

## **Uttar Pradesh Pollution Control Board**

### **THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974. [ACT NO. 6 OF 1974]**

This Act was enacted for prevention and control of water pollution and maintaining or restoring of wholesomeness of water. The Central and State Pollution Control Boards have been constituted under section 3 and 4 of the Act respectively. The Act was amended in 1978 and 1988 to clarify certain ambiguities and to vest more powers in Pollution Control Board. Salient items and obligations on the part of industries and local bodies are:

1. To obtain prior consent to establish industry for new discharge U/S 25 of the Act. This is mandatory for every industry/local body discharging any domestic sewage or trade effluent into water, stream, well sewer or on land. For this purpose consent application has to be filed with State Pollution Control Board (SPCB) in form XIII complete in all respects along with prescribed consent fee. It is obligatory to provide additional information sought by The State Board. On receipt of application, State Board may grant the consent with specific conditions and date of validity or refuse the consent for reasons to be recorded in writing.
2. Once after obtaining the consent to establish and installing all facilities as communicated by the industry, the industry shall apply for consent to operate U/S 25 of the Act for which same form XIII has to be used.
3. Similar provisions of application and grant of consent exists for industries discharging the trade/effluent waste prior to enactment of the Act [U/S 26 of the Act].
4. On expiry of period of 4 months of filing an application completed in all respects consent shall be deemed to be given unconditionally unless consent is granted or refuse earlier. This will not hold however, if application is not complete or State Board raises any query. which remain unanswered, in which case the period extends from the date of submission of additional information i.e. complete information.

#### **POWER OF STATE BOARD :**

1. To obtain information: On construction, installation or disposal system if it has any relevance to prevention or control of pollution [U/S 20].
2. Carry out any related work : If any industry fails to take up the same despite giving specific time bound notice by state Board, for execution of such work any expenses incurred along with interest may be recovered from such person or industry as arrears of land revenue [U/S 30].

3. Collect and analyze samples of streams / wells or trade effluent : in case of trade effluent, in order to have legal validity, person taking sample should give notice in prescribed form, divide the sample in two parts and seal if request made by industry in this behalf. One part of sample is sent to lab recognized by State Pollution Control Board U/S 17 (2) and second part on request and at the cost of occupier to the State Lab notified U/s 52 of the Act.
4. To give direction : State Board has power to give directions to any person/officer or authority, who will be bound to comply with the directions. The direction may include direction for closure/prohibition or regulation of any industry operation or process or stoppage/regulation of services like electricity, water etc. The direction should be in writing and shall be (except under cases of grave injury to environment) followed by opportunity of being heard through a show cause notice U/S 33- A.
5. Enter and inspect any place for performing any of the functions of board or to assess compliance or to examine any plants, records, documents etc. and seize, if necessary. [U/S 23].

#### **APPEALS :**

Any person aggrieved by an order of State Board U/S 25,26,27 (related to consent) can prefer an appeal U/S 28 within 30 days from date of receipt of the order. For this appellant has to follow prescribed procedure in the Rules. The State Govt. has constituted an appellate authority for this purpose.

#### **PENALTIES :**

1. Section 41 (1) (Failure to provide information U/S 20) - Imprisonment up to 3 months fine up to Rs. 10000/= or both, which on continuous failure may extend up to Rs. 5000/= per day.
2. Section 41 (2) (failure to abide by direction U/S 32 or 33 A) - Imprisonment not less than one year and six months but may extend to six years or fine up to 5000/= per day or both; if failure continues beyond a year, imprisonment from 2 to 7 years with fine.
3. Section 42 (disturb facility/giving false information U/S 25or 26) - Imprisonment from 3 months or Rs. 10000/= or both.
4. Section 43, (discharge of effluent beyond permissible limits) - Imprisonment not less than one year and six months but may extend to six years or and fine and if failure continues beyond 2 years up to 7 years imprisonment.
5. Section 44 (use of outlet or new outlet for exchange of trade without prior.
6. Consent or establish any new process with out prior contact.