches water bodies including tanks, lakes, ponds, nallas, (water course or drainage course), contaminates ground water in any manner by industrial and aquaculture waste disposal or directly disposes waste water into the aquifers shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than two thousand rupees but which may extend to fifty thousand rupees or with both in addition to that the cost of its repairs or remedying the same shall be recovered as an arrears of land revenue.

Provided that the person responsible for abatement of such offence or connivance shall also be liable and punished accordingly.

(3) Whoever without any lawful Authority fells a tree shall be punishable with a fine which shall not be less than two times of the value of such tree but which may extend to five times of value of such tree.

Provided that the person responsible for the abetment of such offence or connivance shall also be liable and punished accordingly.

(4) In the case of a second or subsequent offence, the offender shall be punished with twice the amount of fine prescribed for such offence under sub-section (1) or sub-section (2) or sub-section (3), as the case may be.

Provided that the person responsible for the abetment of such offence or connivance shall also be liable and punished accordingly.

36. (1) Subject to the rules, if any, made in this behalf, <sup>Service of notices.</sup> every notice or order issued under this Act, may be served either by tendering or delivering a copy thereof in person or by post to the person on whom it is to be served, or his authorised agent or if the service in the manner aforesaid cannot be made, by affixing a copy thereof at his last known place of residence or at such place of public resort in the habitation in which the structure, public drinking water source or well or water body or the tree to which the notice or order relates is situated:

(2) No such notice shall be deemed void on account of any error in the name or designation of any person or in the description of any structure, public drinking water source or well or water body or the tree referred to therein unless such error has resulted in substantial injustice:

37. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Authority or the Designated Officer or any officer authorized by the Government in this regard, as the case may be, may accept from any person who committed

or who is reasonably suspected of having committed an offence punishable under this Act other than the offences punishable under sub-section (2) of section-35 of this Act,-

(i) a sum of money as may be prescribed, by way of compounding of the offence.

(ii) the Authority or Designated Officer or any other officer authorized by the Government in this regard, as the case may be, may reject to compound the offence for the reasons recorded in writing;

(iii) the Authority or Designated Officer or any officer authorized by the Government in this regard, as the case may be, shall pass order to compound the offence or otherwise within a period as may be prescribed;

(2) On payment of the sum of money in accordance with sub-section (1), any person in custody in connection with the offence shall be set at liberty and no proceedings shall be instituted or continued against such person in any criminal court.

(3) The acceptance of the sum of money for compounding an offence in accordance with sub-section (1) by the authority or the Designated Officer shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973.

38. (1) Where there is reason to believe that an offence has been committed in contravention of the provisions of this Act, any instrument, machinery or any other device, vehicles or other conveyance or any other moveable property used or involved in committing any such offence may be seized by an officer as authorised by the Government in this behalf and without any unreasonable delay either produce the property seized before the

Central Act 2 of 1974.

Central Act 2 of 1974

Seizure of property liable of confiscation

Designated Officer or any other officer authorised by the Government in this behalf by notification (hereinafter referred to as the authorised officer) or make a report of such seizure and produce the seizures before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made except where the offender agrees in writing forthwith to get the offence compounded under section 37 of the Act. Where the property seized is such that it cannot be conveniently transported to the court or authorised officer as the case may be, give custody thereof to any person on his executing a bond undertaking to produce the property before the Court or authorised officer as and when required and to give effect to the further orders of the Court or authorised officer, as the case may be, as to the disposal of the same:

Provided that where the property with respect to which such offence is believed to have been committed is the property of the central or state Government or local bodies and the offender is not known, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to the Designated Officer or any other officer as notified by the Government.

(2) Where an authorised officer seizes under sub-section (1) any instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property or where any instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property is produced before him under sub-section (1) and he is satisfied that an offence has been committed under this Act, in respect thereof, he may order confiscation of any instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property so seized or produced.

(3) No order of confiscating any property shall be made under sub-section (2), unless the person from whom the property is seized is given—

(a) a notice in writing informing him of the grounds on which it is proposed to confiscate such property;

(b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds for confiscation; and

(c) a reasonable opportunity of being heard in the matter

(4) Without prejudice to the provisions of sub-section (3), no order of confiscation under sub-section (2) of any instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property shall be made if the owner thereof proves to the satisfaction of the authorised officer that it was used without his knowledge or connivance or the knowledge or connivance of his agent, if any, or the person in charge of such instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property in committing the offence and that each of them had taken all reasonable and necessary precautions against such use.

(5) Any person aggrieved by an order passed under sub-section (2) may within thirty days from the date of communications to him of such order, appeal to the District Court having jurisdiction over the area in which the property has been seized, and the District Court shall after giving an opportunity to the parties to be heard, pass such order as it may think fit and the order of the District Court so passed shall be final.

(6) Where the offence is compounded under section 37, the property seized shall be released to the person entitled to the possession thereof.



(7) Where the offender is convicted, the property seized shall be ordered to be confiscated except where the owner thereof proves to the satisfaction of the court that it was used without his knowledge or connivance or the knowledge or connivance of his Agent, if any, or the person in charge of the property in committing the offence and that each of them had taken all reasonable and necessary precautions against such use.

(8) Except in so far as expressly provided in this section, the provisions of the Code of Criminal Procedure, 1973 shall *mutatis mutandis* apply to the seizure and disposal of such property. Central Act 2 of 1974.

39. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force. Overriding effect.

40. The Government may, by notification and subject to such restrictions and conditions as may be specified in such notification, exempt any area or areas from the application of the provisions of this Act.

41. The authority shall create a separate fund to be called the Andhra Pradesh Water, Land and Trees Authority Fund, to which shall be credited all monies received by the Authority including—

(a) all cesses or surcharges levied and collected under the Act;

(b) all penalties received by the Authority as prescribed under the Act;

(c) all money received by the Authority as fees prescribed under the Act,

(d) all grants made by the Government.

Budget.

42. The Authority shall, on or before 31st day of October every year prepare in such form as may be prescribed by the rules an annual budget estimate in respect of the ensuing financial year of the estimated income and expenditure of the Authority including those at district and mandal level and shall submit it to the Government for approval and inclusion in the State budget.

Accounts  
and  
Audit.

43. (1) The Authority shall maintain books of accounts in such other books in relation to the business and transactions in such form and in such manner as may be prescribed.

(2) The accounts of the Authority shall be audited by an auditor appointed by the Government.

(3) The Authority shall send a copy of the accounts audited together with a copy of the report of the auditor thereon to the Government within nine months from the end of the financial year.

(4) The Government shall cause the accounts of the Authority together with the audit report thereon forwarded to it under sub-section (3) to be laid before the Legislative Assembly of the State, as far as possible before the expiry of the year next succeeding the year to which the accounts and report relate.

Powers to  
remove  
difficult-  
ies.

44. If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order make provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty.

April 19, 2002]

ANDHRA PRADESH GAZETTE EXTRAORDINARY

33

Powers to  
make  
rules.

45. (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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.

46. The Andhra Pradesh Water, Land and Tree Ordinance 2000 is hereby repealed.

Repeal of  
Ordin-  
ances 15  
of 2000.

47. Andhra Pradesh Ground Water (Regulation for drinking water purposes) Act, 1996, is hereby repealed.

Repeal of  
Act 7 of  
1996.

G. TRINATHA RAO,

Secretary to Government,

Legislative Affairs & Justice (Incharge)

Law Department.

Definitions

2. In these rules, unless the context otherwise requires: -

- (1) "Act" means the Andhra Pradesh Water, Land and Trees Act, 2002;
- (2) "Authority" means the Andhra Pradesh State Water, Land and Trees Authority constituted under the Act;
- (3) "Member Secretary" means the member secretary of the Andhra Pradesh State Water, Land and Trees Authority;
- (4) Words and Expressions used in the Act shall apply to these rules also.

Appointment of Administrator and the staff in State, District and Mandal Authorities

- 3. (1) (i) The Government may designate any officer as an Administrator who shall assist the Authority in discharging its duties.
- (ii) The Authority may take on deputation such other officers or members of staff subordinate to the Administrator either on contract basis or from the surplus manpower cell

- (2) The Member Secretary of the District Authority shall assist the District Authority in its work and the District Authority may take on contract basis or from the surplus manpower cell such other officers or the staff to assist the Member Secretary.
- (3) The Member Secretary of the Mandal Authority shall assist the Mandal Authority in its work and the Mandal Authority may take on contract basis or from the surplus manpower cell such other officers or the staff to assist the Member Secretary.

- (4) The Authority under the provisions of section 5 of the Act, may designate the officers from the departments such as Ground Water, Rural Development, Irrigation, Municipal Administration and Urban development, Panchayath Raj, Forest or any other department or agency as deemed necessary to work as Designated or Technical Officers for the purpose of the Act by a separate order.
- (5) The power of designating the officers at District and Mandal level may be delegated by the State Authority to the District and Mandal level Authorities respectively.

Term of Office of the nominated members of the Authorities

- 4. The term of office of the nominated members of the Authority except those nominated under clause (k) of subsection (2) of section (3) shall be three (3) years from the date of their appointment.

Resignation

- 5. (1) A nominated member of the Authority may resign from his office by giving thirty (30) days notice to the Chairman.

Registered No. HSE-49.



ఆంధ్ర ప్రదేశ్ రాజ పత్రము  
RULES SUPPLEMENT TO PART II  
EXTRAORDINARY

OF  
THE ANDHRA PRADESH GAZETTE  
PUBLISHED BY AUTHORITY

No. 19 ] HYDERABAD, SATURDAY, JUNE 15, 2002.

NOTIFICATIONS BY GOVERNMENT

PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT  
(R.D.V)

THE ANDHRA PRADESH WATER, LAND AND TREES RULES, 2002

[G. O. Ms. No. 224, Panchayat Raj and Rural Development (RD. IV),  
15th June, 2002.]

In exercise of the powers conferred by sub section (1) of section 45 of the Andhra Pradesh Water, Land and Trees Act, 2002 (Andhra Pradesh Act No 10 of 2002), the Governor of Andhra Pradesh hereby makes the following rules to promote water conservation and tree cover and to regulate the exploitation and use of ground and surface water for protection and conservation of water sources, land and matters connected therewith or incidental thereto in the State of Andhra Pradesh.

RULES

Short title, extent and commencement 1. (1) These rules may be called The Andhra Pradesh Water, Land and Trees Rules, 2002.

- (2) They extend to the whole of Andhra Pradesh State.
- (3) They shall come in to force from the date of publication.

[ I ]

(2) The power to accept the resignation of a member shall vest with the Chairman who on accepting the resignation shall report to the Authority during its next meeting.

(3) Whenever a nominated member of the Authority resigns or dies or is removed from the office or becomes incapable of acting, Government may by notification in the official gazette appoint a person in the said vacancy.

Provided that a person so appointed in the said vacancy shall hold office only for the residue of the period.

6. The Government may remove any non-official member from his office if he is of unsound mind, or convicted of a criminal offence involving moral turpitude, or fails to attend more than three successive meetings of the Authority without prior approval of the Chairman.

#### Allowances

7. (1) The non-official members of the Authority shall be entitled to the travelling and daily allowances as admissible to Grade-I officers of the state for attending the meetings or any other work assigned by the Authority. They should produce a certificate that they have not claimed Travelling Allowance and Dearness Allowance for the same period elsewhere.

(2) The Authority may designate an officer of the Authority as the accounting officer in respect of payment of allowances.

8. (1) The Government, may, by notification, in consultation with the State Authority constitute the District Authority as follows:-

- (a) The District Collector Ex-Officio Chairman
- (b) One Member of Parliament and Ex-Officio Members two members of the Legislative Assembly as nominated by the Government. Out of two Members of Legislative Assembly, one shall be preferably from main opposition political party

(c) Three Mandal Parishad Presidents and two Zilla Parishad Territorial Constituency members to be nominated by the Ex-officio Chairman of the District Authority. Ex-Officio Members

(d) Joint Director, Agriculture Ex-Officio Member

(e) Superintending Engineer, Irrigation Ex-Officio Member

(f) Superintending Engineer, Water Supply Ex-Officio Member

(g) Deputy Director, Ground Water Department Ex-Officio Member

(h) Deputy Director, Mines and Geology Department Ex-Officio Member

(i) Deputy Conservator of Forests (Planning & Extension) or Territorial Divisional Forest Officer Ex-Officio Member

(j) Project Officer, Integrated Tribal Development Agency / MADA / PTG Ex-Officio Member

(k) Regional officer, Andhra Pradesh Pollution Control Board Ex-Officio Member

Removal from the Authority

District Authority

- (l) Chief Executive Officer, Zilla Parishad Ex-Officio Member
- (m) An official from Hyderabad Metropolitan Water and Sewerage Board, in respect of Rangareddy and Hyderabad Districts Ex-Officio Member
- (n) One official from Municipal Administration Department Ex-Officio Member
- (o) Other Non Official persons not exceeding five, who in the opinion of the Ex-officio Chairman of the District Authority are interested in the conservation of natural resources of which one shall belong to Scheduled Caste, one to the Scheduled Tribe and one shall be a woman
- (p) Director, Urban Forestry, HUDDA in respect of Hyderabad and Rangareddy districts. Ex-Officio Member
- (q) Project Director, Drought Prone Area Programme / District Water Management Agency. Ex-officio Member

(2) The term of the office of Non Official members shall be three years from the date of appointment and they are entitled to the allowances as admissible to Grade - I officers of the State.

(3) Resignation or removal of the members of the District Authority shall be governed in the same manner as prescribed under rules 5 and 6 of these rules.

(4) The quorum to conduct a meeting of the District Authority shall be one third of the total number of the members.

Mandal Authority

9. (1) The Government may by notification constitute the Mandal Authority as follows:-

- (a) Mandal Revenue Officer of the concerned Mandal. Ex-Officio Chairman

- (b) Mandal Development Officer Ex - Officio Vice-Chairman
- (c) Sarpanch of the Mandal Headquarter Gram Panchayat Ex-Officio Member

(d) Two Mandal Parishad. Territorial Constituency Members of the concerned mandal to be nominated by the Ex-officio Chairman of the Mandal Authority with the approval of Ex-officio Chairman of the District Authority. Ex-Officio Member

(e) Assistant Executive Engineer, Irrigation Department. Ex-Officio Member

(f) An Officer from Ground water Department. Ex-Officio Member

(g) Assistant Director, Agriculture Department. Ex-Officio Member

(h) Assistant Project Director, Integrated Tribal Development Agency. Ex-Officio Member

(i) Forest Range Officer of the nearest Range Ex-Officio Member

(j) Three non-official members, of whom, one shall be a woman, who in the opinion of the Ex-officio Chairman of Mandal Authority are interested in conservation of natural resources or presidents of the Water Users Association or Vana Samrakhan Samithi or Watershed Association with the approval of the Ex-officio Chairman of the District Authority.

- (k) Assistant Executive Engineer, Rural Water Supply. Ex-officio Member-secretary

Note: In the Scheduled Areas, a Scheduled Tribe candidate shall be nominated. In the predominantly Scheduled Caste Mandal, one of the members shall be from Scheduled Caste

- (2) The term of the office of Non Official members shall be three years from the date of appointment
- (3) The Mandal Authority shall conduct meetings and perform such functions as delegated under section 6 and prescribed under section 3(6) of the Act, and other functions as directed by the Government. The Mandal Authority may utilise the services of the Designated Officers and technical officers in discharging of its functions.
- (4) The quorum to conduct meeting of the Mandal authority shall be one third of the total number of the members.

Meetings of the State, District and Mandal Authorities

10. (1) The time, date and place of the meeting of the State, District and Mandal Authorities shall be fixed by the Member Secretary of the respective authorities with the approval of its Chairman.

(2) The District Authority may conduct meetings and perform such functions as delegated under section 7 and prescribed under subsection-6 of section 3 of the Act and other functions as directed by the Government and will report to the State Authority. The District Authority may utilize the services of the Designated Officers and technical Officers in discharging of its functions.

(3) Seven clear days notice of an ordinary meeting and three clear days notice of a special meeting along with the agenda notes if any, shall be given by the Member Secretary to the members.

(4) Any particular meeting may adjourn from day to day or to any particular day and no fresh notice shall be required for an adjourned meeting.

(5) All decisions in a meeting shall be decided by a majority of votes of the members present. Voting shall be by raising of hands in favour of the proposal. In case of equality of votes the presiding officer shall have a casting vote.

(6) The Authority may Co-opt any person as an observer for a particular meeting or period who shall have no voting rights.

Registration of Wells

11. Every owner of the well shall register the well as per the subsection (2) of section 8 of the Act by an application giving details as in Form-1 appended to these rules and by paying fee as fixed by the Authority having jurisdiction from time to time. The Town Planning Department of Municipal Corporation, Municipalities, Hyderabad Water Supply and Sewerage Board, Village Secretaries of the Gram Panchayaths shall facilitate registration of all existing wells in their jurisdiction. The details should be entered in a register as prescribed in Form 1 appended to these rules.

Permission for new wells

12. (1) Any person or institution desiring to dig a new well of any kind in their premises should submit to the Authority having jurisdiction over the area, an application in Form 2 appended to these rules together with a fee as fixed by the authority from time to time. The Authority shall process the application with the help of the Designated Officer. The Designated Officer after examining the application shall satisfy himself about the compliance of the various provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 and give his recommendation to the Authority and the said Authority shall dispose off the application within forty five days of receipt of the application. The Designated Officer while disposing off the application, shall comply with the provisions of subsection (3) of section 10 of the Act. Wherever necessary, it shall take the opinion of the Technical Officer of that area. Every order for permission shall be in Form 3 appended to these rules.

Provided that with every such application for a new well wherever the power driven pump is to be used, application in Form 2 shall be accompanied with permission letter from Andhra Pradesh Transmission Corporation in the Form 10 appended to these rules.

(2) The fee shall be paid through a demand draft drawn in favour of "The Andhra Pradesh Water, Land and Trees Authority Fund" payable at the head quarters of the respective Authority.

Conditions for grant of permission

13. The permission for grant of sinking of well under the Andhra Pradesh Water, Land and Trees-Act, 2002 shall be subject to the following conditions, namely:-

1. that the sinking of the well should not violate any provisions of the Act.
2. that the Authority reserves its right to take such measures necessary for preservation and control of water including an order for closure of the well; and
3. that the persons sinking the well shall furnish necessary information as and when required by the Authority in such form as may be prescribed and bound by the orders of the Authority with regard to the drawing of water including imposition of condition of hours of drawing of water.

Regulation of wells in over exploited areas

14. In respect of areas declared as over exploited by the Authority, as per sub-section (1) of section 11 of the Act, no person shall sink a well without the permission of the Authority. The application for such permission shall be in the Form 2 and the order of permission shall be in the Form 3 appended to these rules and its disposal shall be governed as per sub-section (5) of section 11 of the Act.

Taking over of well to ensure drinking water

15. (1) The Authority may by a general or special order shall authorize the Designated Officer to identify such wells as required to ensure supply of drinking water to local population and shall take over such wells.

(2) On identification of the wells, the Designated Officer shall serve or cause to serve an order of requisition on the owner of the well specifying the period of such requisition. The Designated Officer for sufficient reasons, may extend such period of requisition.

(3) On requisition, the owner of the well shall not draw water for any other purpose other than drinking for his own use.

(4) If the well so requisitioned is the only source of irrigation and if the owner is solely dependent on agriculture for his livelihood, the owner shall be compensated for the loss of livelihood. The quantum of compensation shall be decided by the District Collector in consultation with the agriculture department based on the crops raised during the same period in the previous three years by the owner utilizing the water from the well.

Construction of Rain Water Harvesting Structures

16. The construction of the water harvesting structures in all existing and new residential, commercial, public and open areas shall be governed by the guidelines and schemes adopted by the respective urban and local bodies. They shall also be responsible for monitoring execution of the construction in accordance with the design and the scheme. The provisions of section 17 of the Act shall be followed by the Urban and Local bodies.

Registration of Rigs

17. Every rig owner or an operator operating or desiring to operate in the state of Andhra Pradesh shall register the rig with the Authority by paying a fee as fixed by the authority from time to time which shall be renewable for every two years. The application shall be made in Form 12 and the permission shall be given by the Authority in Form 13. The rig owners are required to display the Form 13 at all times upon the rig. Failure to register the rig shall be an offence and shall be dealt in accordance with rule 25 of these rules.

Prohibition of water contamination

18. The Authority shall restrict, regulate and prohibit storage and disposal of effluents by any person or industry, local body or aqua culture farm into any stream or well or sewer or on land to prevent and control contamination of ground water. The Authority may pass orders suo-motuo or based on representations received from public and after providing an opportunity to be heard to the affected parties and recording reasons in writing.

Land use and water quality

19. The Authority may impose restrictions and prohibit any industry and carrying out of any process and operations in any area to protect water and soil quality in the area. The Authority shall provide opportunity to be heard to the affected parties before passing any order and shall record reasons in writing.

Explanation:- power to issue orders under this rule includes power to order for  
(i) Shifting and closure of industry; and  
(ii) prohibition or regulation of any process or operation.

Water Cess

20. The Authority may levy a cess on consumption of water and discharge of effluent by any industry, which is not covered under Schedule I of the Water Cess Act, 1977 and the amount of cess shall be as fixed by the Authority from time to time.

## Modification of land use

21. (i) The authority or any designated officer or agency may direct the occupier of any land that land use shall be modified if the quality of the water coming from the land is not of acceptable quality compared to the standards prescribed by the Andhra Pradesh Pollution Control Board from time to time.

(2) No brick manufacturing shall be taken up in areas where the soil is prone to erosion and depletion.

(3) Wherever coal based thermal power plants are in operation, all constructions within a radius of 10 Kilo meters shall be taken up with bricks made only with fly ash.

22. Industries shall not use fresh water in excess of maximum unit quantity specified by the Andhra Pradesh Pollution Control Board in consent orders issued under the Act, including for production-related purposes like dilution of effluents etc., The Andhra Pradesh Pollution Control Board may impose penalty upto the maximum permissible under the Act, in each case of proven violation of the consent condition.

## Ceiling on water use

## Sand mining

23. In areas where sand mining is affecting groundwater regime, such of the areas shall be notified and transportation of sand shall be prohibited and mining and transportation of sand shall be banned in categories-I, II and III ground water micro-basins/ mandals and for other areas the following conditions shall apply for exploitation of sand.

- (1) a) Sand mining shall not be permitted in I, II, III order streams except for local use in the Villages or towns bordering the streams.  
Transportation of sand from these notified I / II / III order streams through mechanical means out of the local jurisdiction shall be banned.
- b) In IV<sup>th</sup> order stream, sand mining shall be restricted to specified areas.
- c) In V<sup>th</sup> order and above rivers, Viz: Godavari, Krishna, Pennar etc. sand mining may be permitted without affecting the existing sources for irrigation for drinking water or industrial purpose.
- (2). The sand leaseholders shall not carry-out quarrying within 500m. of any existing structure such as bridges, dams, weirs or any other cross drainage structure.
- (3). Vehicles carrying sand shall not ply over the flood banks except at crossing points or bridges or on a metal road
- (4) Permission to quarry sand shall not be granted within 500 Meters of any groundwater extraction structure(s) either for irrigation or drinking water purposes.
- (5) The streams / rivers where the thickness of sand is quite good (more than 8.00 Meters) the depth of removal may be extended to 2.00 Meters but in no case beyond two meters.
- (6) Sand quarrying shall not be permitted within 15 meters or 1/5 of the width of the stream bed from the bank whichever is more.
- (7) Sand mining shall not be permitted in streams where the thickness of sand deposition is less than 2.00 meters.

(4) The depth of removal of sand shall be restricted to one meter particularly in minor streams where the thickness is more than 3.00 meters and less than 8.00 meters.



(9) The sand quarrying shall be restricted to depths above the water table recorded during monsoon and in no case effect/disrupt the water table.

(10) The quantity of sand deposited annually in every stream or river shall be monitored by establishing observation stations along the stream course.

2. The Ground Water Department shall take up joint inspection along with officials of Mines and Geology Department or other concerned departments whenever cases are referred to study the impact of sand mining in an area and shall give its recommendations

24. (1) In every Municipal Corporation or Municipality or other local area, the number of trees to be planted and their subsequent maintenance shall be on the following scale:

#### Tree planting

(i) Residential areas: Every house hold having above 100 square meters area shall plant at least small or medium variety in their premises as follows

Below 100 Square meters --- 3 trees

101 to 200 Square meters --- 5 trees

201 to 300 square meters --- 10 trees

301 square meters and above - 10 trees plus 5 trees for every increase of 100 Square meters.

(ii) Commercial or institutional areas: Commercial establishments shall plant trees as follows:-

Plot Area (1)	No. of trees (2)
Below 200 Square meters	2
201 to 500 Square meters	4
501 to 1000 Square meters	6
Above 1001 Square meters	6 trees plus 2 trees for every increase of 100 Square meters.

In addition commercial or institutional areas shall be landscaped instead of leaving them without any vegetation

(iii) Industrial areas: In industrial areas trees shall be planted as per the norms of the Andhra Pradesh Pollution Control Board.

(2) The local authority having jurisdiction shall grant building permission subject to the condition that the owner shall plant prescribed number of trees.

(3) The owner of the premises or house shall maintain the trees and shall not fell the tree without the prior permission of the Designated Officer.

(4) If any owner desires to fell a tree, he shall apply in writing to the Designated Officer for permission in Form 11(a) with a fee per tree as indicated below in that behalf. The application shall be accompanied by a site plan indicating the position of the tree required to be felled and the reasons therefor

- (i) For urban residential and Institutional areas Rs. 50/-  
 (ii) For urban commercial areas Rs. 100/-  
 (iii) For rural areas Rs. 25/-

(5) On receipt of such application, the Designated Officer or an officer authorized by him, may, after inspecting the trees and holding such enquiry, as he deems necessary either grant or refuse the permission applied for in form 11(b).

Provided that permission shall not be refused, if the tree:-

- (i) is dead, diseased or wind fallen or  
 (ii) has silviculturally matured; or  
 (iii) constitutes a danger to life or property, or  
 (iv) constitutes obstruction to traffic, or  
 (v) is substantially damaged or destroyed by fire, lightning, rain or other natural causes.

Provided further that, if the tree permitted to be felled is not exempted from purview of Forest Produce Transit rules, the Designated Officer shall inform the concerned Divisional Forest Officer for grant of transit permit and the owner shall not transport felled material without a valid permit.

(6) The Designated Officer shall dispose the application within fifteen days from the date of receipt of application by him.

(7) The permission to fell a tree may be granted subject to the condition that the owner of the premises shall plant another two trees of the same or suitable species on the same site or other suitable place, within thirty days from the date the tree is felled.

June 15, 2002

## RULES SUPPLEMENT

(8) (a) If, in the opinion of the Designated Officer, the number of trees in any premises or open area is not adequate according to the standards prescribed in sub-rules (i) and (ii) above, he may after giving reasonable opportunity of being heard to the owner or occupier of the land, by order, require him to plant such trees or additional trees and at such places in the land as may be specified in the order.

(b) When an order is so made, the owner or occupier of the land shall comply with the order within ninety days from the date of its receipt.

(9) (a) Where any tree has fallen or destroyed by fire, lightning or rain or other natural causes, the Designated Officer may suo moto or on information given to him, after holding such enquiry as he deems fit and giving a reasonable opportunity to the owner or occupier of the land where the tree existed, by order, require such owner or occupier to plant a tree in place of the tree so felled or destroyed at the same or other suitable place as may be specified in the order.

(b) When an order is so made, the owner or occupier of the land shall comply with the order within ninety days from the date of its receipt.

(10) When the owner or occupier of any land fails to comply with any order made by the Designated Officer, the Designated Officer shall take necessary action for planting the trees and recover the expenditure incurred thereon as arrears of property tax.

(11) 30% of the available open area in the premises of institutions shall be taken up for tree plantation with a density of not less than 6 trees per every 100 Square meters in open area.

Dealing with the cases of offence.

25. (1) Any violation of the provisions of the Act and these rules shall be booked in the offence report given in Form 4 appended to these rules. A copy of the offence report shall also be submitted to the District Authority immediately. In case the offender is to be prosecuted, a copy of the offence report shall also be submitted to the nearest Magistrate having jurisdiction.

(2) Where an offence is committed, the Designated Officer may seize any instrument or machinery or any other device, vehicles or other conveyance or any other movable property used in or involved in committing such offence. A list of seizures shall be furnished to the custodian of the property seized in Form 5 appended to these rules.

Compounding of offences

(3) Where the seizures have to be given to the safe custody of any person it shall be given to the custody of that in the Form 6 appended to these rules with a direction to produce the property before the Designated Officer or the Court as and when required.

26. (1) The Designated Officer may compound the offences in Form 7 appended to these rules and furnish a copy of the compounding order to the offender and submit another copy to the District Authority. The quantum of compounding fee shall be as follows:-

(i) For contravention of any of the provisions or any order or obstructing any person in discharging of his duties under the Act and these rules, the compounding fee shall not be less than one thousand rupees but which may extend to five thousand rupees.

(ii) For felling a tree without prior permission the compounding fee shall not be less than two times of value of the tree felled but which may extend to five times of the value of the tree felled.

(iii) In case of a second or subsequent offence by the same person or institution, the offender shall be liable to pay twice the amount of compounding fee prescribed above.

(2) When the compounding fee is levied and paid by the offender, a receipt in Form 8 appended to these rules shall be issued to the person paying the compounding fee.

27. (1) Any person aggrieved by any order made by the Designated Officer may appeal to the District Authority within a period of thirty days from the date of receipt of the order by him.

(2) Any person aggrieved by any order made by the District Authority may appeal to the State Authority within thirty days from the date of receipt of the order by him.

(3) On receipt of the Appeal, the District Authority or the State Authority shall after giving a reasonable opportunity of being heard, may pass such order as it may deems fit.

(4) The decision of the State Authority shall be final and binding.

Review

28. An application for review by the Government shall be made to the concerned Secretary as the case may be, of the concerned department who shall dispose off the application with in a period of thirty (30) days after giving a

reasonable opportunity of being heard to the aggrieved party.

29. (1) Constitution of the Fund : All monies received by the Mandal District or State Authority shall be credited to the respective Authority. The remittances to the Mandal, District or State Authority shall be made by way of cash or demand draft in a Government account to be operated jointly by Member Secretary and the Chairman of the Authority.

(2) Control of the Fund: The Member Secretary of the District or State Authority shall operate the Fund after obtaining the approval of the Chairman.

(3) Accounts and Audit: (a) The District and State Authority shall maintain monthly accounts of receipts and expenditure.

(b) The Mandal and District Authority shall furnish an abstract of monthly receipts and expenditure to the State Authority in Form 9 appended to these rules.

(c) The State Authority shall furnish to the Government a consolidated statement of receipts and expenditure once for every year in Form 9.

(4) Budget estimates: (a) The District Authority shall on or before the 30<sup>th</sup> day of September every year prepare annual budget estimate in respect of the ensuing financial year of the estimated income and expenditure and submit to the State Authority, in the format as prescribed in budget manual.

(b) The State Authority shall on or before 31<sup>st</sup> day of October every year prepare annual budget estimate in respect of the ensuing financial year of the estimated income and expenditure and submit to the Government for incorporating in the State budget in the format as prescribed in budget manual.

Annual Report

30. The Annual Report of the Authority shall give true and full account of the activities in that year and shall be prepared in the format prescribed by the Government and submitted by the due date.

FORM - 1  
(see rule 11)  
Register of wells

Sl. No.	Name of the well owner	Address	Location : House \ Plot numbers, S.No.	Type of well: Open / Bore Well / Hand Pump / motor
(1)	(2)	(3)	(4)	(5)

Use of water Domestic / Irrigation / Industrial / other	Depth of the Well	Water output in liters / hours	Whether pumping is done using motor. If so, details: 1. Hp of the pump 2. Type of motor used: submersible / jet / compressor / centrifugal / turbine	If used for irrigation state acreage irrigated:
(6)	(7)	(8)	(9)	(10)

FORM - 2  
(see rule 12)

Application for digging a new well

1. Name of the Applicant :

2. Address

House No. \_\_\_\_\_  
Street \_\_\_\_\_  
Village / Town \_\_\_\_\_  
Mandal \_\_\_\_\_  
District \_\_\_\_\_

3. Location of proposed well: House / Plot number / S. No. / Public place  
4. Type well to be dug: Open / Bore Well / Hand Pump  
5. Depth / diameter of the well proposed to be dug:

6. Purpose of digging well : \_\_\_\_\_ for Irrigation / Individual use / Domestic use /

flats/commercial / colony/industrial/others(specify)

7. Mode of drawing water : By hand / Hand pump / Diesel Engine / Electric Motor

8. Users of the well : Public / Private

9. Enclose feasibility certificate issued by the Andhra Pradesh Transco for supply of electricity.

10. Details of payment of

Application fee of Rs.— (a) Bank

(b) Demand Draft No. and Date

11. Distance from existing wells( site plan to be enclosed)

I hereby declare that the above particulars are true to the best of my knowledge and belief.

Date :

Place :

Signature

(for office use only)

Assessment of Technical Officer:

1. Whether the zone is in over exploited areas Yes / No
2. Average depth of ground water table
3. Distance from nearest well
4. Whether new well can be dug for the purpose applied for : Yes / No

(enclosed Feasibility Certificate from Ground Water Department on GEC 97 norms for the basin area containing the site)

Signature of Technical Officer

Order of the Designated Officer:

Approved / Not approved

Reasons for not approval.

Signature of Designated Officer  
Water, Land and Tree Authority  
(With Seal)

FORM - 3

(see rule 12 and rule 14)

Permission for digging a well

Sri ..... of ..... (Address) is permitted to dig a new well at ..... (location) to a depth of ..... meters for drawing water for Irrigation / Industrial / Domestic use, subject to the following conditions:-

- (1) The well should not be used for drawing water for any other purpose other than applied for.
- (2) The withdrawal of water should be regulated, and no wastage of water should be done.
- (3) The utilized water should be recycled as prescribed for recharging the ground water.
- (4) Structures should be constructed for harvesting rainwater in the vicinity of the well. ( mandatory in case the proposed well falls in area declared as Over Exploited Area)
- (5) The utilization of water will be subject to the regulation from time to time based on the extraction water from the well.

Place :

Date :

Designated Officer,  
Water, Land and Tree Authority  
(with seal)

FORM - 4

(see sub rule (1) of rule of 25)  
Offence Report

1. Name, parentage and address of the accused person
2. Nature of offence
3. Place where offence occurred
4. Date and time of detection of Offence
5. Name and address of the Complainant
6. Description of vehicles, tools etc. used in committing the offence
7. Name and address of witnesses
8. Punishable Under Section ..... of Andhra Pradesh Water, Land and Trees Act.

Date :

Place:

Signature of Designated Officer

Note: The original to be sent to the District Authority immediately and the duplicate copy to be given to offender and the triplicate to be retained in the book.

## FORM - 5

( see sub rule (2) of rule 25 )

*List of Seizures*

The following properties involved in the commission of offence are seized by me today  
i.e. .... in connection with an offence under section ..... under the Andhra Pradesh  
Water, Land and Trees Act, 2002 from Sri ..... S/O ..... Aged. .... R/o .....

1. ....
2. ....
3. ....
4. ....

Date :  
Place :

Name :  
Signature of Designated Officer.

Note: The original shall be retained in the book and the duplicate shall be given to the  
custodian of the property seized.

## FORM - 6

( see sub rule (3) of rule 25 )

*Certificate of Safe Custody*

The following properties involved in offence case no. .... dated. .... are given in  
my custody by ..... (name & designation) on ..... for safe custody.

I undertake to safeguard from damage and loss and produce the same on demand by the  
Designated Officer or the Court.

Details of the properties taken over.

1. ....
2. ....
3. ....
4. etc.

Signature of the  
Designating Officer  
Date :

Signature of custodian.  
Name :  
Father's name:  
Address:

FORM - 7  
(sec rule 26)*(Compounding Order)*

Sri ..... S/O ..... Aged. .... I/o. .... has committed an offence  
against the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 and rules made  
thereunder. An offence case is booked vide case No. .... dated. .... under section .... of the  
Andhra Pradesh Water, Land and Trees Act, 2002.

In view of the willingness expressed by the accused, I hereby order that a sum of Rs.  
..... /- be paid towards compensation.

On payment of the compensation amount in full, the seizures detailed hereunder shall be  
released.

## Details of seizures:

1. ....
2. ....
3. ....
4. etc.

If the compensation amount is not paid in full, within thirty days from the date of receipt of  
this Order, action to recover the same will be taken as if it were arrears of land revenue.

Appeal against these Orders, lies to the District Authority within thirty days of receipt of  
these orders.

Date :  
Place :

Designated Officer.  
(Name and Designation)

To  
Sri .....  
H.No. ....  
Street .....  
Village / Town .....  
District .....  
Pin Code .....

Copy submitted to District Authority for information.

(印) 23A3124路

FORM - 10  
(see rule 12)

Application for permission from the Andhra Pradesh Transco

To  
The A.P. Transmission Corporation.

Sir,

I intend to sink a well with a power driven pump in my land with the following description and I request you to kindly permit me.

1. Name of the owner
2. Details of the land
3. Technical details of well
4. Specifications of Pump

Place:  
Date:

Signature of Owner

PERMITTED / NOT PERMITTED

A.P. TRANSMISSION CORPORATION LTD.

Form -11(a)  
(see sub rule (4) of rule 24)

Application for permission for felling trees  
(Application should be accompanied with a payment of Rs.500/-)

I, Sri ..... S/O ..... Aged..... R/O ..... (Address) request you to please permit me to fell the following tree / trees in my premises:

1. Category of Premises:
  - a) Residential
  - b) Institutional

- c) Commercial
- d) Agriculture
- e) Industrial
- f) Others- specify

2. Area of the premises.
3. Number of trees existing in the premises:
4. No. of trees proposed to be felled:
5. Species of the trees proposed to be felled:
6. Age of the tree proposed to be felled:
7. Reason for proposing to fell the tree/trees:  
I undertake that I shall replant immediately a tree/ trees in place of the trees felled

Place:  
Date:

Designated Officer,  
Water, Land and Tree Authority  
(with seal)

Form 11 (b)

(see sub rule (5) of rule 24)

Permission for felling tree / trees

Sri ..... S/O ..... Aged..... R/O ..... is permitted to cut trees / trees in the premises ..... subject to the following conditions, namely:-

1. Premises of felling tree / trees is as mentioned above only.
2. Number of tree / trees permitted to be felled is ..... only ( Specify species and Number )
3. .... No. of plants shall be planted within 30 days of the felling
4. Felling shall not be carried out before inspection, banding with red paint by the concerned officials:
5. In case of failure to take up plantation, plants shall be raised at the cost of the applicant.

Place:  
Date:

Designated Officer,  
Water, Land and Tree Authority  
(with seal)

Code No.

FORM - 12  
(see rule - 17)

Form 13  
(see rule 17)

Application for Registration of Drilling Rigs

Registration of Rigs

1. Name of the applicant:

2. Address:

- House No. \_\_\_\_\_
- Street \_\_\_\_\_
- Village/Town \_\_\_\_\_
- Mandal \_\_\_\_\_
- District \_\_\_\_\_

The vehicle bearing number \_\_\_\_\_ belonging to Sri \_\_\_\_\_ of \_\_\_\_\_ (Address) is registered with the Water, Land and Trees Authority of Andhra Pradesh as a rig for operation with in the territorial area of Andhra Pradesh.

This registration is valid up to \_\_\_\_\_

This registration does not convey any endorsement of the vehicle for its performance and does not amount to recommendation for employing the rig but only conveys that the rig is permitted to operate with in the territorial jurisdiction of Andhra Pradesh state subject to all other conditions as per the law and rules in force.

3. Registration No. of the vehicle:

4. Description of the drilling rig

5. Capacity of Drilling Max Diameter  
Depth

6. Area of operation

7. Registration fee of Rs - enclosed

Draft No: \_\_\_\_\_ Date \_\_\_\_\_  
Bank \_\_\_\_\_

Designated Officer,  
Water, Land and Tree Authority  
(with seal)

S. RAY,  
Spl. Chief Secretary to Government.

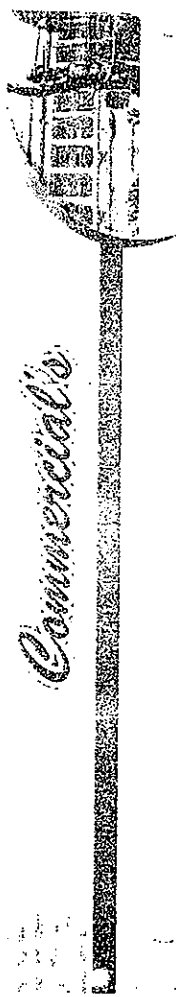
Place:  
Date:

Signature

(For office use only)

Registered for the years  
Registration No.

Designated officer  
(with Seal)



*Environmental Protection Act 1986 as amended upto March 2004*

# THE ENVIRONMENT (PROTECTION) ACT, 1986

*(Act No. 29 of 1986)*

### *Alongwith*

> **Environment (Protection) Rules, 1986**

*As amended by*

Environment (Protection) (Amendment) Rules, 2004, w.e.f. 3-2-2004

> **Hazardous Wastes (Management) & Handling) Rules, 1989**

*As amended vide GSR 593(E), dt. 20-5-2003, w.e.f. 23-5-2003*

> **Manufacture, Storage & Import of Hazardous Chemicals Rules, 1989**

> **Noise Pollution (Regulation and Control) Rules, 2000**

> **Bio-medical Waste (Management and Handling) Rules, 1998**

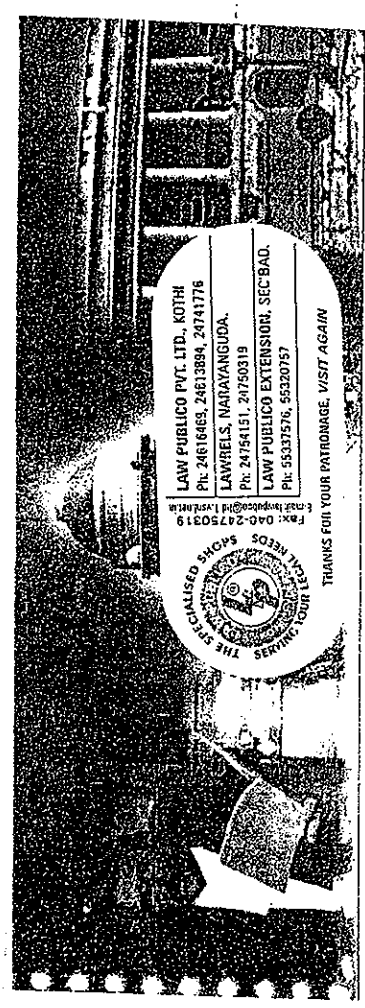
*As amended vide SO 1069(E), dt. 17-9-2003*

## **BARRIEACT**

*With Short Comments*

## **2004**

Price : Rs. 140.00





*Commercial's*

# ENVIRONMENT (PROTECTION)

## ACT, 1986

[Act No. 29 of 1986]

Along with

■ **Environment (Protection) Rules, 1986**

As amended by

■ **Environment (Protection) (Amendment) Rules, 2004, w.e.f. 3-2-2004**

■ **Hazardous Wastes (Management &**

**Handling) Rules, 1989**

As amended vide GSR 593(E), dt. 20-5-2003, w.e.f. 23-5-2003

■ **Manufacture, Storage & Import of Hazardous  
Chemicals Rules, 1989**

■ **Noise Pollution (Regulation and Control)  
Rules, 2000**

As amended vide GSR 1088(E), dt. 11-10-2002

■ **Bio-medical Waste (Management and Handling)  
Rules, 1998**

As amended vide SO 1069(E), dt. 17-9-2003

WITH THE BLESSINGS OF MATA VAISHNO DEVI

Published by  
R.A. GARG

For

COMMERCIAL LAW PUBLISHERS (INDIA) PVT. LTD.  
151, RAJINDRA MARKET

OPP. TIS HAZARI COURTS, DELHI - 110 054  
PHONES: 23947862, 23971689, 23956490

FAX : 011-23947863

e-mail: commercialhouse@yahoo.co.in

Website: www.lawbooksshop.com

© COPYRIGHTS RESERVED WITH THE PUBLISHERS

Printed at

TAJ PRESS, DELHI

Despite every effort taken to avoid any error or omission, there may still be chances for such errors and omissions to have crept in inadvertently. This book is sold with the understanding that neither the authors/editors nor the publishers shall be responsible for any damage or loss in whatever manner, consequent to any action taken on the basis of the contents of this book, caused to any person, whether a purchaser or not. No part of this book may either be copied or reproduced in any form or any manner whatsoever without the prior written permission of the authors/editors and publishers.

All Disputes subject to Delhi Jurisdiction

## INTRODUCTORY

This Act has as its objective, the improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property. This Act supplements and reinforces the Water and Air Pollution Control Acts. In some respects this Act goes beyond the pollution control laws. The Statement of Objects and Reasons appended to the Bill brings out clearly the objective behind this enactment in the following words:-

Concern over the state of environment has grown, the world over since the sixties. The decline in environmental quality has been evidenced by increasing pollution, loss of vegetal cover and biological diversity, excessive concentrations of harmful chemicals in the ambient atmosphere and in food chains, growing risks of environmental accidents and threats to life support systems. The world community's resolve to protect and enhance the environmental quality found expression in the decisions taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972. Government of India participated in the Conference and strongly voiced the environmental concerns. While several measures have been taken for environmental protection both before and after the Conference, the need for a general legislation further to implement the decisions of the Conference has become increasingly evident.

Although there are existing laws dealing directly or indirectly with several environmental matters, it is necessary to have a general legislation for environmental protection. Existing laws generally focus on specific types of pollution or on specific categories of hazardous substances. Some major areas of environmental hazards are not covered. There also exist uncovered gaps in areas of major environmental hazards. There are also inadequate linkages in handling matters of industrial and environmental hazardous substances, especially new chemicals, in the environment are weak. Because of a multiplicity of regulatory agencies, there is need for an authority which can assume the lead role for studying, planning and implementing long term requirements of environmental safety and to give direction to, and co-ordinate a system of speedy and adequate response to emergency situations threatening the environment.

In view of what has been stated above, there is urgent need for the enactment of a general legislation on environmental protection which, inter alia, should enable co-ordination of activities of the various regulatory agencies, creation of an authority or authorities with adequate powers for environmental protection, regulation of discharge of environmental pollutants and handling of hazardous substances, speedy response in the event of accidents, threatening environment and deterrent punishment to those who endanger human environment, safety and health.

This comprehensive write-up comprising the Environment (Protection) Act, 1986 with Environment (Protection) Rules, 1986 as amended by *Environment (Protection) (Amendment)-Rules, 2004*, vide GSR 92(E), dt. 29-1-2004, w.e.f. 3-2-2004, Hazardous Wastes (Management and Handling) Rules, 1989 as amended vide GSR 593(E), dt. 20-5-2003, w.e.f. 23-5-2003, Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, Noise Pollution (Regulation and Control) Rules, 2000 as amended vide GSR 1088(E), dt. 11-10-2002 and Bio-medical Waste (Management and Handling) Rules 1998 as amended vide SO 1069(E), dt. 17-9-2003 along with short comments and excerpts from recent case law would serve the purpose of a ready referencer on the subject.

A creative feedback from the learned readers, bringing to our notice any mistake, error or omission or discrepancy that might have crept in this book in spite of our sincere efforts to avoid those, is most welcome, for it will help us improve the overall quality, style and presentation of the book in the forthcoming editions.

PUBLISHERS

# CONTENTS

## ENVIRONMENT (PROTECTION) ACT, 1986

### CHAPTER I

#### PRELIMINARY

1. Short title, extent and commencement 1
2. Definitions 1

### CHAPTER II

#### GENERAL POWERS OF THE CENTRAL GOVERNMENT

3. Power of Central Government to take measures to protect and improve environment 4
4. Appointment of officers and their powers and functions 6
5. Power to give directions 6
6. Rules to regulate environmental pollution 6

### CHAPTER III

#### PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL POLLUTION

7. Persons carrying on industry, operation, etc. not to allow emission or discharge of environmental pollutants in excess of the standards 7
8. Persons handling hazardous substances to comply with procedural safeguards 7
9. Furnishing of information to authorities and agencies in certain cases 7
10. Powers of entry and inspection 8
11. Power to take sample and procedure to be followed in connection therewith 9
12. Environmental laboratories 10
13. Government analysts 11
14. Reports of government analysts 11
15. Penalty for contravention of the provisions of the Act and the rules, orders and directions 11
16. Offences by companies 11
17. Offences by government departments 12

### CHAPTER IV

#### MISCELLANEOUS

18. Protection of action taken in good faith 13
19. Cognisance of offences 14
20. Information, reports or returns 14
21. Members, officers and employees of the authority constituted under section 3 to be public servants 14
22. Bar of jurisdiction 14
23. Power to delegate 15
24. Effect of other laws 15
25. Power to make rules 15
26. Rules made under this Act to be laid before Parliament 16

## ENVIRONMENT (PROTECTION) RULES, 1986

17-132

## HAZARDOUS WASTES (MANAGEMENT AND HANDLING) RULES, 1989

133-206

## MANUFACTURE, STORAGE AND IMPORT OF HAZARDOUS CHEMICAL RULES, 1989

207-253

## NOISE POLLUTION (REGULATION AND CONTROL) RULES, 2000

255-257

## BIO-MEDICAL WASTE (MANAGEMENT AND HANDLING) RULES, 1998

258-271

# ENVIRONMENT (PROTECTION) ACT, 1986

[29 of 1986]

*An Act to provide for the protection and improvement of environment and for matters connected therewith*

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions aforesaid insofar as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

#### 1. Short title, extent and commencement

- (1) This Act may be called the Environment (Protection) Act, 1986.
- (2) It extends to the whole of India.
- (3) It shall come into force on such [date] as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different areas.

#### 2. Definitions

In this Act, unless the context otherwise requires—

- (a) "environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property;
- (b) "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;
- (c) "environmental pollution" means the presence in the environment of any environmental pollutant;
- (d) "handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, use, collection, destruction, conversion, offering for sale, transfer or the like of such substance;
- (e) "hazardous substance" means any substance or preparation which, by reason of its chemical or physico-chemical properties or handling, is liable

to cause harm to human beings, other living creatures, plants, micro-organism property or the environment;

- (f) "occupier", in relation to any factory or premises, means a 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;
- (g) "prescribed" means prescribed by rules made under this Act.

### COMMENTS

#### Sec. 2(a)

"Environment" literally means the totality of the physical conditions on the earth or a part of it, especially as affected by human activity. It includes water, air and land and the inter-relationship which exists among and between them, and human beings, other living creatures, plants, microorganism and property. By definition it implies that the inter-relationship between all the said factors is endeavoured to be kept at the optimum sustainable level in order to preserve the ambience of the environment.

#### Sec. 2(b) & (c)

The term "pollute" is a derivative from the Latin *polluere* pollut which means contaminate or defile (the environment), or to make the environment filthy or foul; in other words, it connotes "to destroy the purity or sanctity thereof".—*Young v. State 154 Ind 221, 141 NE 309, 311*

The presence in the environment of any environmental pollutant is termed environmental pollution.

"Environmental pollutant" has been defined exhaustively to mean any solid, liquid or gaseous substance present in such concentration as may be or as may tend to be injurious to environment. By the nature of activity that takes place on earth, there is bound to be concentration of various liquid, gaseous or solid substances in the atmosphere. But the mere presence of these elements does not automatically mean that the environment is polluted; but where the level of concentration is such that it tends to be injurious to the environment, with reference to various standards laid down then it will mean that there is an environment pollutant.

#### Sec. 2(d)

This term has been defined in a very exhaustive manner so as to mean in relation to any substance various processes such as manufacture, treatment, package, storage, processing, transportation, use, collection, distribution, conversion, offering for sale, transfer or the like of such substances. In other words, every one of these activities is likely to cause damage to environment. Therefore, the Legislature has thought it fit to give an expansive definition of this term.

#### Sec. 2(e)

"Hazard" is a danger or risk lurking in a situation which by change or fortuity develops into an active agency of harm. It connotes an exposure to the chance of loss or injury.—*State v. Hagan 44 N.D. 306, 175 N.W. 372, 377, Carminetti v. Guaranty Union Life Insurance Co. 52 Cal. App. 2d 330.* The terms "hazardous", extra hazardous, "specially hazardous" and "not hazardous" are well-understood technical terms in the business of insurance, having distinct and separate meanings. Under s. 2(e) the term "hazardous substance" has been defined with reference to the chemical or physico-chemical properties of any substance or preparation which is likely to cause harm to human beings, other living creatures, plants, micro-organisms, etc., of the environment. The harm is not only to human beings but also to other living things. In this respect, the sweep of the provisions dealing with hazardous substances in the Act becomes very wide.

Chemical industry can be considered as hazardous as various chemicals involved cause fire hazard, explosive hazards, health hazards, etc. By carefully observing all precautions prescribed, these hazards can be kept under absolute control. There is enormous advance that has taken

place during the last half a century in the acrylic resins technology. Substantial quantities of acrylic resins are produced all over the world as these resins have distinct advantages over the other film forming resins used in the paint industry because of excellent exterior durability, gloss retention and other characteristics.—*Addison Paints and Chemicals v. Chief Inspector of Factories, Madras 1995 Lab. IC 188*

#### Sec. 2(f)

Sec. 2(n) of the Factories Act, 1947 defines an occupier as follows. "Occupier" of a factory means the person who has ultimate control over the affairs of the factory that (i) in the case of a firm or other association of individuals, at least one of the individual partners or members thereof shall be deemed to be the occupier; (ii) in the case of a company, any one of the directors shall be deemed to be the occupier; (iii) in the case of a factory owned or controlled by the Central Government or any State Government, or any local authority the person or persons appointed to manage the affairs of the factory by the Central Government, the State Government or the local authority, as the case may be, shall be deemed to be the occupier.

Further, that in the case of a ship which is being repaired, or on which maintenance work is being carried out, in a dry dock which is available for hire—

(1) the owner of the dock shall be deemed to be the occupier for the purposes of any matter provided for by or under: (a) section 6, section 7, section 7A, section 7B, section 11 or section 12; (b) section 17, in so far as it relates to the providing and maintenance of sufficient and suitable lighting in or around the dock; (c) section 18, section 19, section 42, section 46, section 47 or section 49, in relation to the workers employed on such repair or maintenance;

(2) the owner of the ship or his agent or master or other officer-in-charge of the ship or any person who contracts with such owner, agent or master or other officer in charge to carry out the repair or maintenance work shall be deemed to be the occupier for the purposes of any matter provided for by or under section 13, section 14, section 16 or section 17 (save as otherwise provided in this proviso) or Chapter IV (except section 27) or section 43, section 44, or section 45, Chapter VI, Chapter VII, Chapter VIII or Chapter IX or section 108, sections 109 or section 110, in relation to (a) the workers employed directly by him, or by or through any agency; and (b) the machinery, plant or premises in use for the purpose of carrying out such repair or maintenance work by such owner, agent, master or other officer in charge or person.

In *J.K. Industries Ltd. v. Chief Inspector of Factories and Boilers (1996) 2 CLR 832 (SC)*, the Supreme Court held that an occupier of the factory in the case of a company must necessarily be anyone of its directors who shall be so notified for the purpose of the Act and such occupier can never be any other employee of the factory.

Where the ultimate control over the affairs of a factory is not with the directors and there is non-submission of the contribution card, a complaint moved as regards this against the directors of company is liable to be quashed.—*Gauri Adhikari v. ESI Corporation 1992 (1) LLN 777*. In the case of any sum due in the form of ESI arrears, no personal liability can be cast upon the directors of the company.—*Man Singh L. Bhakta v. State of Maharashtra 1991 Lab. IC 1361*. Whereas regards the payment of contributions under the ESI Act, company itself is defaulter, company being the occupier its assets are liable for the contribution and no liability can be imposed upon the managing director, director or agent or servant.—*ESI Corporation v. Kailash Chandra 1989 Lab. IC 760*. Though the designation is that of the principal employer but affairs of the factory are not entrusted to him, such person cannot be termed as principal employer.—*ESI Corporation v. G.M. Mathur 1993 Lab. IC 1867*

#### Sec. 2(g)

Secs. 6 and 25 of the Act empower the Central Government to frame rules to regulate environmental pollutions and also for effectuating the purposes of the Act. In exercise of the said power the Central Government framed the Environment (Protection) Rules, 1986 vide S.O. 844(E)

dt. 19-11-1986 by notification in the Official Gazette w.e.f. the same date, and the terms "prescribed" in s. 2(g) refers to those rules.

### CHAPTER II

#### GENERAL POWERS OF THE CENTRAL GOVERNMENT

3. Power of Central Government to take measures to protect and improve environment

(1) Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters, namely,—

(i) co-ordination of actions by the State Governments, officers and other authorities—

(a) under this Act, or the rules made thereunder; or

(b) under any other law for the time being in force which is relatable to the objects of this Act;

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution;

(iii) laying down standards for the quality of environment in its various aspects;

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever;  
PROVIDED that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources;

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(vii) laying down procedures and safeguards for the handling of hazardous substances;

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution;

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act;

- (xii) collection and dissemination of information in respect of matters relating to environmental pollution;
- (xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;
- (xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act.
- (3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

## COMMENTS

This section vests with the Central Government power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution. "Environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organisms and property. Sub-s. (2) enumerates some of the measures which the Central Government may take in this direction. Of particular mention, are the powers to lay down standards for quality of environment, laying down standards for emission or discharge of environment pollutants from various sources, restriction of areas in which any industry, operation or process shall not be carried on or subject to which it can be carried on, laying down procedures for prevention of environmental accidents and laying down procedures and safeguards in handling hazardous substances. Standards prescribed have been extracted under the Environment Protection Rules, 1986.

The expression "industries, operations or process, etc. within the meaning of s. 3(2)(v) does not take in its ambit the activities of laying a railway line. Where project of laying of new broad gauge railway line passing through three States had been undertaken for public benefit only after approval of renowned experts from the area and extent of damage to ecology and environment of khazan lands and churches and temples was extremely negligible court declined to interfere with public project of such magnitude. — *AIR 1992 Bom 471 (474) (DB)*. Where some tanneries discharging effluents in river not having set up primary effluent treatment plant despite being repeatedly asked therefor for several years nor having appeared to express their willingness to set up pre-treatment plant, the working of the tanneries was ordered to stopped. — *M.C. Mehta v. Union of India AIR 1988 SC 1037*

Where the High Court permitted the distillery to restart its manufacturing process with adequate safeguards in terms of scheme framed by High Court and it comes to light that any person has contracted any ailment the cause of which can be directly related to effluents discharged, the company shall have to bear all expenses of his treatment and to award suitable compensation. — *AIR 1992 Pat 86*

## 4. Appointment of officers and their powers and functions

- (1) Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may appoint officers with such designations as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.
- (2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Central Government or, if so directed by that government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3 or of any other authority or officer.

## COMMENTS

The Central Government under this section is empowered to appoint officers with such designations as it thinks fit for the purposes of the Act and entrust them with various functions and powers under the Act. All these officers will be subject to the control and superintendence of the Central Government.

## 5. Power to give directions

Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any 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) stoppage or regulation of the supply of electricity or water or any other service.

## COMMENTS

Under this section the Central Government is empowered to issue directions to any person, officer or authority who shall be bound to comply with such directions for carrying out the purposes of the Act. "Person" is defined under r. 2(e) of the Environment (Protection) Rules, 1986 thus: "Person" in relation to any factory or premises means a person or occupier or his agent who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance. Sec. 5 of the Environment (Protection) Act, 1986 corresponds to s. 18 of the Air (Prevention and Control of Pollution) Act, 1981 and s. 18 of the Water (Prevention and Control of Pollution) Act, 1974. All these provisions speak of similar power of the Central Government to issue directions. Rule 4 of the Environment (Protection) Rules, 1986 contains elaborate provisions as regards the issue of directions under s. 5 of the Act.

## 6. Rules to regulate environmental pollution

- (1) The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.
- (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 standards of quality of air, water or soil for various areas and purposes;
- (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;
- (c) the procedures and safeguards for the handling of hazardous substances;

- (d) the prohibition and restrictions on the handling of hazardous substances in different areas;
- (e) the prohibition and restrictions on the location of industries and the carrying on of processes and operations in different areas;
- (f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.

#### COMMENTS

This section empowers the Central Government to formulate rules in respect of matters regarding measures to protect and improve environment as contemplated under s. 3 of the Act. Sub-s. (2) of s. 3 enumerates some of the illustrative matters in respect of which the Central Government may make rules.

### CHAPTER III PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL POLLUTION

7. **Persons carrying on industry, operation, etc. not to allow emission or discharge of environmental pollutants in excess of the standards**  
No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

#### COMMENTS

Under this section, a prohibition is imposed on any person from carrying on any industry, operation or process which shall discharge or emit any environmental pollutant in excess of the standards prescribed. Under this section therefore every industry is obliged to first of all to find out if there is any standard prescribed for the emissions and endeavour to control the emissions within the standards so prescribed.

8. **Persons handling hazardous substances to comply with procedural safeguards**  
No person shall handle or cause to be handled any hazardous substance except in accordance with such procedure and after complying with such safeguards as may be prescribed.

#### COMMENTS

Under this section, an obligation is imposed on any person handling any hazardous substance, only in compliance with such safeguards as are prescribed. Elaborate set of rules have been framed by the Central Government in this regard vide Environment Protection (Handling of Hazardous Substances) Rules, 1987.

#### 9. **Furnishing of information to authorities and agencies in certain cases**

(1) Where the discharge of any environmental pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge of the place at which such discharge occurs or is apprehended to occur shall be bound to prevent or mitigate the environmental pollution caused as a result of such discharge and shall also forthwith—

- (a) intimate the fact of such occurrence or apprehension of such occurrence; and
- (b) be bound, if called upon, to render all assistance, to such authorities or agencies as may be prescribed.

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

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

#### COMMENTS

This section corresponds to s. 23 of the Air (Prevention and Control of Pollution) Act, 1981 and s. 31 of the Water (Prevention and Control of Pollution) Act, 1974, both laying down provision for furnishing information to authorities and agencies in certain cases. Sec. 9 of the Environment (Protection) Act, 1984 also embodies similar provision under which an obligation is on any person responsible in discharging any environmental pollutant in excess of the standards laid down, to intimate the effect of such occurrence and to assist the authorities or agencies in controlling such emissions. Even where any accidents or any unforeseen act or event is likely to occur, as a result of which environmental pollutants may escape in the environment, necessary intimation needs to be given under this section. Upon receipt of such information, the authorities or agencies under the Act are obliged to take remedial and preventive measures immediately as the circumstances may warrant. Under sub-section (3), the expenses incurred with reference to the remedial measures together with interest are recoverable from the person responsible for the discharge of such pollutants.

#### 10. **Powers of entry and inspection**

(1) Subject to the provisions of this section, any person empowered by the Central Government 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 Central Government 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 equipment, industrial plant, record, register, document or any other material object or for conducting a search of any building 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 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 or that such seizure is necessary to prevent or mitigate environmental pollution.
- (2) Every person carrying on any industry, operation or process or handling any hazardous substance shall be bound to render all assistance to the person empowered by the Central Government 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 Central Government under sub-section (1) in the performance of his functions, 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 Kashmir, 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.

#### COMMENTS

Sec. 10 of the Environment (Protection) Act, 1986 is in pari materia with s. 24 of the Air (Protection and Control of Pollution) Act and s. 23 of the Water (Prevention and Control of Pollution) Act. These sections confer power for entry and inspection into any place for the purposes mentioned in clauses (a), (b) and (c) of sub-s. (1). Sub-s. (2) envisages rendering of all help and assistance to such officials during such entry and inspection, by any person carrying on the industry, operations or processes or handling of any hazardous substances as the case may be. Sub-s. (3) declares that any person wilfully failing or obstructing any person to enter the place in terms of this section for performance of his functions, shall be guilty of offence under the Act. The persons who enter any place for inspection can also search the premises or place and seize any articles from that place or premises. For this purpose the provisions of s. 94 of the Criminal Procedure Code, 1973 would be applicable. "Person", in this context, in relation to any factory or premises means a person or occupier or his agent who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance.

#### 11. Power to take sample and procedure to be followed in connection therewith

(1) The Central Government or any officer empowered by it in this behalf, shall have power to take, for the purpose of analysis, samples of air, water, soil or other substance from any factory, premises or other place in such manner as may be prescribed.

(2) The result of any analysis of a sample 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), the person taking the sample under sub-section (1) shall—

- (a) serve on the occupier or his agent or person in charge of the place, a notice, therein 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 or person, collect a sample 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 or person;
- (d) send, without delay, the container or the containers to the laboratory established or recognised by the Central Government under section 12.

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

- (a) in a case where the occupier, his agent or person wilfully absents himself, the person taking the sample shall collect the sample 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 or person present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the samples, and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or recognised under section 12 and such person shall inform the Government Analyst appointed or recognised under section 13 in writing, about the wilful absence of the occupier or his agent or person, or, as the case may be, his refusal to sign the container or containers.

#### COMMENTS

This section provides for the procedure to take samples for the purpose of analysis in order to see if any pollutant has been emitted in excess of the prescribed and notified standard. Sub-section (3) enumerates in detail the actual procedure to be followed namely, with reference to notice, on the occupier, presence of the occupier at the time of taking any sample, marking the samples, obtaining the signature on the samples, of the occupier, etc. The section also provides for circumstances where the occupier or his agent is not present or even where he is present, he has refused to sign the samples taken. The detailed procedure for collecting samples is contained in Rule 6 of the Environment Protection Rules, 1986.

#### 12. Environmental laboratories

(1) The Central Government may, by notification in the Official Gazette—

- (a) establish one or more environmental laboratories;
- (b) recognise one or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act.

(2) The Central Government may, by notification in the Official Gazette, make rules specifying—

- (a) the functions of the environmental laboratory;
- (b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;
- (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

#### COMMENTS

This section contemplates the establishment of environmental laboratories by the Central Government. The Central Government is also empowered to prescribe rules for functioning of these laboratories. The procedures may also include the procedure for making a report and submission of the samples, etc. for such analytical purposes.



**13. Government analysts**

The Central Government may, by notification in the Official Gazette, appoint or recognise such persons as it thinks fit and having the prescribed qualifications to be government analysts for the purpose of analysis of samples of air, water, soil or other substance sent for analysis to any environmental laboratory established or recognised under sub-section (1) of section 12.

**COMMENTS**

This section empowers the Central Government to appoint analysts for the purpose of testing samples.

**14. Reports of government analysts**

Any document purporting to be a report signed by a government analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

**COMMENTS**

This section declares that any report signed by a government analyst may be used as evidence of the facts stated therein in any proceedings under the Act. Such evidence may be controverted by the person accused in a particular case but the report of the analyst will no doubt serve as a basic piece of evidence whenever any prosecution or penalty proceeding is commenced under the Act.

**15. Penalty for contravention of the provisions of the Act and the rules, orders and directions**

(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention 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 may extend to seven years.

**COMMENTS**

This section provides for a penalty for contravention of the provision of any Act, Rules, orders or directions issued thereof. The punishment is imprisonment for a term which may extend to 5 years or with fine which may extend to Rs. 1 lakh or with both. In case of continuing contravention, additional fine may extend to Rs. 5,000 for every day during which such failure or contravention continues after the conviction for the first such failure or conviction, is leviable. Also, if the failure or contravention continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to 7 years.

**16. Offences by companies**

(1) Where any 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.

**COMMENTS**

A company is primarily liable for commission of offence and every person who at the time when the offence was committed was in charge of and was responsible to the company, for the conduct of the business is further made liable, and the section does not indicate that the company itself will have to be prosecuted. The liability of the company can be extended vicariously to other persons subject to the conditions prescribed by the section. A mere statement in the complaint that the persons complained against being directors were responsible for conduct of the business without averment that they had actually taken some active part in the running of the business of the company would not be sufficient and prosecution of the directors on the basis of such complaint is liable to fail.—*vide Mahal Derum Tea (P) Ltd. v. D.N. Prodhan (1978) Lab IC 898 (Cal)*. The liability for the offence devolves on the persons who are responsible for management of the day-to-day affairs of the company. The word "company" includes a firm or other association and the same test is applicable to the director in charge or a partner of a firm in charge of the business and in that context "a person in charge" must mean that the person must be in overall control of the day-to-day business of the company or the firm.—*vide Giridhari Lal Gupta v. D.M. Mehta AIR 1971 SC 2162*

This section deals with offences by companies. The term "company" includes besides a body corporate, partnership firm or any other association of individuals. In case of offences by companies, every person, who, at the time the offence was committed was directly in charge of and 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 therefore shall be proceeded against and punished accordingly. However, it is a defence for the person concerned to prove that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

The section further provides that any director, manager, secretary or every officer of the company who has consented or connived at an offence or has been negligent with reference to any offence committed, such officer, director or manager of the company shall in fact be deemed to be guilty of the offence.

**17. 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.

#### COMMENTS

This section contains a very unique provision whereby if the offence 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. But it is the defence of the departmental head to prove that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

Where it is proved that an offence under the Act has been committed with the consent or connivance of or is attributable to the neglect of any officer, then the head of the department, and such other officer shall also be deemed to be guilty of an offence under the Act and shall be liable to be proceeded against under the Act.

#### CHAPTER IV MISCELLANEOUS

##### 18. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the government or any other employee of the government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made or orders or directions issued thereunder.

#### COMMENTS

A thing shall be deemed to be done in good faith where it is in fact done honestly, whether negligently or not. The question of good faith is one of fact. The concerned person should show that the belief impugned in the statement had a rational basis and not a just simple belief, and, therefore, simple or actual belief is not enough.—*vide State of Orissa v. Bahagaban Barik AIR 1987 SC 1265, Harbajan Singh v. State of Punjab AIR 1966 SC 97*. It is necessary to establish that what is complained of is something which the Act requires should be done or should be omitted to be done. There must be a compliance or intended compliance with a provision of the Act before the protection can be claimed. The section cannot cover a case of breach of the Act however honest the conduct be otherwise.—*vide State of Gujarat v. Kansara Manilal Dhikhal AIR 1964 SC 1893*. The burden of establishing mala fides lies heavily on the person who makes such allegation and the court cannot permit such person to sidetrack the issue and escape the burden of establishing hostility or malus animus.—*vide S. N. Patil v. Mahesh Madhav AIR 1987 SC 294*

Vague allegations of mala fides are not enough to dislodge the burden resting on the person who makes the allegations though what is required in this connection is not a proof to the hilt. But where definite allegations of mala fides are made with sufficient particulars, it is necessary that the person against whom such allegations are made should come forward with an answer refuting or denying such allegations.—*Express Newspapers (P) Ltd. v. Union of India (1968) 1 SCC 133*

This section gives protection to any officer of the government or employee of the government or other authority constituted under the Act from any liability for having done in good faith in pursuance of the Act, Rules or Orders or directions issued under the Act.

##### 19. Cognisance of offences

No court shall take cognisance of any offence under this Act except on a complaint made by—

- (a) the Central Government or any authority or officer authorised in this behalf by that government; 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 Central Government or the authority or officer authorised as aforesaid.

#### COMMENTS

In terms of this section, a court can take cognisance of an offence only upon a complaint by the Central Government or any other duly authorised officer. Also, the court can take cognisance of the offence upon a complaint made by any person, who had given notice of not less than 60 days, of the alleged offence, and of his intention to make a complaint to the Central Government or any other officer authorised under the Act. The manner of giving notice is contained in Rule 11 of the Environment Protection Rules, 1986. The section also authorises certain officers to file complaints (reference may be made to notification section for details).

##### 20. Information, reports or returns

The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it or any prescribed authority or officer any reports, returns, statistics, accounts and other information and such person, officer, State Government or other authority shall be bound to do so.

#### COMMENTS

Under this section, the Central Government has been empowered to prescribe furnishing of any reports, statistics, accounts and other information by any officer, State Government or authority as the case may be.

##### 21. Members, officers and employees of the authority constituted under section 3 to be public servants

All the members of the authority, constituted, if any, under section 3 and all officers and other employees of such authority when acting or purporting to act in pursuance of any provisions of this Act or the rule made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

#### COMMENTS

This section enumerates that the members, officers and employees of any authority constituted under the Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1960.

##### 22. Bar of jurisdiction

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under this Act.

## COMMENTS

This section bars the jurisdiction of any civil court from issuing any direction of whatever nature. But this section does not take away the writ jurisdiction conferred under the Constitution in terms of Articles 226, 227 and 32.

**23. Power to delegate**

Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of its powers and functions under this Act, except the power to constitute an authority under sub-section (3) of section 3 and to make rules under section 25, as it may deem necessary or expedient, to any officer, State Government or other authority.

## COMMENTS

In terms of this section the Central Government can delegate its powers and functions to any officer, State Government or any other authority.

**24. Effect of other laws**

(1) Subject to the provisions of sub-section (2), the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

## COMMENTS

This section has an overriding effect over any other law and hence all rules and orders made under this Act will have supervening effect over any other rule or notification passed or issued under any other enactment. Sub-section (2) contains an important provision, namely, that where any act or omission constitutes an offence punishable under this Act and also under any other Act, then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

**25. Power to make rules**

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(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 standards in excess of which environmental pollutants shall not be discharged or emitted under section 7;
- (b) the procedure in accordance with and the safeguards in compliance with which hazardous substances shall be handled or cause to be handled under section 8;
- (c) the authorities or agencies to which intimation of the fact of occurrence or apprehension of occurrence of the discharge of any environmental pollutant in excess of the prescribed standards shall be given and to whom all assistance shall be bound to be rendered under sub-section (1) of section 9;
- (d) the manner in which sample of air, water, soil or other substance for the purpose of analysis shall be taken under sub-section (1) of section 11;
- (e) the form in which notice of intention to have a sample analysed shall be served under clause (a) of sub-section (3) of section 11;

(f) the functions of the environmental laboratories, the procedure for the submission to such laboratories of samples of air, water, soil and other substances for analysis or test; the form of laboratory report; the fees payable for such report and other matters to enable such laboratories to carry out their functions under sub-section (2) of section 12;

(g) the qualifications of government analyst appointed or recognised for the purposes of analysis of samples of air, water, soil or other substances under section 13;

(h) the manner in which notice of the offence and of the intention to make a complaint to the Central Government shall be given under clause (b) of section 19;

(i) the authority or officer to whom any reports, returns, statistics, accounts and other information shall be furnished under section 20;

(j) any other matter which is required to be, or may be, prescribed.

## COMMENTS

Sec. 25 of the Act conferring power upon the Central Government to formulate rules corresponds to s. 53 of the Air (Prevention and Control of Pollution) Act and s. 63 of the Water (Prevention and Control of Pollution) Act, conferring similar power upon the Central Government under those Acts. This section is the empowering provision for the Central Government to make rules for the purposes of the Act. Various purposes for which rules can be framed are illustrated under sub-s. (2). An Annual Environment Statement is required to be submitted, as provided under r. 14 of the Environment Protection Rules, 1986.

**26. Rules made under this Act to be laid before Parliament**

Every rule made 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 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.

# ENVIRONMENT (PROTECTION) RULES, 1986

<sup>1</sup>[Notification No. SO 844 (E), dated 19-11-1986]

*In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules, namely:—*

## 1. Short title and commencement

- (i) These rules may be called the Environment (Protection) Rules, 1986.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

## 2. Definitions

In these rules, unless the context otherwise requires,—

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- <sup>2</sup>[(aa) "areas" means all areas where the hazardous substances are handled;]
- (b) "Central Board" means 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);
- (c) "form" means a form set forth in Appendix A to these rules;
- (d) "government analyst" means a person appointed or recognised as such under section 13;
- (e) "person" in relation to any factory or premises means a person or occupier or his agent who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance;
- <sup>2</sup>[(ee) "prohibited substance" means the substance prohibited for handling;]
- (f) "recipient system" means the part of the environment such as soil, water, air or other medium which receives the pollutants;
- <sup>2</sup>[(ff) "restricted substance" means the substance restricted for handling;]
- (g) "section" means a section of the Act;
- (h) "Schedule" means a Schedule appended to these rules;
- (i) "standards" means standards prescribed under these rules;
- (j) "State Board" means a State Board for the Prevention and Control of Water Pollution constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), or a State Board for the Prevention and Control of Pollution constituted under section 5 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

<sup>1</sup> Published in Gazette of India, Extra. Pt. II, s. 3(i), dt. 19-11-1986.  
<sup>2</sup> Inserted by CSK 931(E), w.e.f. 27-10-1989.

## 3. Standards for emission or discharge of environmental pollutants

(1) For the purposes of protecting and improving the quality of the environment and preventing and abating environmental pollution, the standards for emission or discharge of environmental pollutants from the industries, operations or processes shall be as specified in <sup>1</sup>[Schedule I to IV].

<sup>2</sup>[\* \* \*]

(2) Notwithstanding anything contained in sub-rule (1), the Central Board or a State Board may specify more stringent standards from those provided in <sup>1</sup>[Schedule I to IV] in respect of any specific industry, operation or process depending upon the quality of the recipient system and after recording reasons therefor in writing.

<sup>3</sup>(3) The standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) shall be complied with by an industry, operation or process within a period of one year of being so specified.

<sup>4</sup>[(3A)(i) Notwithstanding anything contained in sub-rules (1) and (2), on and from the 1st day of January, 1994, emission or discharge of environmental pollutants from the <sup>5</sup>[industries, operations or processes other than those industries, operations or processes for which standards have been specified in Schedule I shall] not exceed the relevant parameters and standards specified in Schedule VI:

PROVIDED that the State Boards may specify more stringent standards for the relevant parameters with respect to specific industry or locations after recording reasons therefor in writing;

(ii) The State Board shall while enforcing the standards specified in Schedule VI follow the guidelines specified in Annexures I and II in that Schedule.

<sup>6</sup>[(3B) The combined effect of emission or discharge of environmental pollutants in an area, from the industries, operations, automobiles and domestic sources, or process shall not be permitted to exceed the relevant concentration in ambient air specific against each pollutant in (3) to (5) of Schedule VII.]

<sup>3</sup>[(4) Notwithstanding anything contained in sub-rule (3)—

- (a) the Central Board or a State Board, depending on the local conditions, nature of discharge of environmental pollutants, may, by order, specify a lesser period than a period specified under sub-rule (3) within which the compliance of standards shall be made by an industry, operation or process;
- (b) the Central Government in respect of any specific industry, operation or process, by order, may specify any period other than a period specified under sub-rule (3) within which the compliance of standards shall be made by such industry, operation or process.

(5) Notwithstanding anything contained in sub-rule (3), the standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) in respect of an industry, operation or process before the commencement of t

<sup>1</sup> Substituted by CSK 422(E), dt. 19-5-1993 w.e.f. 19-5-1993.  
<sup>2</sup> Provision to sub-rule (1) of rule 3 omitted by S.O. 23 (E), w.e.f. 16-1-1991.  
<sup>3</sup> Inserted by S.O. 23(E), w.e.f. 16-1-1991.  
<sup>4</sup> Inserted by CSK 422(E), w.e.f. 19-5-1993.  
<sup>5</sup> Substituted by CSK 801(E), w.e.f. 31-12-1993.  
<sup>6</sup> Substituted by CSK 7, dt. 22-12-1998, w.e.f. 2-1-1998.

Environment (Protection) (Amendment) Rules, 1991, shall be complied with by such industry, operation or process by the 31st day of December, 1991.]

<sup>1</sup>[(6) Notwithstanding anything contained in sub-rule (3), an industry, operation or process which has commenced production on or before 16th May, 1981 and has shown adequate proof of at least commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31st day of December, 1993.

(7) Notwithstanding anything contained in sub-rule (3) or sub-rule (6) an industry, operation or process which has commenced production after the 16th day of May, 1981 but before the 31st day of December, 1991 and has shown adequate proof of at least commencement of physical work for establishment of facilities to meet the specified standards within a time-bound programme, to the satisfaction of the concerned State Pollution Control Board, shall comply with such standards latest by the 31st day of December, 1992.]

<sup>2</sup>[(8) <sup>3</sup>[On and from the 1st day of June, 2002.] the following coal based thermal power plants shall use <sup>4</sup>[raw or blended or beneficiated coal with an ash content not exceeding thirty-four per cent on an annual average basis], namely—

- (a) any thermal power plant located beyond one thousand kilometers from the pit-head; and
  - (b) any thermal power plant located in urban area or sensitive area or critically polluted area irrespective of their distance from pit-head except any pit head power plant;
- <sup>3</sup>PROVIDED that any thermal power plant using Fluidised Bed Combustion or Circulating Fluidised Bed Combustion or Atmosphere Fluidised Bed Combustion or Pressurised Fluidised Bed Combustion or Integrated Gasification Combined Cycle Technologies or any other clean technologies as may be notified by the Central Government in the Official Gazette shall be exempted from clause (a) and (b);

*Explanation :* For the purposes of this rule—

- (a) "beneficiated coal" means coal containing higher calorific value but lower ash than the original ash content in the raw coal obtained through physical separation or washing process;
- (b) "pit-head power plant" means power stations having captive transportation system for its exclusive use for transportation of coal from the loading point at the mining end up to the unloading point at the power station without using the normal public transportation system;
- (c) "sensitive area" means an area whose ecological balance is prone to be easily disturbed;
- (d) "critically polluted area" means the area where pollution level has reached or likely to reach to the critical level and which has been identified as such by the Central Government or Central Pollution Control Board or a State Pollution Control Board.]

1 Added by CSR 95(E), w.e.f. 12-2-1992.

2 Inserted by CSR 560(E), w.e.f. 19-9-1997.

3 Substituted for "on and from the 1st day of June, 2001" vide CSR 407(E), dt. 31-5-2001, w.e.f. 31-5-2001.

4 Substituted by CSR 378(E), dt. 30-6-1998, w.e.f. 3-7-1998.

<sup>1</sup>[(e) "urban area" means an area limit of a city having a population of more than 1 million according to 1971 census.]

#### 4. Directions

(1) Any direction issued under section 5 shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.

<sup>2</sup>[(3a) The person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction and shall be given an opportunity of not less than fifteen days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

<sup>3</sup>[(3b) Where the proposed direction is for the stoppage or regulation of electricity or water or any other service affecting the carrying on any industry, operation or process and is sought to be issued to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be, and objections, if any, filed by the occupier with an officer designated in this behalf shall be dealt with in accordance with the procedures under sub-rules (3a) and (4) of this rule:

PROVIDED that an opportunity of being heard shall be given to the occupier if he had already been heard earlier and the proposed direction referred to in sub-rule (3b) above for the stoppage or regulation of electricity or water or any other service was the resultant decision of the Central Government after such earlier hearing.]

(4) The Central Government shall within a period of 45 days from the date of receipt of the objections, if any, or from the date up to which an opportunity is given to the person, officer or authority to file objections, whichever is earlier, after considering the objections, if any, received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(5) In a case where the Central Government is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity.

(6) Every notice or direction required to be issued under this rule shall be deemed to be duly served—

- (a) where the person to be served is a company, if the document is addressed in the name of the company at its registered office or at its principal office or place of business and is either—
  - (i) sent by registered post, or
  - (ii) delivered at its registered office or at the principal office or place of business;
- (b) where the person to be served is an officer serving government, if the document is addressed to the person and a copy thereof is endorsed to the Head of the Department and also to the Secretary to the government, as the

1 Inserted by CSR 378(E) dt. 30-6-1998, w.e.f. 3-7-1998.

2 Renumbered by SO 64(E), w.e.f. 18-1-1988.

3 Inserted by SO 64(E), w.e.f. 18-1-1988.

case may be, in charge of the department in which for the time being the business relating to the department in which the officer is employed is transacted and is either—

- (i) sent by registered post, or
  - (ii) is given or tendered to him;
- (c) in any other case, if the document is addressed to the person to be served and—
- (i) is given or tendered to him, or
  - (ii) if such person cannot be found, if affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or
  - (iii) is sent by registered post to that person.

*Explanation* : For the purposes of this sub-rule,—

- (a) "company" means any body corporate and includes a firm or other association of individuals;
  - (b) "a servant" is not a member of the family.
5. Prohibition and restriction on the location of industries and the carrying on processes and operations in different areas

(1) The Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on of processes and operations in different areas :—

- (i) Standards for quality of environment in its various aspects laid down for an area.
  - (ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.
  - (iii) The likely emission or discharge of environmental pollutants from an industry, process or operation proposed to be prohibited or restricted.
  - (iv) The topographic and climatic features of an area.
  - (v) The biological diversity of the area which, in the opinion of the Central Government, needs to be preserved.
  - (vi) Environmentally compatible land use.
  - (vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted.
  - (viii) Proximity to a protected area under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or a sanctuary, National Park, game reserve or closed area notified as such under the Wild Life (Protection) Act, 1972, or places protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.
  - (ix) Proximity to human settlements.
  - (x) Any other factor as may be considered by the Central Government to be relevant to the protection of the environment in an area.
- (2) While prohibiting or restricting the location of industries and carrying on of processes and operations in an area, the Central Government shall follow the procedure hereinafter laid down.

(3)(a) Whenever it appears to the Central Government that it is expedient to impose prohibition or restrictions on the location of an industry or the carrying on of processes and operations in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.

(b) Every notification under clause (a) shall give a brief description of the area, the industries, operations, processes in that area about which such notification pertains and also specify the reasons for the imposition of prohibition or restrictions on the location of the industries and carrying on of processes or operations in that area.

(c) Any person interested in filing an objection against the imposition of prohibition or restriction on carrying on of processes or operations as notified under clause (a) may do so in writing to the Central Government within sixty days from the date of publication of the notification in the Official Gazette.

(d) The Central Government shall within a period of three hundred and sixty-five days from the date of publication of the notification in the Official Gazette, consider all the objections received against such notification and may<sup>1</sup> [within three hundred and sixty five days from such date of publication], impose prohibition or restrictions on location of such industries and the carrying on of any process or operation in an area.

<sup>2</sup>[(4) Notwithstanding anything contained in sub-rule (3), whenever it appears to the Central Government that it is in public interest to do so, it may dispense with the requirement of notice under clause (a) of sub-rule (3).]

#### <sup>3</sup>16. Procedure for taking samples

The Central Government or the officer empowered to take samples under section 11 shall collect the sample in sufficient quantity to be divided into two uniform parts and effectually seal and suitably mark the same and permit the person from whom the sample is taken to add his own seal or mark to all or any of portions so sealed and marked. In case where the sample is made up in containers or small volumes and is likely to deteriorate or be otherwise damaged if exposed, the Central Government or the officer empowered shall take two of the said samples without opening the containers and suitably seal and mark the same. The Central Government or the officer empowered, shall dispose of the samples so collected as follows:—

- (i) one portion shall be handed over to the person from whom the sample is taken under acknowledgment; and
- (ii) the other portion shall be sent forthwith to the environmental laboratory for analysis.]

#### 7. Service of notice

The Central Government or the officer empowered shall serve on the occupier or his agent or person in charge of the place a notice then and there in Form I of his intention to have the sample analysed.

1 Inserted by GSR 562(E), dt. 27-5-1992.

2 Substituted by GSR 884(E), dt. 20-11-1992.

3 Inserted by GSR 320(E), w.e.f. 16-3-1994.

4 Substituted by SO 64(E), w.e.f. 18-1-1988.

**8. Procedure for submission of samples for analysis, and the form of report thereon**

- (1) Sample taken for analysis shall be sent by the Central Government or the officer empowered to the environmental laboratory by registered post or through special messenger along with Form II.
- (2) Another copy of Form II together with specimen impression of seals of the officer empowered to take samples along with the seals/marks, if any, of the person from whom the sample is taken shall be sent separately in a sealed cover by registered post or through a special messenger to the environmental laboratory.
- (3) The findings shall be recorded in Form III in triplicate and signed by the government analyst and sent to the officer from whom the sample is received for analysis.
- (4) On receipt of the report of the findings of the government analyst, the officer shall send one copy of the report to the person from whom the sample was taken for analysis, the second copy shall be retained by him for his record and the third copy shall be kept by him to be produced in the court before which proceedings, if any, are instituted.

**9. Functions of environmental laboratories**

The following shall be the functions of environmental laboratories:—

- (i) to evolve standardised methods for sampling and analysis of various types of environmental pollutants;
- (ii) to analyse samples sent by the Central Government or the officers empowered under sub-section (1) of section 11;
- (iii) to carry out such investigations as may be directed by the Central Government to lay down standards for the quality of environment and discharge of environmental pollutants, to monitor and to enforce the standards laid down;
- (iv) to send periodical reports regarding its activities to the Central Government;
- (v) to carry out such other functions as may be entrusted to it by the Central Government from time to time.

**10. Qualifications of Government Analyst**

A person shall not be qualified for appointment or recognised as a Government Analyst unless he is a—

- (a) graduate in science from a recognised university with five years' experience in a laboratory engaged in environmental investigations, testing or analysis; or
- (b) post-graduate in science or a graduate in engineering or a graduate in medicine or equivalent with two years' experience in a laboratory engaged in environmental investigations, testing or analysis; or
- (c) post-graduate in environmental science from a recognised university with two years' experience in a laboratory engaged in environmental investigations, testing or analysis.

**11. Manner of giving notice**

The manner of giving notice under clause (b) of section 19 shall be as follows, namely,—

- (1) the notice shall be in writing in Form IV,
- (2) the person giving notice may send notice to,—

(a) if the alleged offence has taken place in a Union Territory;—

- (A) the Central Board; and
- (B) the Ministry of Environment and Forests (represented by the Secretary to the Government of India);

(b) if the alleged offence has taken place in a State:—

- (A) the State Board; and
- (B) the Government of the State (represented by the Secretary to the State Government in charge of environment); and
- (C) the Ministry of Environment and Forests (represented by the Secretary to the Government of India);

(3) the notice shall be sent by registered post acknowledgment due; and

(4) the period of sixty days mentioned in clause (b) of section 19 of the Environment (Protection) Act, 1986, shall be reckoned from the date it is first received by one of the authorities mentioned above.

**12. Furnishing of information to authorities and agencies in certain cases**

Where the discharge of environmental pollutant in excess of the prescribed standard occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person in charge of the place at which such discharge occurs or is apprehended to occur shall forthwith intimate the fact of such occurrence or apprehension of such occurrence to all the following authorities or agencies, namely:—

- (i) The Officer-in-charge of emergency or disaster relief operations in a district or other region of a State or Union territory specified by whatever designation, by the Government of the said State or Union territory, and in whose jurisdiction the industry, process or operation is located.
- (ii) The Central Board or a State Board, as the case may be, and its regional officer having local jurisdiction who have been delegated powers under sections 20, 21, 23 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), and section 24 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).
- (iii) The statutory authorities or agencies specified in column 3 in relation to places mentioned in column 2 against thereof of.] [Schedule VI].

**13. Prohibition and restriction on the handling of hazardous substances in different areas**

(1) The Central Government may take into consideration the following factors while prohibiting or restricting the handling of hazardous substances in different areas:—

- (i) the hazardous nature of the substance (either in qualitative or quantitative terms) as far as may be in terms of its damage causing potential to the environment, human beings, other living creatures, plants and property;
- (ii) the substances that may be or are likely to be or readily available substitutes for the substances proposed to be prohibited or restricted;

<sup>1</sup> Inserted by SO 82(E), w.e.f. 16-2-1987.

<sup>2</sup> Substituted by GSR 422(E), w.e.f. 19-5-1993.

<sup>3</sup> Inserted by GSR 931(E), w.e.f. 27-10-1989.



- (iii) the indigenous availability of the substitute, or the state of technology available in the country for developing a safe substitute;
- (iv) the gestation period that may be necessary for gradual introduction of a new substitute with a view to bringing about a total prohibition of the hazardous substance in question; and
- (v) any other factor as may be considered by the Central Government to be relevant to the protection of environment.

(2) While prohibiting or restricting the handling of hazardous substances in an area including their imports and exports the Central Government shall follow the procedure hereinafter laid down:—

- (i) Whenever it appears to the Central Government that it is expedient to impose prohibition or restriction on the handling of hazardous substances in an area, it may, by notification in the Official Gazette and in such other manner as the Central Government may deem necessary from time to time, give notice of its intention to do so.
- (ii) Every notification under clause (i) shall give a brief description of the hazardous substances and the geographical region or the area to which such notification pertains and also specify the reasons for the imposition of prohibition or restriction on the handling of such hazardous substances in that region or area.
- (iii) Any person interested in filing an objection against the imposition of prohibition or restriction on the handling of hazardous substances as notified under clause (i) may do so in writing to the Central Government within thirty days from the date of publication of the notification in the Official Gazette.

- (iv) The Central Government shall within a period of sixty days from the date of publication of the notification in the Official Gazette consider all the objections received against such notification and may impose prohibition or restrictions on the handling of hazardous substances in a region or an area.]

#### 14. Submission of environmental <sup>2</sup>[statement]

Every person carrying on an industry, operation or process requiring consent under section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) or both or authorisation under the Hazardous Wastes (Management and Handling) Rules, 1989 issued under the Environment (Protection) Act, 1986 (29 of 1986) shall submit an environmental <sup>2</sup>[statement] for the financial year ending on the 31st March in Form V to the concerned State Pollution Control Board on or before the <sup>3</sup>[thirtieth day of September] every year, beginning 1993.]

1 Inserted by CSR 329 (E), w.e.f. 13-3-1992.

2 Substituted for "audit report" by CSR 386(E), w.e.f. 28-4-1993.

3 Substituted for "15th day of May" by CSR 386(E), w.e.f. 28-4-1993.

### SCHEDULE <sup>1</sup>[I]

[Rule 3]

Sl. No.	Industry	Parameter	Standards
1	2	3	4
1.	Caustic soda industry	Total concentration of mercury in the final effluent	Concentration not exceed, milligram per litre (except for pH and flow) 0.01
		Mercury bearing waste-water generation (flow) pHi	10 kilolitres/tonne caustic soda produced 5.5 to 9.0
		* Final effluent is the combined effluent from (a) cell house, (b) brine plant (c) chlorine band (d) hydrogen handling, (e) hydrochloric acid p	
2.	Man-made fibres (synthetic)	Suspended solids <sup>2</sup> [Bio-chemical oxygen demand, (3-days at 27°C)] pH	Concentration not exceed, milligram per litre (except for pH) 100 30 5.5 to 9.0
3.	Oil-refinery industry	Concentration, not to exceed, mg per litre (except for pH) Oil and grease Phenol Sulphide <sup>2</sup> [Bio-chemical oxygen demand, (3-days at 27°C)] Suspended solids pH	Quantum Kg/10 tonnes crude processed 10 1 0.5 0.15 20 6 to 8.5 Concentration not exceed, milligram per litre
4.	Alumina industry		

1 Renumbered as Sch. I by SO 82(E), w.e.f. 16-2-1987.

2 Substituted by CSR 176(E), w.e.f. 2-4-1986.



5. Thermal power plants	<sup>1</sup> [Bio-chemical oxygen demand, (3-days at 27°C)] Suspended solids	100 for disposal on land 30 for disposal in surface waters 100 for disposal on land 30 for disposal in surface waters	Common : pH Suspended solids [Bio-chemical oxygen demand, (3 days at 27°C)] Oil and grease Bio-assay test	5.5 to 9 100 150 10 90% survival of fish after 96 hours
	Maximum, limiting concentration, milligramme per litre (except for pH and temperature)		Special :	
Condenser cooling water (once through cooling system)	pH Temperature	6.5-8.5 Not more than 5°C higher than the intake water temperature	Total chromium (as Cr) Sulphide (as S) Phenolic compounds (as C <sub>6</sub> H <sub>5</sub> OH)	2 2 5

The special parameters are to be stipulated by the Central Board in case of Union Territories and State Boards in case of States depending upon the dye used in the industry. Where the industry uses chrome dyes, sulphur dyes and/or phenolic compounds in the dyeing/printing process, the limits on chromium of 2 mg/litre, sulphides of 2 mg/litre, phenolic compounds of 5 mg/litre, respectively shall be imposed.

Where the quality requirement of the recipient system so warrants, the limit of BOD should be lowered up to 30 according to the requirement by the State Boards for the States and the Central Board for the Union Territories.

A limit on sodium absorption ratio of 26 should be imposed by the State Boards for the States and the Central Board for the Union Territories if the disposal of effluent is to be made on land.

#### 7. Composite woollen mills

	Common :	Suspended solids pH [Bio-chemical oxygen demand, (3-days at 27°C)] Oil and grease Bio-assay	100 5.5 to 9.0 100 10 90% survival of fish after 96 hours
	Special :	Total chromium (as Cr) Sulphide (as S) Phenolic compounds (as C <sub>6</sub> H <sub>5</sub> OH)	2 2 5

The special parameters are to be stipulated by the Central Board in case of Union Territories and State Boards in case of States depending upon the dye used in the industry. Where the industry uses chrome dyes, sulphur dyes and/or phenolic compounds in the dyeing/printing process, the limits on

chromium of 2 mg/litre, sulphide of 2 mg/litre, phenolic compounds of 5 mg/litre, respectively shall be imposed.

Where the quality requirement of the recipient system so warrants, the limit of BOD should be lowered up to 30 according to the requirement by the State Boards for the States and the Central Board for the Union Territories.

A limit on sodium absorption ratio of 26 should be imposed by the State Boards for the States and the Central Board for the Union Territories if the disposal of effluent is to be made on land.

18. Dye and dye intermediate industries	Concentration not to exceed, milligrammes per litre (except for pH, temperature and bio-assay)
Suspended solids	100
pH	6 to 8.5
Temperature	Shall not exceed 5°C above the ambient temperature of the receiving body
Mercury (as Hg)	0.01
Hexavalent Chromium (as Cr)	0.1
Total Chromium (as Cr)	2.0
Copper (as Cu)	3.0
Zinc (as Zn)	5.0
Nickel (as Ni)	3.0
Cadmium (as Cd)	2.0
Chloride (as Cl)	1000
Sulphate (as SO <sub>4</sub> )	1000
Phenolic compounds (as C <sub>6</sub> H <sub>5</sub> OH)	1.0
Oil and grease	10
Bio-assay test (with 1:8 dilution of effluents)	90% survival of test animals after 96 hours

The standards for chlorides and sulphates are applicable for discharge into inland and surface water courses. However, when discharged on land for irrigation, the limit for chloride shall not be more than 600 milligrammes per litre and the sodium absorption ratio shall not exceed 26.

## 9. Electroplating industries

Concentration not to exceed, milligrammes per litre (except for pH and temperature)	Concentration not to exceed, milligrammes per litre (except for pH and temperature)
pH	6.0 to 9.0
Temperature	Shall not exceed 5°C above the ambient temperature of the receiving body
Oil and grease	10
Suspended solids	100
Cyanides (as CN)	0.2
Ammonical	50
Nitrogen (as N)	1.0
Total residual	1.0
Chloride (as Cl)	2.0
Cadmium (as Cd)	3.0
Nickel (as Ni)	5.0
Zinc (as Zn)	0.1
Hexavalent Chromium (as Cr)	2.0
Total Chromium (as Cr)	3.0
Copper (as Cu)	0.1
Lead (as Pb)	3.0
Iron (as Fe)	30.0
Total metal	Not to exceed, milligrammes per normal cubic metre
Plant capacity: 200 tonnes per day	400
Greater than 200 tonnes per day	250

The Central and State Pollution Control Boards may fix stringent standards, not exceeding 250 milligrammes per normal cubic metre for smaller plants and 150 milligrammes per normal cubic metre for larger plants if the industry is located in an area which, in their opinion, requires more stringent standards.

Where continuous monitoring integrators are provided on dust emission lines, the integrated average values over a period, to be fixed by the Central and State Boards but not exceeding 72 hours shall be considered instead of momentary dust emission values for conformity to standards.]

<sup>1</sup> [11. Stone-crushing unit	Suspended particulate matter	The suspended particulate matter measured between 3 metres and 10 metres from any process equipment of a stone-crushing unit shall not exceed 600 micro-grammes per cubic metre.]	250
<sup>2</sup> [12. Coke ovens	pH	Concentrations in the effluents when discharged into inland surface waters not to exceed milligramme per litre (except for pH)	5.5-9.0
	<sup>3</sup> [Biochemical oxygen demand (3 days at 27°C)]	30	100
	Suspended solids	100	30
	Phenolic compounds (as C <sub>6</sub> H <sub>5</sub> OH)	5	5.5-9.0
	Cyanides (as CN)	0.2	100
	Oil & Grease	10	100
	Ammonical Nitrogen (as N)	50	26
13. Synthetic Rubber	Concentration in the effluents when discharged into inland surface waters not to exceed milligramme per litre (except for colour, and pH)	Absent	Concentration in the effluents not to exceed milligramme per litre (except for pH and colour and odour)
	Colour	5.5-9.0	5.5-9.0
	pH	50	<sup>1</sup> [All efforts should be made to remove colour and unpleasant odour as far as practicable]
	<sup>3</sup> [Biochemical oxygen demand (3 days at 27°C)]		100

<sup>3</sup>[Note: (1) Waste water generation shall not exceed 250 cubic metre per tonne of paper produced.]

<sup>4</sup>[\*\*\*]

16. Leather tanneries

Concentration in the effluents not to exceed milligramme per litre (except for pH and per cent sodium)

1 Inserted by SO 443(E), w.e.f. 18-4-1987.

2 Inserted by SO 64(E), w.e.f. 18-1-1988.

3 Substituted by CSR 17(E), w.e.f. 3-4-1996.

1 Substituted by SO 12(E), w.e.f. 8-1-1990.

2 Substituted by CSR 17(E), w.e.f. 3-4-1996.

3 Inserted by SO 12(E), w.e.f. 8-1-1990.

Inland Public Land for Marine surface sewers irrigation coastal areas

	(a)	(b)	(c)	(d)
Suspended solids	100	100	200	100
[BOD-(3 days at 27°C)]	30	350	100	100
pH	6.0 - 9.0	6.0 - 9.0	6.0 - 9.0	6.0 - 9.0
Chlorides (as Cl)	1000	1000	600	—
Hexavalent Chromium (Cr 6+)	0.1	0.2	0.1	1.0
Total Chromium (as Cr)	2.0	2.0	2.0	2.0
Sulphides (as S)	2.0	5.0	—	5.0
Sodium per cent	—	60	60	—
Boron (as B)	2.0	2.0	2.0	—
Oil and grease	10	20	10	20

17. Fertilizer industry

Concentration in the effluents not to exceed milligramme per litre (except for pH)

Effluents—Straight Nitrogenous fertilizers, excluding the Calcium Ammonium Nitrate and Ammonium Nitrate fertilizer

	(a)	(b)
pH	6.5-8.0	6.5-8.0
Ammonical Nitrogen	50	75
Total Kjeldahl Nitrogen	100	150
Free Ammonical Nitrogen	4	4
Nitrate Nitrogen	10	10
Cyanide (as CN)	0.2	0.2
Vanadium (as V)	0.2	0.2
Arsenic (as As)	0.2	0.2

34 ENVIRONMENT (PROTECTION) RULES, 1986 SCHEDULE I

Suspended solids	100	100
Oil and grease	10	10
*Hexavalent Chromium (as Cr)	0.1	0.1
*Total Chromium (as Cr)	2.0	2.0

\* To be complied with at the outlet of Chromate removal unit.

Straight Nitrogenous fertilizers including Calcium, Ammonium, Nitrate and Ammonium Nitrate fertilizers

	Plants Commissioned January 1, 1982 onwards	Plants Commissioned prior to January 1, 1982
	(a)	(b)
pH	6.5-8.0	6.5-8.0
Ammonical Nitrogen	50	75
Total Kjeldahl Nitrogen	100	150
Free Ammonical Nitrogen	4	4
Nitrate Nitrogen	20	20
Cyanide (as CN)	0.2	0.2
Vanadium (as V)	0.2	0.2
Arsenic (as As)	0.2	0.2
Suspended solids	100	100
Oil and grease	10	10
*Hexavalent Chromium (as Cr)	0.1	0.1
*Total Chromium	2.0	2.0

\* To be complied with at the outlet of Chromate removal unit.

Complex fertilizers excluding Calcium, Ammonium, Nitrate, Ammonium Nitrate and Nitro-phosphate fertilizers

	Plants commissioned on January 1, 1982 onwards		Plants commissioned prior to January 1, 1982	
	(a)	(b)	(a)	(b)
pH	6.5-8.0	6.5-8.0		
Ammonical Nitrogen	50	75		
Total Kjeldahl Nitrogen	100	150		
Free Ammonical Nitrogen	4	4		
Nitrate Nitrogen	10	10		
Cyanide (as CN)	0.2	0.2		
Vanadium (as V)	0.2	0.2		
Arsenic (as As)	0.2	0.2		
Phosphate (as P)	5	5		
Oil and grease	10	10		
Suspended solids	100	100		
@Fluoride (as F)	10	10		
*Hexavalent Chromium (as Cr)	0.1	0.1		
*Total Chromium (as Cr)	2.0	2.0		
			Plants commissioned on January 1, 1982 onwards	Plants commissioned prior to January 1, 1982
			(a)	(b)
pH			6.5-8.0	6.5-8.0
Ammonical Nitrogen			50	75

Complex Fertilizers including Calcium, Ammonium Nitrate, Ammonium Nitrate and Ammonium Nitro-phosphate Fertilizers

Free Ammonical Nitrogen	100	100
Nitrate Nitrogen	20	20
Cyanide as CN	0.2	0.2
Vanadium as V	0.2	0.2
Arsenic as As	0.2	0.2
Phosphate as P	5	5
Oil and grease	10	10
Suspended solids	100	100
@ Fluoride as F	10	10
*Hexavalent Chromium as Cr	0.1	0.1
*Total Chromium as Cr	2.0	2.0

@ To be complied with at the outlet of Fluoride removal unit. If the rectification system so demands Fluoride as F shall be limited to 1.5 mg/l.

\* To be complied with at the outlet of Chromate removal unit.

Straight Phosphatic fertilizers

pH	7.0-9.0
Phosphate as P	5
Oil and grease	10
Suspended solids	100
@Fluoride as F	10
*Hexavalent Chromium as Cr	0.1
*Total Chromium as Cr	2.0

Emissions

Phosphatic fertilizers (Fluoride and particulate matter emission)	25 mgs per normal cubic metre as total Fluoride
Phosphoric acid manufacturing unit granulation, mixing and grinding of rock phosphate	150 mgs per normal cubic metre of particulate matter

Urea (particulate matter emission)	Prilling Tower Commissioned prior to 1-1-1982 Commissioned after 1-1-1982	50 milligrammes per normal cubic metre or 0.5 kilogramme per tonne of product	
<p>@ To be complied with at the outlet of Fluoride removal unit. If the recipient system so demands, Fluoride as F shall be limited to 1.5 mg/l.</p> <p>* To be complied with at the outlet of Chromate removal unit.</p>			
18. Aluminium	Particulate matter emissions : —Calcination  —Smelting	250 milligrammes per normal cubic metre of particulate matter 150 milligrammes per normal cubic metre of particulate matter	
19. Calcium Carbide	Particulate matter emission: —Kiln  —Arc Furnace	250 milligrammes per normal cubic metre 150 milligrammes per normal cubic metre	
20. Carbon Black	Particulate matter emission:	150 milligrammes per normal cubic metre	
21. Copper, Lead and Zinc smelting	Particulate matter emission in concentrator Emission of oxides of Sulphur in smelter and converter	150 milligrammes per normal cubic metre Off-gases must be utilised for sulphuric acid manufacture. The limits of sulphur dioxide emission from stock shall not exceed 4 kilogrammes per tonne of concentrated (one hundred per cent) acid produced	

22. Nitric acid (emission of oxides of nitrogen)	Emission of oxides of Nitrogen	3 kilogrammes of oxides of nitrogen per tonne of weak acid (before concentration) produced
23. Sulphuric acid (emission of Sulphur dioxide and acid mist)	Sulphur dioxide emissions  Acid mist	4 kilogrammes per tonne of concentrated (one hundred per cent) acid produced 50 milligrammes per normal cubic metre
24. Iron and Steel (Integrated)	Particulate matter emission —Sintering plant  —Steel making  —during normal operations  —during oxygen lancing  —Rolling mill  —Carbon monoxide from coke oven	150 milligrammes per normal cubic metre 150 milligrammes per normal cubic metre 400 milligrammes per normal cubic metre 150 milligrammes per normal cubic metre 3 kilogrammes per tonne of coke produced]
<p><sup>1</sup>[25. Thermal power plants</p> <p>*Particulate matter emissions: —generation capacity 210 MW or more —generation capacity less than 210 MW</p> <p>150 milligrammes per normal cubic metre 350 milligrammes per normal cubic metre</p> <p><i>*Depending upon the requirement of local situation, such as protected area, the State Pollution Control Boards and other implementing agencies under the Environment (Protection) Act, 1986, may prescribe a limit of 150 milligrammes per normal cubic metre, irrespective of generation capacity of the plant.</i></p>		
26. Natural rubber industry	Colour and odour  —Discharge into inland surface waters	Concentration in the effluents not to exceed milligramme per litre (except for pH) Absent

pH	6.0-9.0
BOD	50
COD	250
Oil and grease	10
Sulphur dioxides	2
Total Kjeldahl Nitrogen	100
Dissolved Phosphate (as P)	5
Suspended solids	100
Dissolved solids (inorganic)	2100
Ammoniacal Nitrogen (as N)	50
Free ammonia (as NH <sub>3</sub> )	5
Colour and odour	Absent

---Disposal on land for irrigation

pH	6.0-8.0
BOD	100
COD	250
Oil and grease	10
Suspended solids	200
Dissolved solids	2100]

<sup>1</sup>[27. All types of Asbestos manufacturing units: (including all processes involving the use of Asbestos

\*Fibre of length more than 5 micrometre and diameter less than 3 micrometre with an aspect ratio of 3 or more.

Emissions	Concentration in mg/m <sup>3</sup> (normal)
28. Chlor Alkali (Caustic Soda)	
(a) Mercury Cell	0.2
(b) All processes	15.0

(c) All processes

Hydrochloric acid vapour and mist (from hydrochloric acid plant)

35.0

29. Large pulp and paper industry

Emissions

Concentration in mg/m<sup>3</sup> (normal)

250\*\*

10

\*\* This standard of 250 mg/m<sup>3</sup> (normal) shall apply only for a period of 3 years with effect from the date on which the Environment (Protection) Second Amendment Rules, 1989, came into force. After three years the standard to be applicable is 15 mg/m<sup>3</sup> (normal).

30. Integrated Iron and Steel plants:

I. Emissions

(a) Coke oven

Particulate matter

50

(b) Refractory manufacturing plant

Particulate matter

150

II. Effluents

Concentration in mg/litre (except for pH)

6.0-8.5

100

1.0

0.2

30

250

50

10

6.0-9.0

100

10

6.0-9.0

100

10

6.0-9.0

100

10

31. Reheating (Reverberatory) furnaces :	Emissions	Concentration in mg/m <sup>3</sup> (normal)
Capacity: All sizes		
Sensitive area	Particulate matter	150
Other area	Particulate matter	450]
<sup>1</sup> [32. Foundries:	Emissions	
(a) Cupola		
Capacity (melting rate):		
Less than 3 MT/hr.	Particulate matter	450
3 MT/hr. and above	Particulate matter	150

*Note*: It is essential that the stack is constructed over the cupola beyond the charging door and the emissions are directed through the stack which should be at least six times the diameter of the cupola.

(b) Arc Furnaces		
Capacity: All sizes	Particulate Matter	150
(c) Induction furnaces		
Capacity: All sizes	Particulate Matter	150

*Note*: In respect of arc furnaces and induction furnaces, provision has to be made for collecting the fumes before discharging the emissions through the stack.]

33. Thermal power plants	Stack height/limits	
	<i>Power generation capacity</i> :	
	—500 MW and above	275
	—275 MW/210 MW and above to less than 500 MW	220
	Less than 200 MW/210 MW	$H = 14(Q)^{0.3}$ where Q is emission rate of SO <sub>2</sub> in kg/hr. and H is stack height in metres.
	<i>Stack gas cleaning capacity</i> :	
	Less than 2 tonnes/hr.	2 & 1/2 times the neighbouring building height or 9 metres (whichever is more)

More than 2 tonnes/hr. to 5 ton/hr.	12
More than 5 tonnes/hr. to 10 ton/hr.	15
More than 10 tonnes/hr.	18
More than 15 tonnes/hr. to 20 ton/hr.	15
More than 20 tonnes/hr. to 25 tonnes/hr.	24
More than 25 tonnes/hr. to 30 ton/hr.	27
More than 30 tonnes/hr.	30 or using formula $H = 14(Q)^{0.3}$ (whichever is more) where Q is emission rate of SO <sub>2</sub> in kg/hr. and H is stack height in metres

34. Small boilers	Emissions*	
Capacity of boiler	Particulate Matter	
-Less than 2 tonnes/hr.		1600
-2 to 15 tonnes/hr.		1200
-More than 15 tonnes/hr.		150
* All emissions normalised to 12 per cent carbon dioxide		
35. Oil refineries	Emission**	
(Sulphur dioxide)		
	Distillation (Atmospheric plus vacuum)	0.25 kg/MT of feed **
	Catalytic cracker	2.5 kgs/MT of feed
	Sulphur recovery unit	120 kgs/MT of sulphur in the feed

\*\* Feed indicates the feed for that part of the process under consideration only.



36. Aluminium plants	Emissions		
(a) Alumina plant:			
(i) Raw material handling	Primary and secondary crusher	150	
	Particulate matter	250	
(ii) Precipitation area	Particulate matter	1% max.	
—Calcination	Carbon monoxide	$H = 14(Q)^{0.3}$	
	Stack height	where Q is emission rate of $SO_2$ in kg/hr. and H is stack height in metres	
(b) Smelter plant			
(i) Green anode shop	Particulate matter	150	
(ii) Anode bake oven	Particulate matter	150	
	Total Fluoride (F)	0.3 kg/MT of Aluminium	
(iii) Potroom	Particulate matter	150	
	Total Fluoride (F)	4.7 kgs/MT of Aluminium produced	
	VSS	6.0 kgs/MT of Aluminium produced	
	HSS	2.5 kgs/MT of Aluminium produced	
	PBSW	1.0 kgs/MT of Aluminium produced	
	PBCW	$H = 14(Q)^{0.3}$ where Q is emission rate of $SO_2$ in kg/hr. and H is stack height in metres	
	Stack height		
	<i>Note : VSS = Vertical stud soderbery</i>		
	<i>HSS = Horizontal stud soderbery</i>		
	<i>PBSW = Prebacked side worked</i>		
	<i>PBCW = Prebacked centre worked</i>		
37. Stone crushing unit	Suspended particulate matter (SPM)		
			The standards consist of two parts:

(i) Implementation of the following pollution control measures:

(a) Dust containment cum suppression system of the equipment.

(b) Construction of wind breaking walls.

(c) Construction of the metalled roads within the premises.

(d) Regular cleaning and wetting of the ground within the premises.

(e) Growing of a green belt along the periphery.

(iii) Quantitative standard for the SPM:

The suspended particulate matter contribution value at a distance of 40 metres from a controlled isolated as well as from a unit located in a cluster should be less than 600 mgs/Nm<sup>3</sup>. The measurements are to be conducted at least twice a month for all the 12 months in a year.

6.5-8.5

Effluents  
pH

[\*BOD (3 days at 27°C)]

50

\*\* Phenol

5

Sulphide (as S)

2

COD

250

0.2

Cyanide (as CN)

15

\*\*\*Fluoride (as F)

1000

Total suspended solids

Hexavalent Chromium (as Cr)	0.1
****Total Chromium (as Cr)	2.0

\* State Boards may prescribe the BOD value of 30 mg/l if the recipient system so demands.

\*\* The limit for phenol shall be conforming to at the outlet of effluent treatment of phenol plant. However, at the final disposal point, the limit shall be less than 1 mg/l.

\*\*\* The limit for fluoride shall be conforming to at the outlet of fluoride removal unit. However, at the disposal point fluoride concentration shall be lower than 5 mg/l.

\*\*\*\* The limits for total and hexavalent chromium shall be conforming to at the outlet of the chromate removal unit. This implies that in the final treated effluent, total and hexavalent chromium shall be lower than prescribed herein.

39. Pharmaceutical manufacturing and formulation industry

Effluents

1. pH	5.5-9.0
2. Oil and grease	10
3. Total suspended solids	100
4. <sup>1</sup> [BOD (3 days at 27°C)]	30
5. Bio-assay test	90% survival of fish after 96 hrs. in 100% effluent
6. Mercury	0.01
7. Arsenic	0.20
8. Chromium (Hexavalent)	0.10
9. Lead	0.10
10. Cyanide	0.10
11. Phenolics (as C <sub>6</sub> H <sub>5</sub> O11)	1.00
12. Sulphides (as S)	2.00
13. Phosphates (as P)	5.00

Note : (1) Parameters listed as 1 to 13 are compulsory for formulators. However, the remaining parameters (6 to 13) will be optional for others.

(2) State Board may prescribe limit for chemical oxygen demand (COD) correlated with BOD limit.

(3) State Board may prescribe limit for total dissolved solids depending upon uses of recipient water body.

(4) Limits should be complied with at the terminal of the treatment unit before letting out of the factory boundary limits.

(5) For the compliance of limits, analysis should be done in the composite sample collected every hour for a period of 8 hours.

40. Pesticide manufacturing and formulation industry

Effluents :

1. Temperature	Shall not exceed 5°C above the receiving water temperature
2. pH	6.5-8.5
3. Oil and grease	10
4. <sup>1</sup> [BOD (3 days at 27°C)]	30
5. Total suspended solids	100
6. Bio-assay test	90% survival of fish after 96 hours in 100 per cent effluent.

7.(a) Specific pesticides :

Benzenal hexachloride	10
Carbaryl	10
DDT	10
Endosulfan	10
Diamethoate	450
Fenitrothion	10
Malathion	10
Phorate	10
Methyl Parathion	10
Phenthoate	10
Pyrethrums	10
Copper Oxychloride	9600

Copper Sulphate	50
Zinc	1000
Sulphur	30
Paraquat	2300
Proponil	7300
Nitrogen	780
(b) Heavy metals:	
Copper	1.00
Manganese	1.00
Zinc	1.00
Mercury	0.01
Tin	0.10
Any other metal like Nickel, etc.	Shall not exceed 5 times the drinking water standards of BIS
(c) Organics:	
Phenol and phenolic compounds as C <sub>6</sub> H <sub>5</sub> OH	1.0
(d) Inorganics :	
Arsenics (as As)	0.2
Cyanide (as CN)	0.2
Nitrate (as NO <sub>3</sub> )	50.0
Phosphate (as P)	5.0

- Note :** 1. Limits should be complied with at the end of the treatment plant before any dilution.  
 2. Bio-assay test should be carried out with available species of fish in receiving water.  
 3. State Boards may prescribe limits of total dissolved solids (TDS) sulphates and chlorides depending on the use of recipient water body.  
 4. State Board may prescribe COD limit correlated with BOD limits.  
 5. Pesticides are known to have metabolites and isomers. If they are found in significant concentration, standards may be prescribed for those in the list by Central or State Board.

6. Industries are required to analyse pesticides in waste water by advanced analytical method such as GLC/HPLC.  
 7. All the parameters will be compulsory for formulators, for others, the 7th will be optional.

41. Tannery (after primary treatment)  
 Disposal : Channel/ conduit carrying waste waters to secondary treatment plants  
 Type of tanneries —Chrome tanneries/ combined chrome and vegetable tanneries

Effluents :	
pH	6.5-9.0
SS	Not to exceed 600
	45

Chromium concentration after treatment in the chrome waste water stream  
 —Vegetable tanneries

pH	6.5-9.0
SS	Not to exceed 600

**Note :** The above standards will apply to those tannery units which have made full contribution to a Common Effluent Treatment Plant (CETP) comprising secondary treatment. Those who have not contributed will be governed by earlier Notification No. SO 64(E), dated January 18, 1988:

42. Paint industry  
 (Waste-water discharge)

Effluents :	
pH	6.0-8.5
Suspended Solids	100
BOD (3 days at 27°C)	50
Phenolics as C <sub>6</sub> H <sub>5</sub> OH	1.0
Oil and grease	10.0
Bio-assay test	90% survival in 96 hours
Lead as Pb	0.1

43. Inorganic chemical industry (Waste-water discharge) Part 1 (metal compounds of Hexavalent Chromium, Manganese, Nickel, Copper, Zinc, Cadmium, Lead and Mercury)	Hexavalent Chromium as Cr	2.0
	Total	2.0
	Copper as Cu	2.0
	Nickel as Ni	2.0
	Zinc as Zn	5.0
	Total heavy metals	7.0
	Effluents :	
	pH	6.0-8.5
	Chromium as Cr	0.1
	Hexavalent Total	2.0
Manganese as Mn	2.0	
Nickel as Ni	2.0	
Copper as Cu	2.0	
Zinc as Zn	5.0	
Cadmium as Cd	0.2	
Lead as Pb	0.1	
Mercury as Hg	0.01	
Cyanide as Cn	0.2	
Oil and grease	10.0	
Suspended solids	30.0	

Note : In addition to the above, total heavy metals are to be limited to 7 mg/l.

44. Bullion Refining (Waste-water discharge)

Effluents :	
pH	6.5-8.5
Cyanide as CN	0.2
Sulphide as S	0.2
Nitrate as N	10.0
Free Cl <sub>2</sub> and Cl	1.0
Zinc as Zn	5.0

45. Dye and dye intermediate industry (Wastewater discharge)	Copper as Cu	2.0
	Nickel as Ni	2.0
	Arsenic as As	0.1
	Cadmium as Cd	0.2
	Oil and grease	10.0
	Suspended solids	100
	Effluents :	
	pH	6.0-8.5
	Colour, Hazen Unit	400.0
	Suspended solids	100.0

BOD (3 days at 27°C)	100.0
Oil and grease	10.0
Phenolics as C <sub>6</sub> H <sub>5</sub> OH	1.0
Cadmium as Cd	0.2
Copper as Cu	2.0
Manganese as Mn	2.0
Lead as Pb	0.1
Mercury as Hg	0.01
Nickel as Ni	2.0
Zinc as Zn	5.0
Hexavalent Chromium as Cr	0.1
Total	2.0
Bio-assay test	90% survival in 96 hours

Sl. No. (1)

Category (2)

Standards, Db(A) (3)

46. Noise limits for automobiles (free field at one metre in dB(A) at the manufacturing stage) to be achieved by the year 1992

- (a) Motorcycles, scooters and three wheelers 80
- (b) Passenger cars 82
- (c) Passenger or commercial vehicles up to 4 MT 85
- (d) Passenger or commercial vehicles above 4 MT and up to 12 MT 89
- (e) Passenger or commercial vehicles exceeding 12 MT 91

47. Domestic appliances and construction equipments at the manufacturing stage to be achieved by the year 1993

- (a) Window air-conditioners of 1 ton to 1.5 ton 68
- (b) Air-coolers 60
- (c) Refrigerators 46
- 2 [(d) x x x] 75]
- (e) Compactors (rollers) front loaders, concrete mixers, cranes (movable) vibrators and saws.

Sl. No.	Industry	Parameter	Standards
1	2	3	4
148. GLASS INDUSTRY			
A. Sodalime and Borosilicate and other special glass (other than lead)			
(a) Furnace: Capacity			
(i) Up to a product draw capacity of 60 MT/Day		Particulate matter	20kgs/hr.

## 52 ENVIRONMENT (PROTECTION) RULES, 1986

## SCHEDULE I

- (ii) Product draw capacity more than 60 MT/Day
- Particulate matter
- 0.8 Kg/MT. of product drawn H = 14 (Q)<sup>0.3</sup> where Q is the emission rate of SO<sub>2</sub> in Kg./hr. and H is stack height in metres.
- Total Fluoride Nox
- 5.0 mg/NM<sup>3</sup> Use of low Nox burners in new plants.

(b) Implementation of the following measures for fugitive emission control from other sections :

- (i) Raw materials should be transported in leakproof containers.
- (ii) Cullet preparation should be dust-free using water spraying.
- (iii) Batch preparation section should be covered.

## B. Lead glass

(a) Furnace :

All capacities

- Particulate matter 50 mgs./NM<sup>3</sup>
- Lead 20 mgs./NM<sup>3</sup>

(b) Implementation of the following measures for fugitive emission control from other sections :

(i) Batch mixing proportioning section and transfer points should be covered and it should be connected to control equipments to meet following standards :

- Particulate matter 50 mg/NM<sup>3</sup>
- Lead 20 mg/NM<sup>3</sup>

(ii) Minimum stack height should be 30 metre in lead glass units.

(c) Pot furnace at Firozabad

Furnace:

- Particulate matter 1200 mg/NM<sup>3</sup>

1. Inserted by CSR 93(E), w.e.f. 27-2-1991.  
2. Omitted vide GSR 371(E), dt. 17-5-2002, w.e.f. 17-5-2002.

Note : Depending upon local environmental conditions, State/Central Pollution Control Board can prescribe more stringent standards than those prescribed above.

Glass industry (For all categories)	Effluents :	
	pH	6.5-8.5
	Total suspended solids	100 mgs/l
	Oil and grease	10 mgs/l
49. Lime Kiln	Stack height	
Capacity:	Stack height	
Up to 5T/day		A hood should be provided with a stack of 30 metre height from ground level (including kiln height).
Above 5T/day	Stack height	$H = 14(Q)^{0.3}$ where Q is emission rate of SO <sub>2</sub> in Kg/hr and H = Stack height in metres.
More than 5T/day and up to 40T/day.	Particulate matter	500 mg/NM <sup>3</sup>
Above 49T/day	Particulate matter	150 mg/NM <sup>3</sup>
50. *Slaughter house, meat and sea food industry :	Effluents :	Concentration in mg/l
A. Slaughter House		
(a) Above 70 TLWK	BOD (3 days at 27°C)	100
	Suspended solids	100
	Oil and grease	10
(b) 70 TLWK and below	BOD (3 days at 27°C)	500
B. Meat processing		
(a) Frozen Meat	BOD (3 days at 27°C)	30

	Suspended solids	50
	Oil and grease	10
(b) Raw Meat from own slaughter house	BOD (3 days at 27°C)	30
	Suspended solids	50
	Oil and grease	10
(c) Raw meat from other sources		Disposal via screen and septic tank
C. Seafood industry	BOD (3 days at 27°C)	30
	Suspended solids	50
	Oil and grease	10

## Notes :

(i) TLWK—Total Live Weight Killed. (ii) In case of disposal into municipal sewer where sewage is treated the industries shall install screen and oil and grease separation units. (iii) The industries having slaughter house along with meat processing units will be considered in meat processing category as far as standards are concerned.

\*The emission standards from boiler house shall conform to the standards already prescribed under E(P) Act, 1986, vide notification No. GSR 742(E), dated 30-08-1990: Refer [1991] 70 Comp. Cas. (St.) 5.

S. No.	Industry	Parameter	Standards
1	2	3	4
51.	*Food and fruit processing industry :	Concentration not to exceed mg/l except pH	Quantum gm/MT of product
Category :			
A. Soft Drinks			
(a) Fruit based /synthetic (More than 0.4 MT/day) bottles and tetrapack			
Effluents :			
pH 6.5-8.5			
Suspended solids 100			
Oil and grease 10			

	BOD (3 days at 27°C)	30		
(b) Synthetic (Less than 0.4 MT/day)	Disposal via septic tank			
<i>B. Fruit and vegetables</i>				
(a) Above 0.4 MT/day	pH	6.5-8.5		
	Suspended solids	50		
	Oil and grease	10		
	BOD (3 days at 27°C)	30		
(b) 0.1—0.4 MT/day (10 MT/Yr)	Disposal via septic tank			
<i>C. Bakery</i>				
(a) Bread and biscuit	pH	6.5-8.5		
(i) Continuous process (more than 20T/day)	BOD (3 days at 27°C)	200	25	
(ii) Non-continuous process (less than 20 MT/day)	Disposal via septic tank			
(b) Biscuit production				
(i) 10T/day and above	pH	6.5-8.5		
	BOD (3 days at 27°C)	30		
(b) Below 10T/day	Disposal via septic tank			
<i>D. Confectioneries</i>				
(a) 4T/Day and above	Effluents			
	pH	6.5-8.5		
	Suspended solids	50		
	Oil and grease	10		
	BOD (3 days at 27°C)	30		
(b) Below 4T/Day	Disposal via septic tanks			
<i>Note :</i> To ascertain the category of 'unit fails' the average of daily production and waste water discharge for the preceding 30 operating days from the date of sampling shall be considered.				
* The emission from the boiler house shall conform to the standards already prescribed under the Environment (Protection) Act, 1986, vide Notification No. GSR 742(E), dated 30-08-1990.				
52. *Jute processing industry :	Effluents :	Concentration in mg/l except pH and water consumption		
	pH	5.5-9.0		
	BOD (3 days at 27°C)	30		
	Suspended solids	100		
	Oil and grease	10		
	Water consumption	1.60 cum/ton of product produced.		
<i>Note :</i> 1. Water consumption for the jute processing industry will be 1.5 cum/ton of product from January, 1992.				
2. At present no limit for colour is given for liquid effluent. However, as far as possible, colour should be removed.				
* Stack emissions from boiler house shall conform to the standards already prescribed under Environment (Protection) Act, 1986, vide Notification No. GSR 742(E), dated 30-8-1990.				
53. Large pulp and paper/newsprint / rayon grade plants of capacity above 24,000 mt/annum	Effluents	Concentration in mg/l except pH and TOCL		
	pH	7.0-8.5		
	BOD (3 days at 27°C)	30		
	COD	350		
	Suspended solids	50		
	*TOCL	2.0 kgs/ton of product		
	Flow (Total waste water discharge)			
	** (i) Large pulp and paper	200 cum/ton of paper produced		
	(ii) Large rayon grade/newsprint	150 cum/ton of paper produced		
<i>Note :</i> * The standards for Total Organic Chloride (TOCL) will be applicable from Jan., 1992.				
** The standards with respect to total waste water discharge for the large pulp and paper mills to be established from 1992, will meet the standards of 100 cum/ton of paper produced.				
54. Small pulp and paper,				
Paper plant of capacity up to 24,000 MT/annum :	Effluent			
<i>Category :</i>				
A. * Agro-based	Total waste-water discharge			200 cum/ton of paper produced

Alpha emitters, Hc/mL 10.7  
Beta emitters, Hc/mL 10.8

**Note :**

1. These standards apply to the small scale industries, i.e., total discharge up to 25 KL/day.
2. For each CETP and its constituent units, the State Board will prescribe standards as per the local needs and conditions; these can be more stringent than those prescribed above. However, in case of clusters of units, the State Boards, with the concurrence of CPCB in writing, may prescribe suitable limits.

Treated Effluent	Quality of common effluent treatment plant		
	Into inland surface waters	On land for irrigation	Into marine coastal areas
	(a)	(b)	(c)
	Concentration in mg/l except pH and temperature		
pH	5.5-9.0	5.5-9.0	5.5-9.0
BOD (3 days at 27°C)	30	100	100
Oil and grease	10	10	20
Temperature	Shall not exceed 40°C in any section of the stream within 15 metres downstream from the effluent outlet		45°C at the point of discharge
Suspended solids	100	200	(a) For process waste waters— 100(b) For cooling water effluents 10 per cent above total suspended matter of in effluent cooling water
Dissolved solids (inorganic)	2100	2100	—
Total residual Chlorine	1.0	1.0	—

B. \*\* Waste-paper based -do- 75 cum/ton of paper produced

**Note :** \* The agro-based mills to be established from January, 1992 will meet the standards of 150 cum/ton of paper produced. ....

The waste-paper mills to be established from January, 1992 will meet the standards of 50 cum/ton of paper produced.

3. Common effluent treatment plants : (Concentration in mg/l)

**A. Primary treatment**

Effluents (inlet effluent quality for CETP)	5.5-9.0
pH	45
Temperature °C	20
Oil and grease	5.0
Phenolic compounds (as C <sub>6</sub> H <sub>5</sub> OH)	50
Ammonical Nitrogen (as N)	2.0
Cyanide (as CN)	2.0
Chromium (Hexavalent) (as Cr + 6)	2.0
Chromium (Total) as (Cr)	2.0
Copper (as Cu)	3.0
Lead (as Pb)	1.0
Nickel (as Ni)	3.0
Zinc (as Zn)	15
Arsenic (as As)	0.2
Mercury (as Hg)	0.01
Cadmium (as Cd)	1.0
Selenium (Se)	0.05
Fluoride (as F)	15
Boron (as B)	2.0
Radioactive materials	



Ammonical Nitrogen (as N)	50	—	50
Total Kjeldahl Nitrogen (as N)	100	—	100
Chemical Oxygen Demand	250	—	250
Arsenic (as As)	0.2	0.2	0.2
Mercury (as Hg)	0.01	—	0.01
Lead (as Pb)	0.1	—	1.0
Cadmium (as Cd)	1.0	—	2.0
Total Chromium (as Cr)	2.0	—	2.0
Copper (as Cu)	3.0	—	3.0
Zinc (as Zn)	5.0	—	15
Selenium (as Se)	0.05	—	0.05
Nickel (as Ni)	3.0	—	5.0
Boron (as B)	2.0	2.0	—
Per cent Sodium	—	60	—
Cyanide (as CN)	0.2	0.2	0.2
Chloride (as Cl)	1000	600	—
Fluoride (as F)	2.0	—	15
Sulphate (as SO <sub>4</sub> )	1000	1000	—
Sulphide (as S)	2.8	—	5.0
Pesticides	Absent	Absent	Absent
Phenolic compounds (as C <sub>6</sub> H <sub>5</sub> OH)	1.0	—	5.0

Note : All efforts should be made to remove colour and unpleasant odour as far as possible.]

[56. Dairy	Effluents	Concentration in mg/l, except pH	Quantum per product processed
	pH	6.5-8.5	—
	*BOD (3 days at 27°C)	100	—

**Suspended solids	150	—
Oil and grease	10	—
Waste water generation		3m <sup>3</sup> /Kl of milk

Note : \* BOD may be made stringent up to 30 mg/l if the recipient fresh water body is a source for drinking water supply. BOD shall be up to 350 mg/l for the chilling plant effluent for applying on land provided the land is designed and operated as a secondary treatment system with suitable monitoring facilities. The drainage water from the land after secondary treatment has to satisfy a limit of 30 mg/l of BOD and 10 mg/l of nitrate expressed as "N". The net addition to the groundwater quality should not be more than 3 mg/l of BOD and 3 mg/l of nitrate expressed as "N". This limit for applying on land is allowed subject to the availability of adequate land for discharge under the control of the industry. BOD value is relaxable up to 350 mg/l, provided the waste water is discharged into a town sewer leading to secondary treatment of sewage.

\*\* Suspended solids limit is relaxable up to 450 mg/l, provided waste water is discharged into a town sewer leading to secondary treatment of the sewage.

57. Tanneries	Effluents	Concentration in mg/l, except pH	Quantum per raw hide processed
	pH	6.5-9.0	—
	BOD* (3 days at 27°C)	100	—
	Suspended solids	100	—
	Sulphides (as S)	1	—
	Total Chromium (as Cr)	2	—
	Oil and grease	0.1	—
	Waste-water generation	—	28m <sup>3</sup> /T

Note : \* For effluent discharge into inland surface waters BOD limit shall be made stricter to 30 mg/l by the concerned State Pollution Control Board.

****58. Natural rubber processing industry	Centrifuging and creaming units	Crape and crumb units
	For disposal into inland surface water	For disposal into inland surface water

	(a)	(b)	(a)	(b)
	(Concentration in mg/l, except pH and quantum of waste water generation)			
pH	6-8	6-8	6-8	6-8
Total Kjeldahl nitrogen (as N)	200(100*)	***	50	***
Ammonical Nitrogen (as N)	100(50*)	***	25	***
BOD (3 days at 27°C)	50	100	30	100
COD	250	***	250	***
Oil and grease	10	20	10	20
Sulphide (as S)	2	***	2	***
TDS	2100	NP**	2100	NP***
SS	100	200	100	200
Quantum of waste water generation	5 lit/kg. of product processed	8 lit/kg. of product processed	40 lit/kg. of product processed	40 lit/kg. of product processed
* To be achieved in three years.				
** Not prescribed in case effluent is used for rubber plantation of their own. In other cases suitable limit, as necessary may be prescribed by the State Board.				
*** Not specified.				
**** These standards supersede the standards notified at serial No. 26, vide Notification No. SO. 8(E), dt. 3-1-1989.				
19.	Agriculture residue fired Boilers (including bagasse)		Emissions (Concentration in mg/l)	
	(a) Step grate	Particulate matter	250	
	(b) Horse shoe/pulsating grate	Particulate matter	500 (12% CO <sub>2</sub> )	
	(c) Spreader stoker	Particulate matter	800 (12% CO <sub>2</sub> )	
<i>Note:</i> In the case of horse shoe and spreader stoker boilers, if more than one boiler is attached to a single stack, the standard shall be fixed based on added capacity of all the boilers connected with the stack.				
20.	Man-made fibre industry (semi-synthetic)	Effluents	(Concentrate in mg/l except for pH)	
		pH	5.5-9.0	

	Suspended solids	100
	BOD (3 days at 27°C)	30
	Zinc (as Zn)	1
61.	Emissions (Concentration in mg/nm <sup>3</sup> )	
	Ceramic industry	
	A. Kilns	
	(a) Tunnel, Top Hat, Chamber	Particulate matter 150
		Fluoride 10
		Chloride 100
		Sulphur Dioxide **
	(b) Down-draft	Particulate matter 1200
		Fluoride 10
		Chloride 100
		Sulphur Dioxide **
	(c) Shuttle	Particulate matter 150
		Fluoride 10
		Chloride 10
		Sulphur Dioxide **
	(d) Vertical shaft kiln	Particulate matter 250
		Fluoride 10
		Sulphur Dioxide **
	(e) Tank furnace	Particulate matter 150
		Fluoride 10
		Sulphur Dioxide **
	B. Raw material handling, processing and operations	
	(a) Dry raw materials handling and processing operations	Particulate matter 150
	(b) Basic raw materials and processing operations	Particulate matter *
	(c) Other sources of air pollution generation	Particulate matter *

## C. Automatic spray unit

(a) Dryers	Particulate matter	150
(i) Fuel fired dryers	Particulate matter	*
(ii) For heat recovery dryers	Particulate matter	*
(b) Mechanical finishing operation	Particulate matter	*
(c) Lime/plaster of paris manufacture	Stack height	A. Hood should be provided with a stack of 30 metre height from ground level (including kiln height)
Capacity	-do-	H-14(Q) <sup>0.3</sup> Where Q is emission rate of SO <sub>2</sub> in/kg/hr and H- Stack Height in metre
Up to 5T/day	-do-	500 mg/NM <sup>3</sup>
Above 5T/day	-do-	150 mg/NM <sup>3</sup>
More than 5T/day and up to 40T/day	Particulate matter	
	-do-	

Note: Oxygen reference level for particulate matter concentration calculations for kilns mentioned at A(c) is 18% and for those at A(b), A(d), and A(e) is 8%.

\* All possible preventive measures should be taken to control pollution as far as practicable.

\*\* The standard for sulphur dioxide in terms of stack height limits for kilns with various capacities of coal consumption shall be as indicated below:—

Coal consumed per day	Stack height
Less than 8.5 mt	9m
More than 8.5 to 21 mt	12 m
More than 21 to 42 mt	15 m
More than 42 to 64 mt	18 m
More than 64 to 104 mt	21 m
More than 104 to 105 mt	24 m
More than 105 to 126 mt	27 m
More than 126 mt	30 m. or using formula

Note: In this notification, H-Physical height of the stack, Qg-Emission of sulphur dioxide in kg./hr., MT-Metric tonnes and m-metres.]

Sl.No.	Industry	Parameter	Standards
1[62.	Viscose-Filament Yarn (sub-sector of manmade fibres semi-synthetic industry)	Effluents	(Concentration in mg./l except for pH)
		pH	5.5-9.0
		Suspended solids	100
		BOD, (3 days at 27°C)	30
		Zinc (as Zn)	5]
2[63.	Starch industry (Maize products)	Effluents	Concentration not to exceed mg/l (except pH and waste water discharge)
		pH	6.5-8.5
		BOD (3 days at 27°C)	100
		Suspended solids	150
		Waste water discharge	8 m <sup>3</sup> /tonne of maize processed

Note: The prescribed limits for BOD and suspended solids shall be made more stringent or less stringent depending upon the conditions and local requirements as mentioned below:

(i) BOD shall be made stringent up to 30 mg/l if the recipient fresh water body is a source for drinking water supply.

(ii) BOD shall be allowed up to 350 mg/l for applying on land, provided the land is designed and operated as a secondary treatment system with the requisite monitoring facilities. The drainage water from the land after secondary treatment has to satisfy a limit of 30 mg/l of BOD and 10 mg/l of nitrate expressed as "N". The net addition to ground water should not be more than 3 mg/l of BOD and 10 mg/l of nitrate expressed as "N".

(iii) BOD shall be allowed up to 350 mg/l for discharge into a town sewer, if such sewer leads to a secondary biological treatment system.

(iv) Suspended solids shall be allowed up to 450 mg/l for discharge into a town sewer, if such sewer leads to a secondary biological treatment system.

(v) In the event of bulking of sludge, the industry shall immediately apprise the respective State Pollution Control Board.

64.	Beehive hard coke oven	Emissions:
	(i) New unit	Particulate matter (corrected to 6% CO <sub>2</sub> )
		150 mg/nm <sup>3</sup>
		Hydrocarbons
		25 ppm