

POLLUTION CONTROL LAW SERIES:
PCLS/02/1992(Fifth Edition)

**POLLUTION CONTROL ACTS,
RULES AND NOTIFICATIONS
ISSUED THEREUNDER**



CENTRAL POLLUTION CONTROL BOARD

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FOREWORD TO FIFTH EDITION

This is the fifth edition of the Central Board's publication on "*Pollution Control Acts, Rules and Notifications issued thereunder*". The fourth Edition of this series was published in September, 2001. In the fifth edition of the Pollution Control Law Series, several Notifications, recently amended Rules and Notifications have been incorporated. In Schedule VI of the Environment (Protection) Rules, 1986 the following new standards have been incorporated :

1. Noise Limit for Generator Sets run with Diesel;
2. Emission Limits for new Diesel Engines (upto 800 KW) for Generator Sets (Gensets) Applications;
3. Emission Standards for Diesel Engines (Engine rating more than 0.8 MW (800 KW) for Power Plant, Generator Set) Applications and other Requirements;
4. Boilers Using Agriculture Waste as Fuel; and
5. Guidelines for Pollution Control in Ginning Mills.

The amendments with respect to the Hazardous Waste (Management and Handling) Rules, 1989, the Noise Pollution (Regulation and Control) Rules, 2000 and Recycled Plastics Manufacturer, Sale and Usage Rules, 1999 have been incorporated in the respective Rules. Several other amendment Notifications issued on Environment Impact Assessment (EIA), Coastal Regulation Zone (CRZ), Committees constituted pursuant to the Hon'ble Supreme Court orders, utilization of flyash have also been incorporated.

In this edition, more than 650 pages containing the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Cess Act, 1977, the Environment (Protection) Act, 1986 and their Rules and Notifications were retyped to ensure better quality of printing. The content pages have also been rearranged so that all the Acts, Rules and Notifications could be seen at a glance.

The fifth edition of "*Pollution Control Acts, Rules and Notifications issued thereunder*" is an example of dedicated work done by my colleague Shri Pradeep Mathur, Assistant Law Officer under the guidance of Dr. B.Sengupta, Member Secretary. The word processing, page setting and typing work has been done by Smt. Sushma Dutta, DEO. Shri P.K.Mahendru, AO (PR) and Smt. Anamika Sagar, Publication Assistant has assisted in printing of this publication.

During compilation of this publication, every effort has been taken to avoid errors and omissions. It is requested that, errors/omissions, if any, may kindly be brought to our notice for necessary corrections.

We hope this fifth edition will serve as a useful ready reckener to all concerned.

(V. Rajagopalan)

Delhi
January, 2006

FOREWORD TO FOURTH EDITION

The present volume of the *Pollution Control Acts, Rules and Notifications issued thereunder*, which is the fourth edition in this series, is an updated compilation of the Central enactments, rules and notifications relating to pollution control. The first edition was brought out in 1989, second in 1992 and the third edition was published in 1994. Since the publication of the third edition, several enactments and notifications have been issued. These include the following :

1. The National Environmental Tribunal Act, 1995 ;
2. The National Environment Appellate Authority Act, 1997 ;
3. The Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 ;
4. The Bio-Medical Waste (Management and Handling) Rules, 1998;
5. The Recycled Plastics Manufacture and Usage Rules, 1999 ;
6. The Municipal Solid Wastes (Management and Handling) Rules, 2000;
7. The Noise Pollution (Regulation and Control) Rules, 2000;
8. The Ozone Depleting Substances (Regulation) Rules, 2000 ; and
9. The Batteries (Management and Handling) Rules, 2001.

All the above mentioned Acts, Rules and Notifications, in addition to the earlier ones, have been incorporated in the present edition. The recently notified industry specific standards for the industries like, Pesticide, Pharmaceuticals (Bulk Drugs), Soda Ash, emission standards for Brick Kilns, Specification of two Stroke Engine Oil, emission standards for new Generator Sets and Noise Standards for Fire-Crackers, etc., have also been included in this edition. The various amendments brought out to Rules such as The Manufacturing, Storage and Import of Hazardous Chemicals (Amendment) Rules, 2000, The Hazardous Waste (Management and Handling) (Amendment) Rules, 2000, etc. have been incorporated in the existing Rules at appropriate places.

The compilation is an outcome of hard work by the team of my colleagues including Shri R.N.Jindal, Sr. Environmental Engineer, Shri Pradeep Mathur, Asstt. Law Officer and Smt. Alka Srivastava, JRF under the guidance of Shri T.Venugopal, Additional Director. The assistance rendered by Shri P.K.Mahendru, Admn. Officer (PR) in the course of printing this publication deserves a special mention. Word processing has been done by Smt. Sushma Dutta, DEO.

Every effort has been made to avoid errors or omissions in this publication. In spite of this, errors may creep in. Any error, omission or discrepancy noted, may kindly be brought to our notice for necessary corrections.

We hope this publication will serve as a useful ready reckoner to all concerned.

(Dilip Biswas)

Delhi
September, 2001

INTRODUCTION

India is the first country, which has made provisions for the protection and improvement of environment in its Constitution. In the 42nd amendment to the Constitution in 1976, provisions to this effect were incorporated in the Constitution of India with effect from 3rd Jan, 1977. In the Directive Principles of State Policy in Chapter IV of the Constitution, Article 48-A was inserted which enjoins the State to make endeavour for protection and improvement of the environment and for safeguarding the forest and wild life of the country. Another landmark provision in respect of environment was also inserted, by the same amendment, as one of the Fundamental Duties of every citizen of India. This is the provision in Article 51-A (g) of the Constitution. It stipulates that it shall be the duty of every citizen of India 'to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures'.

2. There were provisions already existing in various enactments to tackle environmental pollution. The Indian Penal Code, The Criminal Procedure Code, The Factories Act, The Indian Forest Act, The Merchant Shipping Act, etc. have provisions for regulation and legal action for some specific environmental issues. However, with our country's emerging environmental scenario with industrialisation in the post-independence era, these were found either inadequate or being not effectively applicable to check the degradation of our environment. After the Stockholm Conference on Human Environment in June, 1972, it was considered appropriate to have uniform laws all over the country for broad environmental problems endangering the health and safety of our people as well as of our flora and fauna. The Water (Prevention and Control of Pollution) Act, 1974, is the first enactment by the Parliament in this direction. This is also the first specific and comprehensive legislation institutionalizing simultaneously the regulatory agencies for controlling water pollution. The Pollution Control Boards at the Centre and in the States came into being in terms of this Act. Another related legislation enacted was the Water (Prevention and Control of Pollution) Cess Act, 1977 in order to conserve this vital natural resource and to augment the finance of these regulatory agencies. Thereafter, The Air (Prevention and Control of Pollution) Act was likewise enacted in the year 1981 and the task of implementation of this legislation was also entrusted to the same regulatory agencies created under the Water (Prevention and Control of Pollution) Act, 1974. As the Water (Prevention and Control of Pollution) Act and the Air (Prevention and Control of Pollution) Act were designed to deal with only water and air pollution problems, it was in the year 1986 that the Parliament enacted a comprehensive or umbrella legislation for environment in its entirety. This is the Environment (Protection) Act, 1986. The responsibility for implementation of provisions of the Environment (Protection) Act has to a large extent been entrusted to the same regulatory agencies created under the Water (Prevention and Control of Pollution) Act, 1974. Other agencies besides the Central and State governments are

also entrusted with the responsibility of implementing specific provisions of this Act and the Rules made thereunder depending on their operational requirements.

3. Over the years, several amendments have also been made in the various existing statutes to meet the requirements of the unfolding environmental issues. The Indian Forests Act, The Forests (Conservation) Act, The Factories Act, The Wild Life Protection Act, The Mines and Mineral (Regulation and Development) Act, The Industrial Development and Regulation Act and the Atomic Energy Act among others, have undergone such amendments. These Acts, being the responsibility of agencies other than Pollution Control Boards for implementation are not of day-to-day concern for the Boards and, therefore, have not been covered in the present volume designed for ready reference by the functionaries of the Boards and others concerned with them. The size of the volume has also been consideration for the choice.

4. In this volume, an effort has been made to compile the Acts and Rules concerning protection and improvement of environment being implemented by the Environment Ministry/Departments as well as the Pollution Control Boards or the Pollution Control Committees at the Central, State and Union Territory levels. The current volume is the fourth edition of such a compilation of Acts and Rules by the Central Pollution Control Board. The first edition was brought out in the year 1989. Since the compilation of first edition, a number of amendments have been made in the Acts and Rules and new legislations have also been enacted, namely, The Public Liability Insurance Act, 1991, The National Environmental Tribunal Act, 1995 and The National Environment Appellate Authority Act, 1997. The Procedure for grant and renewal of licence for environmental management system has also been included, though scheme is to be operated by the Bureau of Indian Standards. In the first edition, the Amendment Acts were printed separately. This created some difficulties in having the updated version of the provisions in one place, as it should be. In the present edition, amendments as on date have been incorporated in the respective principal Acts and Rules. Several Rules which have been framed to give effect to The Water (Prevention and Control of Pollution) Act, The Water (Prevention and Control of Pollution) Cess Act, The Air (Prevention and Control of Pollution) Act and The Environment (Protection) Act, etc. have also been included in this edition.

5. This edition has also incorporated the standards notified with respect to important pollutants as well as the rules governing hazardous wastes, hazardous chemicals, etc. notified under the Environment (Protection) Act, 1986, and the procedure for Environmental Statement, etc. to facilitate ready reference by the implementing agencies concerned. While this may not yet be comprehensive in coverage, the major notifications concerning the Pollution have been included.

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

(No. 6 OF 1974)

LIST OF ABBREVIATIONS USED

Cl.	...	<i>for</i> clause
Ins.	...	“ Inserted
P.	...	“ Page
S. } Sec. }	...	“ Section
Ss.	...	“ Sections
Subs.	...	“ Substituted
w.e.f.	...	“ Witheffect from

**THE WATER (PREVENTION AND CONTROL OF
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