APPENDIX - I

WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

[Act No. 6 of Year 1974]

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

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

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

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

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows: -

CHAPTER I : PRELIMINARY

1. Short title, application and commencement

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

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

(3) It shall come into force at once in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union Territories, and in any other State which adopts this Act under clause (1) of article 252 of the Constitution on the date of such adoption and any reference in this Act to the commencement of this Act shall, in relation to any State or Union Territory, means the date on which this Act comes into force in such State or Union Territory.

2. Definitions

In this Act, unless the context otherwise requires,—

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

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

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

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

(dd) "outlet" includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes or is likely to cause, pollution;

(e) "pollution" means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety,
or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms;

(f) "prescribed" means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;

(g) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sullage from open drains;

(gg) "sewer" means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;

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

(i) "stream" includes-

(i) river;

(ii) water course (whether flowing or for the time being dry);

(iii) inland water (whether natural or artificial);

(iv) subterranean waters;

(v) sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;

(k) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any industry, operation or process, or treatment and disposal system, other than domestic sewage.

CHAPTER II : THE CENTRAL AND STATE BOARDS FOR PREVENTION AND CONTROL OF WATER POLLUTION

3. Constitution of Central Board

(1) The Central Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union Territories) as it may, by notification in the Official Gazette, appoint, constitute a Central Board to be called the [Central Pollution Control Board] to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

(2) The Central Board shall consist of the following members, namely,-

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

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

(c) such number of persons, not exceeding five to be nominated by the Central Government, from amongst the members of the State Boards, of whom not exceeding two shall be from those referred to in clause (c) of sub-section (2) of section 4;

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

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

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

(3) The Central Board shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by the aforesaid name, sue or be sued.
4. Constitution of State Boards

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

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

(a) a Chairman, being a person having special knowledge or practical experience in respect of matters relating to environmental protection or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government:

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

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

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

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

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

(3) Every State Board shall be a body corporate with the name specified by the State Government in the notification under sub-section (1), having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire hold and dispose of property and to contract, and may, by the said name, sue or be sued.

(4) Notwithstanding anything contained in this section, no State Board shall be constituted for a Union Territory and in relation to a Union Territory, the Central Board shall exercise the powers and perform the functions of a State Board for that Union Territory: PROVIDED that in relation to any Union Territory the Central Board may delegate all or any of its powers and functions under this sub-section to such person or body of persons as the Central Government may specify.

5. Terms and conditions of service of members

(1) Save as otherwise provided by or under this Act, a member of a Board, other than a member-secretary, shall hold office for a term of three years from the date of his nomination: PROVIDED that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of a member of a Board nominated under clause (b) or clause (e) of sub-section (2) of section 3 or clause (b) or clause (e) of sub-section (2) of section 4 shall come to an end as soon as he ceases to hold the office under the Central Government or the State Government or, as the case may be, the company or corporation owned, controlled or managed by the Central Government or the State Government, by virtue of which he was nominated.

(3) The Central Government or, as the case may be, the State Government may, if it thinks fit, remove any member of a Board before the expiry of his term of office, after giving him a reasonable opportunity of showing cause against the same.

(4) A member of a Board, other than the member-secretary, may at any time resign his office by writing under his hand addressed-

(a) in the case of the Chairman, to the Central Government or, as the case may be, the State Government; and

(b) in any other case, to the Chairman of the Board;

and the seat of the Chairman or such other member shall thereupon become vacant.
(5) A member of a Board, other than the member-secretary, shall be deemed to have vacated his seat if he is absent without reason, sufficient in the opinion of the Board, from three consecutive meetings of the Board, [or where he is nominated under clause (c) or clause (e) of sub-section (2) of section 3 or under clause (c) or clause (e) of sub-section (2) of section 4, if he ceases to be a member of the State Board or of the local authority or, as the case may be, of the company or corporation owned, controlled or managed by the Central Government or the State Government and such vacation of seat shall, in either case, take effect from such date as the Central Government or, as the case may be, the State Government may, by notification in the Official Gazette, specify.]

(6) A casual vacancy in a Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member in whose place he was nominated.

(7) A member of a Board shall be eligible for renomination.

(8) The other terms and conditions of service of a member of a Board, other than the Chairman and member-secretary, shall be such as may be prescribed.

(9) The other terms and conditions of service of the Chairman shall be such as may be prescribed.

6. Disqualifications

(1) No person shall be a member of Board, who-
(a) is, or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or
(b) is of unsound mind and stands so declared by a competent court, or
(c) is, or has been, convicted of an offence which, in the opinion of the Central Government or, as the case may be, of the State Government, involves moral turpitude, or
(d) is, or at any time has been, convicted of an offence under this Act, or
(e) has directly or indirectly by himself or by any partner, any share or interest in any firm or company carrying on the business of manufacture, sale or hire of machinery, plant, equipment, apparatus or fittings for the treatment of sewage or trade effluents, or
(f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the government constituting the Board, or with a local authority in the State, or with a company or corporation owned, controlled or managed by the government, for the carrying out of sewerage schemes or for the installation of plants for the treatment of sewage or trade effluents, or
(g) has so abused, in the opinion of the Central Government or as the case may be, of the State Government, his position as a member, as to render his continuance on the Board detrimental to the interest of the general public.

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

(3) Notwithstanding anything contained in sub-sections (1) and (7) of section 5, a member who has been removed under this section shall not be eligible for renomination as a member.

7. Vacation of seats by members

If a member of a Board becomes subject to any of the disqualifications specified in section 6, his seat shall become vacant.

8. Meetings of Boards

A Board shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

PROVIDED that if, in the opinion of the Chairman, any business of an urgent nature is to be transacted, he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.
9. Constitution of committees
(1) A Board may constitute as many committees consisting wholly of members or wholly of other persons or partly of members and partly of other persons, and for such purpose or purposes as it may think fit.
(2) A committee constituted under this section shall meet at such time and at such place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.
(3) The members of a committee (other than the members of the Board) shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board as may be prescribed.

10. Temporary association of persons with Board for particular purposes
(1) A Board may associate with itself in such manner, and for such purposes, as may be prescribed any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.
(2) A person associated with the Board under subsection (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.
(3) A person associated with the Board under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board, as may be prescribed.

11. Vacancy in Board not to invalidate acts or proceedings
No act or proceeding of a Board or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board or such committee, as the case may be.

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

12. Member-secretary and officers and other employees of Board
(1) The terms and conditions of service of the member-secretary shall be such as may be prescribed.
(2) The member-secretary shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board or its Chairman.
(3) Subject to such rules as may be made by the Central Government or, as the case may be, the State Government in this behalf, a Board may appoint such officers and employees as it considers necessary for the efficient performance of its functions.
(3A) The method of recruitment and the terms and conditions of service (including the scales of pay) of the officers (other than the member-secretary) and other employees of the Central Board or a State Board shall be such as may be determined by regulations made by the Central Board or, as the case may be, by the State Board:
Provided that no regulation made under this sub-section shall take effect unless-
(a) in the case of a regulation made by the Central Board, it is approved by the Central Government; and
(b) in the case of a regulation made by a State Board, it is approved by the State Government.
(3B) The Board may, by general or special order, and subject to such conditions and limitations, if any, as may be specified in the order, delegate to any officer of the Board such of its powers and functions under this Act as it may deem necessary.
(4) Subject to such conditions as may be prescribed, a Board may from time to time appoint any qualified person to be a consulting engineer to the Board and pay him such salaries and allowances and subject him to such other terms and conditions of service as it thinks fit.
CHAPTER III : JOINT BOARDS

13. Constitution of Joint Boards

(1) Notwithstanding anything contained in this Act, an agreement may be entered into-
   (a) by two or more governments of contiguous States, or
   (b) by the Central Government (in respect of one or more Union Territories) and one or more
       governments of States contiguous to such Union Territory or Union Territories,
   to be in force for such period and to be subject to renewal for such further period, if any, as
   may be specified in the agreement to provide for the constitution of a Joint Board-
   (i) in a case referred to in clause (a), for all the participating States, and
   (ii) in a case referred to in clause (b), for the participating Union Territory or Union Territories
       and the State or States.

(2) An agreement under this section may-
   (a) provide, in a case referred to in clause (a) of sub-section (1), for the apportionment between
       the participating States and in a case referred to in clause (b) of that sub-section, for the
       apportionments between the Central Government and the participating State Government or
       State Governments, of the expenditure in connection with the Joint Board;
   (b) determine, in a case referred to in clause (a) of sub-section (1), which of the participating
       State Governments and in a case referred to in clause (b) of that sub-section, whether the
       Central Government or the participating State Government (if there are more than one
       participating State, also which of the participating State Governments) shall exercise and
       perform the several powers and functions of the State Government under this Act and the
       references in this Act to the State Government shall be construed accordingly;
   (c) provide for consultation, in a case referred to in clause (a) of sub-section (1), between the
       participating State Governments and in a case referred to in clause (b) of that sub-section, between
       the Central Government and the participating State Government or State Governments
       either generally or with reference to particular matters arising under this Act;
   (d) make such incidental and ancillary provisions, not inconsistent with this Act, as may be
       deemed necessary or expedient for giving effect to the agreement.

(3) An agreement under this section shall be published, in a case referred to in clause (a) of sub-
    section (1), in the Official Gazette of the participating States and in a case referred to in clause
    (b) of that sub-section, in the Official Gazette of the participating Union Territory or Union
    Territories and participating State or States.

14. Composition of Joint Boards

(1) A Joint Board constituted in pursuance of an agreement entered into under clause (a) of sub-
    section (1) of section 13 shall consist of the following members namely,-
   (a) a full-time chairman, being a person having special knowledge or practical experience in
       respect of matters relating to environmental protection or a person having knowledge and
       experience in administering institutions dealing with the matters aforesaid, to be nominated by
       the Central Government;
   (b) two officials from each of the participating States to be nominated by the concerned
       participating State Government to represent that government;
   (c) one person to be nominated by each of the participating State Governments from amongst
       the members of the local authorities functioning within the State concerned;
   (d) one non-official to be nominated by each of the participating State Governments to
       represent the interests of agriculture, fishery or industry or trade in the State concerned or any
       other interest which, in the opinion of the participating State Government, is to be represented;
   (e) two persons to be nominated by the Central Government to represent the companies or
       corporations owned, controlled or managed by the participating State Governments;
   (f) a full-time member-secretary, possessing qualifications, knowledge and experience of
       scientific, engineering or management aspects of pollution control, to be appointed by the
       Central Government.
(2) A Joint Board constituted in pursuance of an agreement entered into under clause (b) of sub-section (1) of section 13 shall consist of the following members, namely,-

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

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

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

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

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

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

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

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

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

15. Special provisions relating to giving of directions

Notwithstanding anything contained in this Act where any Joint Board is constituted under section 13-

(a) the government of the State for which the Joint Board is constituted shall be competent to give any direction under this Act only in cases where such direction relates to a matter within the exclusive territorial jurisdiction of the State;

(b) the Central Government alone shall be competent to give any direction under this Act where such direction relates to a matter within the territorial jurisdiction of two or more States or pertaining to a Union Territory.

CHAPTER IV : POWERS AND FUNCTIONS OF BOARDS
16. Functions of Central Board

(1) Subject to the provisions of this Act, the main function of the Central Board shall be to promote cleanliness of streams and wells in different areas of the States.

(2) In particular and without prejudice to the generality of the foregoing function, the Central Board may perform all or any of the following functions, namely,-

(a) advise the Central Government on any matter concerning the prevention and control of water pollution;
(b) co-ordinate the activities of the State Boards and resolve disputes among them;
(c) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
(d) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of water pollution on such terms and conditions as the Central Board may specify;
(e) organise through mass media a comprehensive programme regarding the prevention and control of water pollution;
(f) collect, compile and publish technical and statistical data relating to water pollution and the measures devised for its effective prevention and control and prepare manuals, codes or guides relating to treatment and disposal of sewage and trade effluents and disseminate information connected therewith;
(g) lay down, modify or annul, in consultation with the State Government concerned, the standards for a stream or well:

\[\text{PROVIDED that different standards may be laid down for the same stream or well or for different streams or wells, having regard to the quality of water, flow characteristics of the stream or well and the nature of the use of the water in such stream or well or streams or wells;}\]
(h) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of water pollution;
(i) perform such other functions as may be prescribed.

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

17. Functions of State Board

(1) Subject to the provisions of this Act, the functions of a State Board shall be-

(a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;
(b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;
(c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;
(d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
(e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;
(f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;
(g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;
(h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;
(i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;
(j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;
(k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;
(l) to make, vary or revoke any order-
(i) for the prevention, control or abatement of discharges of waste into streams or wells;
(ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution;
(m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;
(n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;
(o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.
(2) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.

18. Power to give directions

[(1)] In the performance of its functions under this Act-
(a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and
(b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:
PROVIDED that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.

[(2)] Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area for such period and for such purposes, as may be specified in the order.

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.
(4) For the removal of doubts, it is hereby declared that any directions to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.

CHAPTER V : PREVENTION AND CONTROL OF WATER POLLUTION

19. Power of State Government to restrict the application of the Act to certain areas

(1) Notwithstanding anything contained in this Act, if the State Government, after consultation with, or on the recommendation of the State Board, is of opinion that the provisions of this Act need not apply to the entire State, it may, by notification in the Official Gazette, restrict the application of this Act to such area or areas as may be declared therein as water pollution, prevention and control area or areas and thereupon the provisions of this Act shall apply only to such area or areas.

(2) Each water pollution, prevention and control area may be declared either by reference to a map or by reference to the line of any watershed or the boundary of any district or partly by one method and partly by another.

(3) The State Government may, by notification in the Official Gazette-
   (a) alter any water pollution, prevention and control area whether by way of extension or reduction; or
   (b) define a new water pollution, prevention and control area in which may be merged one or more water pollution, prevention and control areas, or any part or parts thereof.

20. Power to obtain information

(1) For the purpose of enabling a State Board to perform the functions conferred on it by or under this Act, the State Board or any officer empowered by it in that behalf, may make surveys of any area and gauge and keep records of the flow or volume and other characteristics of any stream or well in such area, and may take steps for the measurement and recording of the rainfall in such area or any part thereof and for the installation and maintenance for those purposes of gauges or other apparatus and works connected therewith, and carry out stream surveys and may take such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.

(2) A State Board may give directions requiring any person who in its opinion is abstracting water from any such stream or well in quantities which are substantial in relation to the flow or volume of that stream or well or is discharging sewage or trade effluent into any such stream or well, give such information as to the abstraction or the discharge at such times and in such form as may be specified in the directions.

(3) Without prejudice to the provisions of sub-section (2), a State Board may, with a view to preventing or controlling pollution of water, give directions requiring any person in charge of any establishment where any industry, operation or process, or treatment and disposal system is carried on, to furnish to it information regarding the construction, installation or operation of such establishment or of any disposal system or of any extension or addition thereto in such establishment and such other particulars as may be prescribed.

21. Power to take samples of effluents and procedure to be followed in connection therewith

(1) A State Board or any officer empowered by it in this behalf shall have power to take for the purpose of analysis samples of water from any stream or well or samples of any sewage or trade effluent which is passing from any plant or vessel or from or over any place into any such stream or well.

(2) The result of any analysis of a sample of any sewage or trade effluent taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3), (4) and (5) are complied with.
(3) Subject to the provisions of sub-sections (4) and (5), when a sample (composite or otherwise as may be warranted by the process used) of any sewage or trade effluent is taken for analysis under sub-section (1), the person taking the sample shall-

(a) serve on the person in charge of, or having control over, the plant or vessel or in occupation of the place (which person is hereinafter referred to as the occupier) or any agent of such occupier, a notice, then and there in such form as may be prescribed of his intention to have it so analysed;

(b) in the presence of the occupier or his agent, divide the sample into two parts;

(c) cause each Part to be placed in a container which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;

(d) send one container forthwith-

(i) in a case where such sample is taken from any area situated in a Union Territory, to the laboratory established or recognised by the Central Board under section 16; and

(ii) in any other case, to the laboratory established or recognised by the State Board under section 17;

(e) on the request of the occupier or his agent, send the second container-

(i) in a case where such sample is taken from any area situated in a Union Territory, to the laboratory established or specified under sub-section (1) of section 51; and

(ii) in any other case, to the laboratory established or specified under sub-section (1) of section 52.

(4) When a sample of any sewage or trade affluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3) and the occupier or his agent wilfully absents himself, then-

(a) the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (e) of sub-section (3) and such person shall inform the government analyst appointed under sub-section (1) or sub-section (2), as the case may be, of section 53, in writing about the wilful absence of the occupier or his agent; and

(b) the cost incurred in getting such sample analysed shall be payable by the occupier or his agent and in case of default of such payment, the same shall be recoverable from the occupier or his agent, as the case may be, as an arrear of land revenue or of public demand:

PROVIDED that no such recovery shall be made unless the occupier or, as the case may be, his agent has been given a reasonable opportunity of being heard in the matter.

(5) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent a notice under clause (a) of sub-section (3) and the occupier or his agent who is present at the time of taking the sample does not make a request for dividing the sample into two parts as provided in clause (b) of sub-section (3), then, the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (d) of sub-section (3).

22. Reports of the result of analysis on samples taken under section 21

(1) Where a sample of any sewage or trade effluent has been sent for analysis to the laboratory established or recognised by the Central Board or, as the case may be, the State Board, the concerned Board analyst appointed under sub-section (3) of section 53 shall analyse the sample and submit a report in the prescribed form of the result of such analysis in triplicate to the Central Board or the State Board as the case may be.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the Central Board or the State Board, as the case may be, to the occupier or his agent referred to in section 21, another copy shall be preserved for production before the court in case any legal proceedings are taken against him and the other copy shall be kept by the concerned Board.

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(3) Where a sample has been sent for analysis under clause (e) of sub-section (3) or sub-section (4) of section 21 to any laboratory mentioned therein, the government analyst referred to in that sub-section shall analyse the sample and submit a report in the prescribed form of the result of the analysis in triplicate to the Central Board or, as the case may be, the State Board which shall comply with the provisions of sub-section (2).

(4) If there is any inconsistency or discrepancy between, or variation in the results of, the analysis carried out by the laboratory established or recognised by the Central Board or the State Board, as the case may be, and that of the laboratory established or specified under section 51 or section 52, as the case may be, the report of the latter shall prevail.

(5) Any cost incurred in getting any sample analysed at the request of the occupier or his agent shall be payable by such occupier or his agent and in case of default the same shall be recoverable from him as arrears of land revenue or of public demand.

23. Power of entry and inspection

(1) Subject to the provisions of this section, any person empowered by a State Board in its behalf shall have a right at any time to enter, with such assistance as he considers necessary, any place-

(a) for the purpose of performing any of the functions of the Board entrusted to him;
(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given, or granted under this Act is being or has been complied with;
(c) for the purpose of examining any plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such plant, record, register, document or other material object, if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

PROVIDED that the right to enter under this sub-section for the inspection of a well shall be exercised only at reasonable hours in a case where such well is situated in any premises used for residential purposes and the water thereof is used exclusively for domestic purposes.

(2) The provisions of the [19]Code of Criminal Procedure, 1973 (2 of 1974), or, in relation to the State of Jammu and Kashmir, the provisions of any corresponding law in force in that State, 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 [20]section 94 of the said Code, or, as the case may be, under the corresponding provisions of the said law.

Explanation : For the purposes of this section, "place" includes vessel.

24. Prohibition on use of stream or well for disposal of polluting matter, etc.

(1) Subject to the provisions of this section-

(a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any [21]stream or well or sewer or on land; or
(b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

(2) A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely,-

(a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;
(b) depositing any materials on the bank or in the bed of any stream for the purpose of reclaiming land, or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream;

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

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

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

25. Restrictions on new outlets and new discharges

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

(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or

(b) bring into use any new or altered outlet for the discharge of sewage; or

(c) begin to make any new discharge of sewage:

Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.

(2) An application for consent of the State Board under sub-section (1) shall be made in such form, contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry shall follow such procedure as may be prescribed.

(4) The State Board may-

(a) grant its consent referred to in sub-section (1), subject to such conditions as it may impose, being-

(i) in cases referred to in clauses (a) and (b) of sub-section (1) of section 25, conditions as to the point of discharge of sewage or as to the use of that outlet or any other outlet for discharge of sewage;

(ii) in the case of a new discharge, conditions as to the nature and composition, temperature, volume or rate of discharge of the effluent from the land or premises from which the discharge or new discharge is to be made; and

(iii) that the consent will be valid only for such period as may be specified in the order, and any such conditions imposed shall be binding on any person establishing or taking any steps to establish any industry, operation or process, or treatment and disposal system or extension or addition thereto, or using the new or altered outlet, or discharging the effluent from the land or premises aforesaid; or

(b) refuse such consent for reasons to be recorded in writing.

(5) Where, without the consent of the State Board, any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, is established, or any steps for such establishment have been taken or a new or altered outlet is brought into use for the discharge of sewage or a new discharge of sewage is made, the State Board may serve on the person who has established or taken steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, or using the outlet, or making the discharge, as the case may be, a notice imposing any such conditions as it might
have imposed on an application for its consent in respect of such establishment, such outlet or discharge.

(6) Every State Board shall maintain a register containing particulars of the conditions imposed under this section and so much of the register as relates to any outlet, or to any effluent, from any land or premises shall be open to inspection at all reasonable hours by any person interested in, or affected by such outlet, land or premises, as the case may be, or by any person authorised by him in this behalf and the conditions so contained in such register shall be conclusive proof that the consent was granted subject to such conditions.

(7) The consent referred to in sub-section (1) shall, unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the State Board.

(8) For the purposes of this section and sections 27 and 30-
(a) the expression "new or altered outlet" means any outlet which is wholly or partly constructed on or after the commencement of this Act or which (whether so constructed or not) is substantially altered after such commencement;
(b) the expression "new discharge" means a discharge which is not, as respects the nature and composition, temperature, volume, and rate of discharge of the effluent substantially a continuation of a discharge made within the preceding twelve months (whether by the same or a different outlet), so however that a discharge which is in other respects a continuation of previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

26. Provision regarding existing discharge of sewage or trade effluent

Where immediately before the commencement of this Act any person was discharging any sewage or trade effluent into a stream or well or sewer or on land, the provisions of section 25 shall, so far as may be, apply in relation to such person as they apply in relation to the person referred to in that section subject to the modification that the application for consent to be made under sub-section (2) of that section shall be made on or before such date as may be specified by the State Government by notification in this behalf in the Official Gazette.

27. Refusal or withdrawal of consent by State Board

(1) A State Board shall not grant its consent under sub-section (4) of section 25 for the establishment of any industry, operation or process, or treatment and disposal system or extension or addition thereto, or to the bringing into use of a new or altered outlet unless the industry, operation or process, or treatment and disposal system or extension or addition thereto, or the outlet is so established as to comply with any conditions imposed by the Board to enable it to exercise its right to take samples of the effluent.

(2) A State Board may from time to time review-
(a) any condition imposed under section 25 or section 26 and may serve on the person to whom a consent under section 25 or section 26 is granted a notice making any reasonable variation of or revoking any such condition.
(b) the refusal of any consent referred to in sub-section (1) of section 25 or section 26 or the grant of such consent without any condition, and may make such orders as it deemed fit.

(3) Any condition imposed under section 25 or section 26 shall be subject to any variation made under sub-section (2) and shall continue in force until revoked under that sub-section.

28. Appeals

(1) Any person aggrieved by an order made by the State Board under section 25, section 26 or section 27 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute:
PROVIDED that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) An Appellate Authority shall consist of a single person or three persons as the State Government may think fit, to be appointed by that government.

(3) The form and manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the Appellate Authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(5) If the Appellate Authority determines that any condition imposed, or the variation of any condition, as the case may be, was unreasonable, then-

(a) where the appeal is in respect of the unreasonableness of any condition imposed, such authority may direct either that the condition shall be treated as annulled or that there shall be substituted for it such condition as appears to it to be reasonable;

(b) where the appeal is in respect of the unreasonableness of any variation of a condition, such authority may direct either that the condition shall be treated as continuing in force unvaried or that it shall be varied in such manner as appears to it to be reasonable.

29. Revision

(1) The State Government may at any time either of its own motion or on an application made to it in this behalf, call for the records of any case where an order has been made by the State Board under section 25, section 26 or section 27 for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it may think it:

PROVIDED that the State Government shall not pass any order under this sub-section without affording the State Board and the person who may be affected by such order a reasonable opportunity of being heard in the matter.

(2) The State Government shall not revise any order made under section 25, section 26, or section 27 where an appeal against that order lies to the Appellate Authority, but has not been preferred or where an appeal has been preferred such appeal is pending before the Appellate Authority.

30. Power of State Board to carry out certain works

(1) Where under this Act, any conditions have been imposed on any person while granting consent under section 25 or section 26 and such conditions require such person to execute any work in connection therewith and such work has not been executed within such time as may be specified in this behalf, the State Board may serve on the person concerned a notice requiring him within such time (not being less than thirty days) as may be specified in the notice to execute the work specified therein.

(2) If the person concerned fails to execute the work as required in the notice referred to in sub-section (1), then, after the expiration of the time specified in the said notice, the State Board may itself execute or cause to be executed such work.

(3) All expenses incurred by the State Board for the execution of the aforesaid work, together with interest, at such rate as the State Government may, by order, fix, from the date when a demand for the expenses is made until it is paid, may be recovered by that Board from the person concerned, as arrears of land revenue, or of public demand.

31. Furnishing of information to State Board and other agencies in certain cases

(1) If at any place where any industry, operation or process, or any treatment and disposal system or any extension or addition thereto is being carried on, due to accident or other unforeseen act or event, any poisonous, noxious or polluting matter is being discharged, or is likely to be discharged into a stream or well or sewer or on land or sea, as a result of such
discharge, the water in any stream or well is being polluted, or is likely to be polluted, then the person in charge of such place shall forthwith intimate the occurrence of such accident, act or event to the State Board and such other authorities or agencies as may be prescribed.] (2) Where any local authority operates any sewerage system or sewage works, the provisions of sub-section (1) shall apply to such local authority as they apply in relation to the person in charge of the place where any industry or trade is being carried on.

32. Emergency measures in case of pollution of stream or well

(1) Where it appears to the State Board that any poisonous, noxious or polluting matter is present in any stream or well or on land by reason of the discharge of such matter in such stream or well or on such land or has entered into that stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations, as it may consider necessary for all or any of the following purposes, that is to say-
(a) removing that matter from the stream or well or on land and disposing it of in such manner as the Board considers appropriate;
(b) remedying or mitigating any pollution caused by its presence in the stream or well;
(c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter into the stream or well or on land or from making insanitary use of the stream or well.
(2) The power conferred by sub-section (1) does not include the power to construct any works other than works of a temporary character which are removed on or before the completion of the operation.

33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells

(1) Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class, for restraining the person who is likely to cause such pollution from so causing.
(2) On receipt of an application under sub-section (1) the court may make such order as it deems fit.
(3) Where under sub-section (2) the court makes an order restraining any person from polluting the water in any stream or well, it may in that order-
(i) direct the person who is likely to cause or has caused the pollution of the water in the stream or well, to desist from taking such action as is likely to cause pollution or, as the case may be, to remove from such stream or well, such matter, and
(ii) authorise the Board, if the direction under clause (i) (being a direction for the removal of any matter from such stream or well) is not complied with by the person to whom such direction is issued, to undertake the removal and disposal of the matter in such manner as may be specified by the court.
(4) All expenses incurred by the Board in removing any matter in pursuance of the authorisation under clause (ii) of sub-section (3) or in the disposal of any such matter may be defrayed out of any money obtained by the Board from such disposal and any balance outstanding shall be recoverable from the person concerned as arrears of land revenue or of public demand.

33A. Power to give directions

Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.
Explanation: For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-
(a) the closure, prohibition or regulation of any industry, operation or process; or
(b) the storage or regulation of supply of electricity, water or any other service.

CHAPTER VI: FUNDS, ACCOUNTS AND AUDIT

34. Contributions by Central Government
The Central Government may, after due appropriation made by Parliament by law in this behalf, make in each financial year such contributions to the Central Board as it may think necessary to enable the Board to perform its functions under this Act.

35. Contributions by State Government
The State Government may, after due appropriation made by the Legislature of the State by law in this behalf, make in each financial year such contributions to the State Board as it may think necessary to enable the Board to perform its functions under this Act.

36. Fund of Central Board
(1) The Central Board shall have its own fund, and all sums which may, from time to time, be paid to it by the Central Government and all other receipts (by way of gifts, grants, donations, benefactions [fees] or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.
(2) The Central Board may expend such sums as it thinks fit for performing its functions under this Act, [and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the Central Board, also for performing its functions under such law] and such sums shall be treated as expenditure payable out of the fund of the Board.

37. Fund of State Board
(1) The State Board shall have its own fund, and the sums which may, from time to time, be paid to it by the State Government and all other receipts (by way of gifts, grants, donations, benefactions [fees] or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.
(2) The State Board may expend such sums as it thinks fit for performing its functions under this Act, [and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the State Board, also for performing its functions under such law] and such sums shall be treated as expenditure payable out of the fund of the Board.

37A. Borrowing powers of Board
A Board may, with the consent of, or in accordance with, the terms of any general or special authority given to it by the Central Government or, as the case may be, the State Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for the performance of all or any of its functions under this Act.

38. Budget
The Central Board or, as the case may be, the State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure, and copies thereof shall be forwarded to the Central Government or, as the case may be, the State Government.
[39. Annual report

(1) The Central Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government within four months from the last date of the previous financial year and that government shall cause every such report to be laid before both Houses of Parliament within nine months from the last date of the previous financial year.

(2) Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that government shall cause every such report to be laid before the State Legislature within a period of nine months from the last date of the previous financial year.

40. Accounts and audit

(1) Every Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government or, as the case may be, the State Government.

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956 (1 of 1956).

(3) The said auditor shall be appointed by the Central Government or, as the case may be, the State Government on the advice of the Comptroller and Auditor-General of India.

(4) Every auditor appointed to audit the accounts of the Board under this Act shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(5) Every such auditor shall send a copy of his report together with an audited copy of the accounts to the Central Government or, as case may be, the State Government.

(6) The Central Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before both Houses of Parliament.

(7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before the State Legislature.

CHAPTER VII: PENALTIES AND PROCEDURE

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

(1) Whoever fails to comply with the direction given under sub-section (2) or sub-section (3) of section 20 within such time as may be specified in the direction shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) Whoever fails to comply with any order issued under clause (e) of sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A shall, in respect of each such failure and on conviction, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for everyday during which such failure continues after the conviction for the first such failure.

(3) If the failure referred to in sub-section (2) continues beyond a period of one year after the date of conviction, the offender shall, on conviction, be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.]
42. Penalty for certain acts
(1) Whoever-
(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the
ground or any notice or other matter put up, inscribed or placed, by or under the authority of the
Board, or
(b) obstructs any person acting under the orders or directions of the Board from exercising his
powers and performing his functions under this Act, or
(c) damages any works or property belonging to the Board, or
(d) fails to furnish to any officer or other employee of the Board any information required by
him for the purpose of this Act, or
(e) fails to intimate the occurrence of any accident or other unforeseen act or event under
section 31 to the Board and other authorities or agencies as required by that section, or
(f) in giving any information which he is required to give under this Act, knowingly or wilfully
makes a statement which is false in any material particular, or
(g) for the purpose of obtaining any consent under section 25 or section 26, knowingly or
wilfully makes a statement which is false in any material particular,
shall be punishable with imprisonment which may extend to three months or with
fine which may extend to [ten thousand rupees] or with both.
(2) Where for the grant of a consent in pursuance of the provisions of section 25 or section 26
the use of meter or gauge or other measure or monitoring device is required and such device is
used for the purposes of those provisions, any person who knowingly or wilfully alters or
interferes with that device so as to prevent it from monitoring or measuring correctly shall be
punishable with imprisonment for a term which may extend to three months or with fine which
may extend to [ten thousand rupees] or with both.

43. Penalty for contravention of provisions of section 24
Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a
term which shall not be less than [one year and six months] but which may extend to six years
and with fine.

44. Penalty for contravention of section 25 or section 26
Whoever contravenes the provisions of section 25 or section 26 shall be punishable with
imprisonment for a term which shall not be less than [one year and six months] but which
may extend to six years and with fine.

45. Enhanced penalty after previous conviction
If any person who has been convicted of any offence under section 24 or section 25 or section
26 is again found guilty of a contravention of the same provision, he shall,
on the second and on every subsequent conviction, be punishable with imprisonment for a term
which shall not be less than [two years] but which may extend to seven years and with fine:
PROVIDED that for the purpose of this section no cognizance shall be taken of any conviction
made more than two years before the commission of the offence which is being punished.

15[45A. Penalty for contravention of certain provisions of the Act
Whoever contravenes any of the provisions of this Act or fails to comply with any order or
direction given under this Act, for which no penalty has been elsewhere provided in this Act,
shall be punishable with imprisonment which may extend to three months or with fine which
may extend to ten thousand rupees or with both and in the case of a continuing contravention or
failure, with an additional fine which may extend to five thousand rupees for every day during
which such contravention or failure continues after conviction for the first such contravention
or failure.]
46. Publication of names of offenders

If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

47. Offences by companies

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was 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.

48. Offences by government departments

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.

49. Cognizance of offences

(1) No court shall take cognizance of any offence under this Act except on a complaint made by-

(a) a Board or any officer authorised in this behalf by it; 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 Board or officer authorised as aforesaid,

and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) Where a complaint has been made under clause (b) of sub-section (1), the Board shall, on demand by such person, make available the relevant reports in its possession to that person:

Provided that the Board may refuse to make any such report available to such person if the same is in its opinion, against the public interest.

(3) Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Judicial Magistrate of the first class or for any Metropolitan Magistrate to pass a sentence of imprisonment for a term exceeding two years or of fine exceeding two thousand rupees on any person convicted of an offence punishable under this Act.
50. Members, officers and servants of Board to be public servants

All members, officers and servants of a Board when acting or purporting to act in pursuance of any of the provisions of this Act and the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

CHAPTER VII : MISCELLANEOUS

51. Central Water Laboratory

(1) The Central Government may, by notification in the Official Gazette-
   (a) establish a Central Water Laboratory; or
   (b) specify any laboratory or institute as a Central Water Laboratory, to carry out the functions entrusted to the Central Water Laboratory under this Act.

(2) The Central Government may, after consultation with the Central Board, make rules prescribing-
   (a) the functions of the Central Water Laboratory;
   (b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or tests, the form of the laboratory's report thereunder and the fees payable in respect of such report;
   (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

52. State Water Laboratory

(1) The State Government may, by notification in the Official Gazette-
   (a) establish a State Water Laboratory; or
   (b) specify any laboratory or institute as a State Water Laboratory, to carry out the functions entrusted to the State Water Laboratory under this Act.

(2) The State Government may, after consultation with the State Board, make rules prescribing-
   (a) the functions of the State Water Laboratory;
   (b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or tests, the form of the laboratory's report thereon and the fees payable in respect of such report;
   (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

53. Analysts

(1) The Central Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be government analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or specified under sub-section (1) of section 51.

(2) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be government analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or specified under sub-section (1) of section 52.

(3) Without prejudice to the provisions of sub-section (3) of section 12, the Central Board or, as the case may be, the State Board may, by notification in the Official Gazette, and with the approval of the Central Government or the State Government, as the case may be, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or recognised under section 16, or, as the case may be, under section 17.

54. Reports of analysts

Any document purporting to be a report signed by a government analyst or, as the case may be, a Board analyst may be used as evidence of the facts stated therein in any proceeding under this Act.
55. Local authorities to assist
All local authorities shall render such help and assistance and furnish such information to the
Board as it may require for the discharge of its functions, and shall make available to the Board
for inspection and examination such records, maps, plans and other documents as may be
necessary for the discharge of its functions.

56. Compulsory acquisition of land for the State Board
Any land required by a State Board for the efficient performance of its functions under this Act
shall be deemed to be needed for a public purpose and such land shall be acquired for the State
Board under the provisions of the Land Acquisition Act, 1894 (1 of 1894), or under any other
corresponding law for the time being in force:

57. Returns and reports
The Central Board shall furnish to the Central Government, and a State Board shall furnish to
the State Government and to the Central Board such reports, returns, statistics, accounts and
other information with respect to its fund or activities as that government, or, as the case may
be, the Central Board may, from time to time, require.

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

59. Protection of action taken in good faith
No suit or other legal proceedings shall lie against the government or any officer of government
or any member or officer of a Board in respect of anything which is in good faith done or
intended to be done in pursuance of this Act or the rules made thereunder.

60. Overriding effect
The provisions of this Act shall have effect notwithstanding anything inconsistent therewith
contained in any enactment other than this Act.

61. Power of Central Government to supersede the Central Board and Joint Boards
(1) If at any time the Central Government is of opinion-
(a) that the Central Board or any Joint Board has persistently made default in the performance
of the functions imposed on it by or under this Act; or
(b) that circumstances exist which render it necessary in the public interest so to do, the Central
Government may, by notification in the Official Gazette, supersede the Central Board or such
Joint Board, as the case may be, for such period, not exceeding one year, as may be specified in
the notification:
PROVIDED that before issuing a notification under this sub-section for the reasons mentioned
in clause (a), the Central Government shall give a reasonable opportunity to the Central Board
or such Joint Board, as the case may be, to show cause why it should not be superseded and
shall consider the explanations and objections if any, of the Central Board or such Joint Board,
as the case may be.
(2) Upon the publication of a notification under sub-section (1) superseding the Central Board
or any Joint Board-
(a) all the members shall, as from the date of supersession vacate their offices as such;
(b) all the powers, functions and duties which may, by or under this Act, be exercised,
performed or discharged by the Central Board or such Joint board shall, until the Central Board
or the Joint Board, as the case may be, is reconstituted under sub-section (3) be exercised,
performed or discharged by such person or persons as the Central Government may direct;
(c) all property owned or controlled by the Central Board or such Joint Board shall, until the Central Board or the Joint Board, as the case may be, is reconstituted under sub-section (3) vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may-

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or

(b) reconstitute the Central Board or the Joint Board, as the case may be, by fresh nomination or appointment, as the case may be, and in such case any person who vacated his office under clause (a) of sub-section (2) shall not be deemed disqualified for nomination or appointment:

Provided that the Central Government may at any time before the expiration of the period of supersession, whether originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

62. Power of State Government to supersede State Board

(1) If at any time the State Government is of opinion-

(a) that the State Board has persistently made default in the performance of the functions imposed on it by or under this Act; or

(b) that circumstances exist which render it necessary in the public interest so to do,

the State Government may, by notification in the Official Gazette, supersede the State Board for such period, not exceeding one year, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the State Government shall give a reasonable opportunity to the State Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the State Board.

(2) Upon the publication, of a notification under sub-section (1) superseding the State Board, the provisions of sub-sections (2) and (3) of section 61 shall apply in relation to the supersession of the State Board as they apply in relation to the supersession of the Central Board or a Joint Board by the Central Government.

63. Power of Central Government to make rules

(1) The Central Government may, simultaneously with the constitution of the Central Board, make rules in respect of the matters specified in sub-section (2):

Provided that when the Central Board has been constituted, no such rule shall be made, varied, amended or repealed without consulting the Board.

(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 terms and conditions of service of the members (other than the Chairman and member-secretary) of the Central Board under sub-section (8) of section 5;

(b) the intervals and the time and place at which meetings of the Central Board or of any committee thereof constituted under this Act, shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business under section 8, and under sub-section (2) of section 9;

(c) the fees and allowances to be paid to such members of a committee of the Central Board as are not members of the Board under sub-section (3) of section 9;

(d) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of section 10 and the fees and allowances payable to such persons;

(e) the terms and conditions of service of the Chairman and the member-secretary of the Central Board under sub-section (9) of section 5 and under sub-section (1) of section 12;

(f) conditions subject to which a person may be appointed as a consulting engineer to the Central Board under sub-section (4) of section 12;

(g) the powers and duties to be exercised and performed by the Chairman and the member-secretary of the Central Board;
[(h) ***
(i) ***]
(j) the form of the report of the Central Board analyst under sub-section (1) of section 22;
(k) the form of the report of the government analyst under sub-section (3) of section 22;
(l) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 38;
(ll) the form in which the annual report of the Central Board may be prepared under section 39;]
(m) the form in which the accounts of the Central Board may be maintained under section 40;
((mm) the manner in which notice of intention to make a complaint shall be given to the Central Board or officer authorised by it under section 49;]
(n) any other matter relating to the Central Board, including the powers and functions of that Board in relation to Union Territories;
(o) any other matter which has to be, or may be, prescribed.

(3) Every rule made by the Central Government 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 a 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.

64. Power of State Government to make rules

(1) The State Government may, simultaneously with the constitution of the State Board, make rules to carry out the purposes of this Act, in respect of matters not falling within the purview of section 63:

PROVIDED that when the State Board has been constituted, no such rule shall be made, varied, amended or repealed without consulting that Board.

(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 terms and conditions of service of members (other than the Chairman and the member-secretary) of the State Board under sub-section (8) of section 5;
(b) the time and place of meetings of the State Board or of any committee of that Board constituted under this Act and the procedure to be followed at such meeting, including the quorum necessary for the transaction of business under section 8 and under sub-section (2) of section 9;
(c) the fees and allowances to be paid to such members of a committee of the State Board as are not members of the Board under sub-section (3) of section 9;
(d) the manner in which and the purposes for which persons may be associated with the State Board under sub-section (1) of section 10 [and the fees and allowances payable to such persons;]
(e) the terms and conditions of service of the Chairman and the member-secretary of the State Board under sub-section (9) of section 5 and under sub-section (1) of section 12;
(f) the conditions subject to which a person may be appointed as a consulting engineer to the State Board under sub-section (4) of section 12;
(g) the powers and duties to be exercised and discharged by the Chairman and the member-secretary of the State Board;
(h) the form of the notice referred to in section 21;
(i) the form of the report of the State Board analyst under sub-section (1) of section 22;
(j) the form of the report of the government analyst under sub-section (3) of section 22;
(k) the form of application for the consent of the State Board under sub-section (2) of section 25, and the particulars it may contain;
(l) the manner in which inquiry under sub-section (3) of section 25 may be made in respect of an application for obtaining consent of the State Board and the matters to be taken into account in granting or refusing such consent;

(m) the form and manner in which appeals may be filed, the fees payable in respect of such appeals and the procedure to be followed by the Appellate Authority in disposing of the appeals under sub-section(3) of section 28;

33[(n) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under section 38;

(nn) the form in which the annual report of the State Board may be prepared under section 39;]

(o) the form in which the accounts of the State Board may be maintained under sub-section (1) of section 40;

15[(oo) the manner in which notice of intention to make a complaint shall be given to the State Board or officer authorised by it under section 49;]

(p) any other matter which has to be, or may be, prescribed.
Foot Notes

1 Substituted by Act No. 53 of 1988, for clauses (b), (d) and (h).
2 Inserted by Act No. 44 of 1978.
3 Substituted for the words "trade or industry" by Act No. 53 of 1988.
4 Substituted by Act No. 53 of 1988.
5 Substituted by Act No. 44 of 1978.
6 Substituted for the words "five officials" by Act No. 44 of 1978.
7 Substituted for the words "three non-officials" by Act No. 44 of 1978.
8 Substituted for clause (f) by Act No. 53 of 1988.
9 Omitted by Act No. 44 of 1978.
10 Substituted by Act No. 53 of 1988, for the words "State Board".
11 The words "full time" omitted by Act No. 44 of 1978.
12 Substituted by Act No. 44 of 1978, for the words "five persons".
13 Substituted for sub-section (2) by Act No. 44 of 1978.
14 Substituted by Act No. 53 of 1988, for the words "shall not be eligible for renomination for more than two terms".
16 Section 18 renumbered as sub-section (1) thereof by Act No. 53 of 1988.
17 Substituted by Act No. 53 of 1988, for the words "industry or trade".
18 Substituted for sub-section (4) by Act No. 44 of 1978.
19 Substituted by Act No. 44 of 1978, for the words and figures "Code of Criminal Procedure, 1898 (5 of 1898)".
20 Substituted by Act No. 44 of 1978, for the words and figures "section 98".
21 Substituted by Act No. 53 of 1988, for the words "stream or well".
22 Substituted by Act No. 53 of 1988, for sub-sections (1) and (2).
23 Substituted by Act No. 53 of 1988, for sub-sections (4), (5) and (6).
24 Substituted by Act No. 53 of 1988, for sub-section (1).
25 Substituted by Act No. 53 of 1988, for clause (a).
26 Substituted by Act No. 53 of 1988, for the words "any stream or well".
27 Substituted by Act No. 53 of 1988, for the words "into the stream or well".
28 Substituted by Act No. 53 of 1988, for the words "one thousand rupees".
29 Substituted by Act No. 53 of 1988, for the words "six months".
30 Substituted by Act No. 53 of 1988, for the words "one year".
31 Sub-section (2) renumbered as sub-section (3) by Act No. 53 of 1988.
32 Substituted by Act No. 44 of 1978, for clause (d).
33 Substituted by Act No. 53 of 1988, for clause (n).
STATEMENT OF OBJECTS AND REASONS

Government of India had circulated a model Bill for regulation of extraction of Ground Water in the year 1990-91. The Central Government have since then repeatedly been urging the State Government, to pass an appropriate legislation to introduce regulatory measures to protect sources of drinking water in rural areas. The Government of Maharashtra and the Government of Andhra Pradesh have passed Ground Water (Regulation for Drinking water purposes) Act in the year 1993 and 1996 respectively. The Karnataka Ground Water (Regulation for protection of sources of Drinking water) Bill, 1999 is proposed to be enacted with several regulatory measures as summarised below:

(i) Sinking a well for the purpose of extracting or drawing water within a distance of 500 metres from a public drinking water source without obtaining permission of the Appropriate authority is prohibited.

(ii) The Appropriate authority, in times of water scarcity may declare an area to be a water scarcity area for such period as may be specified in the order, but not exceeding one year at a time.

(iii) Upon declaration of any area as water scarcity area, the Appropriate authority may order for restricting or prohibiting extraction for any purpose where such well is within 500 metres of the public drinking water source.

(iv) The Appropriate authority on the advice of the technical officer may declare a watershed as over exploited watershed.

(v) The Appropriate authority shall have powers to prohibit sinking of wells in over exploited watersheds.

(vi) If the Appropriate authority is satisfied that any existing well in area of an over exploited watershed is already affecting any public drinking water source may prohibit the extraction of water from such well during the period from February to July every year and other incidental matters.

Hence the Bill.

L.C. Bill No.6 of 1999

(Entries 17 and 18 of List-II of Seventh Schedule to the Constitution of India)

(Received the assent of the President on the Seventeenth day of October, 2003)

An Act to regulate the exploitation of ground water for the protection of public sources of drinking water and matters connected therewith and incidental thereto. Whereas it is expedient to regulate the exploitation of ground water for the protection of public sources of drinking water and to provide for matters connected therewith and incidental thereto.

Be it enacted by the Karnataka State Legislature in the fiftieth year of the Republic of India as follows.

CHAPTER - I

Preliminary

1. Short title extent and commencement.- (1) This Act may be called the Karnataka Ground Water (Regulation for Protection of Sources of Drinking Water) Act, 1999.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date as the State Government may, by notification appoint and different dates may be appointed for different local areas or different provisions of this Act.
2. Definitions.- In this Act unless the context otherwise requires.-
(1) “appropriate authority” means the Deputy Commissioner and includes any officer, not below the rank of an Assistant Commissioner as the Government may by notification appoint for the purposes of this Act, and different officers may be appointed for different local areas of the State.
(2) “drinking water purpose” means consumption or use of water by human population for drinking and for other domestic purposes; and includes consumption of water for similar such relevant purposes for live stock.
Explanation.- For the purpose of this clause, the expression ‘ domestic purposes” shall include consumption or use of water for cooking, bathing, washing, cleansing and other day-to-day activities.
(3) “Government“ means the State Government.
(4) “Ground water” means water existing in an aquifer below the surface of the ground at any particular location regardless of the geological structure in which it is stationary or moving and includes all ground water reservoirs.
(5) “Local Authority” means and includes a Municipal Corporation, Municipal Council, Zilla Panchayat, Taluk Panchayat, Grama Panchayat, Town Panchayat, Industrial Township, Improvement Board, Urban Development Authority and Planning Authority, Bangalore Water Supply and Sewerage Board, Karnataka Urban Water Supply and Drainage Board constituted under any law for the time being in force;
(6) “Over exploited Water Shed” means a water shed where the estimated annual ground water extraction is more than eighty five percent of the estimated average annual ground water recharge, calculated in the prescribed manner, and declared as such under section 6;
(7) “Public source of drinking water “ means a well from which the Government or a local authority or such authority as the Government may, by notification specify, provides water to the public and includes such point or any other drinking water sources as may be notified by appropriate Authority;
(8) “public water supply systems’ means the structures relating to a public drinking water source, including conveying pipelines, storage reservoir, stand posts, hand pump, power pump and all other materials connected thereto, through which water is supplied for drinking water purpose:
(9) “requisite quantity of water” means the quantity of water calculated on the basis of per capita supply to be fixed by the Government from time to time;
(10) “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;
(11) “Technical officer” means an officer of the Department of Mines and Geology, Government of Karnataka not below the rank of a Geologist;
(12) “Water scarcity area” means an area declared as such under section 4;
(13) “Watershed” means an area confined within the topographic water divide line as identified and notified by the Ground water Survey, Division of the Department of Mines and Geology, Government of Karnataka from time to time having regard to the purposes of this Act;
(14) "Well" means a well sunk for the search or extraction of ground water by a person or persons except by the authorised officials of the State or Central Governments for carrying out scientific investigations, exploration, development, augmentation, conservation, protection, or management works and shall include open well, dug well, borewell, dug-cum-borewell, tubewell, filter points, collector well and infiltration gallery or any of their combinations or variations;
CHAPTER - II
PROTECTION MEASURES FOR PUBLIC SOURCES OF DRINKING WATER
3. Permission to sink well etc.- (1) No person shall without obtaining permission from the appropriate authority under sub-section (3), sink any well for purpose of extracting or drawing water within five hundred metres of public source of drinking water;
Provided that nothing in this sub-section shall apply to sinking of a well on behalf of the Government or a local authority for being used as a public drinking water source.
(2) Any person desirous of obtaining permission under this section shall make an application to the appropriate authority in such form and accompanied by such fees as may be prescribed.

(3) On receipt of an application under sub-section (2), the appropriate authority may, on the advice of the Technical Officer, and having regard to the interest of the general public to have the supply of requisite quantity of water for the purpose of drinking water from the public sources: and for reasons to be recorded in writing grant permission for sinking of well or reject the application.

(4) Every permission granted under sub-section (3) shall be subject to,-
(a) the condition that the appropriate authority may, for 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 to do so in the interest of protection of public sources of drinking water.
(b) such other conditions and restrictions as may be prescribed.

4. Declaration of water Scarcity area.- If, at any time during the course of monsoon or thereafter, the appropriate authority on the advice of the Technical Officer and having regard to the quantum and pattern of rainfall and any other relevant factor, is of the opinion that the public sources of drinking water in any area within its jurisdiction are likely to be adversely affected, it may, by order declare such area to be a water scarcity area for such period as may be specified in the order, but not exceeding one year at a time.

5. Regulation of extraction of water from wells in water scarcity area.- (1) Upon declaration of any area as water scarcity area under section 4, the appropriate authority may for the duration of the period of water scarcity, by order, regulate the extraction of water from any well in such area by restricting or prohibiting such extraction for any purpose where such well is within a distance of five hundred meters of the public source of drinking water:
(2) The order imposing such restriction or prohibition under sub-section (1) shall be served or caused to be served personally by delivering or tendering the same to the owner of the well at least fifteen days before the commencement of the order of restriction or prohibition, as the case may be. Where the owner cannot be found, an authentic copy of the order may be served on any adult member of the family. In the case of an order affecting a corporation or a firm, it shall be served in the manner for the service of a summon under rule 2 of order XXIX or rule 3 of order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908.

6. Declaration of over-exploited watershed.- (1) The appropriate authority may, on the advice of the Technical Officer, declare a watershed as over exploited water shed.
(2) If at any time, the appropriate authority, on the advise of technical officer is satisfied that the availability of ground water has improved in an over exploited water shed it may by notification cancel the declaration made under sub-section (1).

7. Prohibition for sinking wells in over-exploited watershed.- (1) No person shall, without obtaining permission of the appropriate authority under sub-section (3) sink well for any purpose within the area of an over-exploited water shed:
Provided that nothing in this sub-section shall apply to sinking of a well on behalf of the Government or a local authority for being used as a public source of drinking water.
(2) Every application for permission under this section shall be made to the appropriate authority in such form and accompanied by such fees as may be prescribed.
(3) The appropriate authority may, on receipt of the application and having regard to the requirement of water for purposes of providing drinking water and in the interest of general public either grant permission to sink well or reject the application.
(4) Every permission granted under this section shall be subject to,-
(a) the condition that the appropriate authority may, for reasons to be recorded in writing, by order prohibit, restrict or regulate the extraction of water from such well for such period as may be specified in such order, if in its opinion, it is necessary to do so in the interest of protection of public sources of drinking water: and
(b) such other conditions and restrictions, as may be prescribed.
8. Prohibition of extraction of water from an existing well for certain period.-

If, on the advice of the Technical Officer, the appropriate authority is satisfied that any existing well in an area of over-exploited watershed is adversely affecting any public source of drinking water, it may, notwithstanding anything contained in any law for the time being in force and having regard to the quantum and pattern of rainfall and other relevant factors and after giving its owner a reasonable opportunity of being heard, by an order, prohibit the extraction of water from such well during the five months period from the First February to thirty-first July every year.

9. Closing down of existing well.- Notwithstanding anything contained in this Act or any other law for the time being in force, if on the advice of the Technical Officer, the appropriate authority is satisfied that any existing well in an area of an over-exploited watershed is adversely affecting any public source of drinking water and such source cannot be adequately protected by action under section 8, it may, after giving the owner of the well a reasonable opportunity of being heard, require him by order to stop the extraction of water from, and close, seal off, such well forthwith either temporarily or permanently having regard to the extent to which it is adversely affecting the public source of drinking water.

10. Power of entry upon any land for obtaining information.- Whenever it is necessary to make an inquiry or examination in connection with the protection of a public source of drinking water or with the maintenance of a public water supply system, the appropriate authority or any officer duly authorised by it in this behalf may, after giving prior notice:

(a) enter upon such land as he or it may think necessary for the said purpose;
(b) undertake surveys or take levels thereon;
(c) conduct pumping tests and geophysical surveys;
(d) conduct well logging on the bore;
(e) install and maintain water level recorder and water guages on the well; and
(f) do all such other things as may be necessary for the prosecution of such inquiry and examination.

11. Power to stop contravention of the provisions of section 3, 5, 7, 8 or 9.- (1) Wherever it appears to the appropriate authority that any well has been sunk or is being sunk in contravention of the provisions of section 3 or 7 or water has been extracted or is being extracted in contravention of section 8 or 9 the appropriate authority or an officer duly authorised by it in this behalf may enter upon that land, remove obstruction, if any, close the pumping of the water, disconnect 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 contravention, and may, by order, require the owner or the person in possession of the well to close or seal off the well at his expenses and in such manner as the appropriate 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 appropriate authority may, after giving such owner or persons 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 an arrears of land revenue.

12. Payment of compensation.- (1) Where an order of closing down or sealing off the well is made under section 9, the owner of such well may apply to the appropriate authority in the prescribed manner for payment of compensation.

(2) The Appropriate Authority may, on making such inquiry and requiring the owner to produce such evidence as it may deem necessary, make an order for payment of compensation to the owner at the market price, determined in accordance with the provisions of the Land Acquisition Act, 1894.

13. Bar to claim compensation.- Subject to the provisions of section 12, no person shall be entitled to claim any damages or compensation from the Government for any loss sustained by him as a result of any order passed under the clause(a) of sub-section(4) of section 3 or under sections 8, 9, or 11 or by virtue of any action taken under this Act.
CHAPTER - III
Miscellaneous

14. Appeals.- (1) Any person aggrieved by any order, made by the Appropriate Authority under any of the provisions of this Act may, within a period of thirty days from the date of receipt of the order by him, appeal to the Deputy Commissioner, if the order is made by any officer other than the Deputy Commissioner and to such authority, as may be prescribed, if the order is made by the Deputy Commissioner. On receipt of such appeal, the Appellate Authority shall, after giving a reasonable opportunity to the appellant of being heard, pass such order as it may think fit. Every order made by the Appellate Authority in such appeal shall be final and shall not be called in question in any court.

(2) Before giving any decision in such appeal the appellate authority shall obtain the views of such officer of the Department of Mines and Geology as may be prescribed, and shall take such views into consideration.

(3) Save as otherwise provided in sub-section (1), every order made and every direction issued under this Act shall be final and shall not be called in question in any court.

15. Protection of action taken in good faith.- (1) No suit, prosecution or other legal proceeding shall lie against any public servant or person appointed or authorised under this Act in respect of anything done or intended to be done in good faith under this Act or in pursuance of any order made or directions issued under this Act.

(2) No suit, prosecution or other legal proceeding shall lie against the Government or any Officer of the Government for any damage caused or likely be caused by anything done or intended to be done in good faith under this Act or in pursuance of any order made or direction issued under this Act.

16. Penalty.- (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, on conviction, be punished with imprisonment which shall not be less than one month but which may extend to six months or with fine which shall not be less than one thousand rupees but may extend to five thousand rupees or with both.

(2) Whoever, without proper authority, damages, alters or obstructs any part of the public water supply system shall on conviction, be punished with imprisonment which shall not be less than two months but which may extend to one year or with fine which shall not be less than two thousand rupees but may extend to five thousand rupees or with both.

(3) In the case of a continuing offence, the offender shall be punished with an additional fine which may extend to rupees hundred for every day during which offence continues after the conviction.

17. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was 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 a body corporate, and includes a firm or other association of individuals; and
(b) “director” in relation to a firm means partner in the firm.

18. Overriding effect of Act.- The provisions of the Act and the order issued or made thereunder shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

19. Method of service of notices etc. (1) Subject to such rules as may be prescribed, service of any notice or other document under this Act or any Order made thereunder, on any person to whom it is by name addressed shall be effected.-
(i) by giving or tendering the said notice or document or a copy of the said order to such person;

or

(ii) if such person is not found, by leaving such notice or document or copy of the order at his last known place of residence or business or by giving or tendering the same to some adult member or servant of his family;

or

(iii) by sending such notice or document or the copy of the order to such person by registered post;

or

(iv) by affixing such notice or document or copy of the order on some conspicuous part of his house, if any in which such person is known to have last resided or carried on business or personally worked for gain.

(2) No such notice shall be deemed to be void on account of any defect of form.

20. Power to make rules.-(1) The Government may by notification and after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide, for,-
(a) the form of application under sub-section (2) of section 3 and the fees to be paid in respect of such application;

(b) the conditions and restrictions under clause (b) of sub-section (4) of section 3;

(c) the form of application under sub-section (2) of section 7 and the fees to be paid for such application;

(d) the restrictions and conditions under clause (b) of sub-section (4) of section 7;

(e) the manner of applying for payment of compensation under section 12 and payment of fees for applying for payment of compensation;

(f) any other matter for which rules have to be made or are necessary.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session, for a 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 in which it is so laid or the session or sessions immediately following, 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 modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by order, do anything, which appears to it to be necessary or expedient to remove the difficulty:

Provided that no such order shall made after the expiry of the period of two years from the date of commencement of this Act.
APPENDIX - III

MYSORE ACT No. I OF 1911
THE TANK PANCHAYAT ACT, 1911
( As AMENDED BY ACTS XII of 1916, III 1919 AND III OF 1931 )
(Received the assent of his Highness the Maharaja on the 4th day of January 1911.)

Preamble
WHEREAS, with a view to provide that the obligations of raiyats in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks shall be satisfactorily carried out, it is expedient to constitute Panchayats to have control over the tanks and to administer the funds that may be assigned for their restoration, repair and maintenance; His Highness the Maharaja is pleased to enact as follows:-

1. (1) This Act may be called the "Tank Panchayat Act, 1911."
   (2) It extends to the whole of the State of Mysore Local extent except Bellary District; ] and
   (3) It shall come into force on the sixth day of Commencement February 1911.

2. In this Act, unless there is something repugnant in Definitions the subject or context,
   (1) "Tank " means an irrigation tank and shall include an anikat, it voddu, a talparige. and a channel whether used as a feeder, irrigation or distribution channel and whether drawn from a tank, anikat, river, or water course;
   (2) "A major tank" means a t:1nk the annual assessment on whose irrigable area is * more than Rs. 300 and includes such other tanks as the Government may for any reason notify as major tanks;
   All other tanks are " Minor tanks."
   (3) "Construction II means the creation of a new tank; ;
   (4) "Restoration" means restoring to an efficient condition a tank which from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly;
   (5) "Improvement" means increasing the capacity (If a tank so as to provide additional water for irrigation or otherwise rendering it more useful for purposes of irrigation;
   (6) " Maintenance" means "works of petty repair required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration or improvement, and includes the following :-

#. See the Mysore Adaptation of Laws Order, 1953.
* Substituted by Act XII of 1916
   (i) The maintenance of the bund to the standard level
       and with the slopes specified, the specification
       of the level and slope being in accordance
with the existing state of things and being '1' approved both by the Executive Engineer and the Deputy Commissioner of the District;

(ii) The filling up of gullies or other inequalities caused by rain, the treading of cattle or any other cause; upon the bunds of tanks and channels;

(iii) The checking of the growth on builds of prickly-pear, and any similar rank and pernicious weed;

(iv) The clearing of any underwood from the bunds of tanks wherever it may be injurious;

(v) The clearing and repair of the earthwork of petty and branch channels, and the clearing away of the accumulations in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields;

(vi) The keeping in order the supply channels of tanks;

(vii) The watching of the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally the performance of minor duties of this nature in order to prevent breaches and other accidents.

(7) "Village" includes a group of villages or any specified area for which a Tank Panchayat may be constituted;

(8) The expression "customary obligations" means obligations enforceable under the Notification of the Chief Commissioner of Mysore No. 65 dated, the 2nd October 1873, as amended by Government Notification No. 5262-Agri. 626-03-7, dated the 15th December 1904;

(9) 'Raiyats" shall mean the individuals on whom such customary obligations devolve;

(10) "Patel" and "Shanbhog" mean the persons officiating as patel and shanbhog, respectively, of the village, and where there are more than one such patel or shanbhog, such one of the patels and such one of the shanbhogs, respectively, as may be selected by the Deputy Commissioner for the purposes of this Act.

3. For any village for which the Government may consider it expedient to do so, and where a majority consisting of not less than two-thirds of the raiyats and holding in the aggregate not less than half the occupied area of wet lands under the tank so desire, the Government may constitute a panchayat composed of the patel and the shanbhog, and three or more members elected by the raiyats as hereinafter prescribed.

4. Subject to the disqualifications mentioned in Section 5,

(1) every raiyat who,

(a) pays an annual assessment of not less than Rs. 20 on wet or garden lands in the village, or

(b) pays an annual assessment of not less than Rs. 10 on dry lands in the village, or

(c) pays in the village an annual mohatarfa tax of not less than Rs. 5, or

(d) pays in the aggregate an amount not less than Rs. 25;
(2) every person who is in possession of an inam, of wet, garden or dry lands in the
village, the survey valuation of which is not less than the minimum prescribe in
respect of these lands in clauses (a) and (b), or who is in possession of inam lands
in the village the aggregate survey valuation of which added to any mohatarfa tax
which he might pay in the village, amounts to not less than Rs. 25, shall be
qualified for election to the Panchayat:
Provided that the Government may, by notification published in the official Gazette,
reduce, for any local area, the minimum amounts of assessment or mohatarfa tax prescribed
above.

5. No person may be elected as a member of a Panchayat
   (a) who has been convicted by a Criminal Court of an offence which, in the
   opinion of the Deputy Commissioner disqualifies him for holding the
   office, or
   (b) who is, in the opinion of the Deputy Commissioner, not physically and
   mentally capable of discharging the duties of his office, or
   (c) who is less than 21 years of age, or
   (d) who is not of the male sex:

   Provided that an appeal shall lie to the Government against an order passed by
the Deputy commissioner under clauses (a) and (b).

6. The number of elected members of a Tank elected Panchayat shall be fixed by the
   Deputy Commissioner and of the number so fixed such number, # not exceeding
   one-fourth] as may be decided by the Deputy Commissioner, shall be elected by the
   raiyats holding dry lands or paying mohatarfa but not holding wet or garden lands,
   from among them selves; and the rest shall be elected by the raiyats holding wet or
garden lands with or without dry lands, from among themselves;

7. (a) The constitution of a Tank Panchayat and of the. the names of its members shall be
   notified in the official constitution of Gazette.
   (b) The elected members of a Tank Panchayat shall of elected hold office for a term of three
   years.

8. (a) The Deputy Commissioner, if he thinks fit, may, on the recommendation of
   the Tank Panchayat, and subject to the sanction of Government, remove any
   member of the Panchayat, if such member has been guilty of misconduct in
   the discharge of his duties or of any disgraceful conduct, or has become
   incapable of performing his duties.
   (b) In the event of the death, resignation, disqualification, disability or removal of a
   member of a Tank Panchayat previous to the expiry of his term of office, the vacancy
   shall be filled up, as soon as it conveniently may be, by the election or appointment, as
   the Case may be, of a person thereto, who shall hold office so long only as the member
   in whose place he is elected or appointed would have held it if the vacancy had not
   occurred.

9. The Patel shall be the Chairman of the Tank Panchayat and shall conduct all correspondence
on behalf of Panchayat.
10. (1) The Panchayat shall have control over a fund to be called the Tank Fund made up of the following items:

(a) the amounts collected from raiyats under section 12;
(b) the rent or value of the share of produce or the sale proceeds received under section 13;
(c) such grant out of the Irrigation Cess Fund, as the Government may, from time to time, make to the fund;
(d) any other grant which the Government may make to the fund;
(e) any advance which the Government may make to the Panchayat under section 16 for the execution of the masonry and stone work; and
(f) any loan which the Government may make to the Panchayat for carrying out the purposes of this Act.

(2) The fund shall be deposited in the Government Savings Bank or with any Agricultural Bank or Co-operative Society approved by the Deputy Commissioner, and shall be available to the Panchayat for the maintenance and upkeep of the major and minor tanks; for special repairs of the minor tanks rendered necessary by extraordinary causes and for the construction, restoration or improvement of any minor tank which may be entrusted to the Panchayat under section 16.

(3) An account of the administration of the fund during each official year shall be submitted by the Panchayat to the general body of the raiyats at a meeting to be held, within one month after the close of the official year.

11. Then a Tank Panchayat comes into existence under section 3, the enforcement of the customary obligations of the raiyats for the maintenance and upkeep of all the tanks in the village, shall thereafter vest in the Panchayat:
Provided that the Government may exclude any tank or tanks in the village from the control of the Panchayat.

12. (1) The Panchayat shall have the power to apportion the work required for the maintenance and upkeep of the tank or tanks under its control among the raiyats according to their respective obligations.

(2) If a raiyat fails to do the work allotted to him or prefers to commute his quota of labour into a money payment, the Panchayat shall itself do the work done out of the funds at its disposal, recovering from him the cost thereof as fixed by it.

(3) For determining the amount to be recovered from a raiyat under the last preceding sub-section, the Panchayat shall have the power to fix the wages of labour per diem, subject to such maximum and minimum rates as may be laid down by the Government.

13. (1) The Panchayat shall have power to sell-

(a) the right of fishing in the tank under its control;
(b) the right, of grazing in the tank bed and the right of cutting and removing the grass on the tank bund; and
(c) the produce of the trees in the tank and on the bund, if any.

(2) The Panchayat shall also have power to grant bed of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it, provided that it shall be competent to the Deputy Commissioner to prohibit such cultivation in any tank or in any season.

14. For the purpose of irrigation from the tank under its control, a Panchayat shall have power to regulate-

(a) the time for the commencement of the issue of or irrigation, water from the tank;
(b) the period during which the supply of water is to continue; and

(c) the quantity of water to be let out from the tank.

15. (1) A Tank Panchayat specially empowered by Government in this behalf may, in any year, having regard to the quantity of water available in any tank under its control

(a) determine the portion of the wet lands in the irrigable area of such tank to be cultivated with wet crops, or with dry or semi-dry crops, and regulate the supply of water for irrigation accordingly;

(b) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugarcane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in sub-section (1); shall be conferred on a Tank Panchayat in regard to any tank under its control except with the consent of a majority of not less than two-thirds of the raiyats and holding in the aggregate not less than two-thirds of the occupied area of wet lands under such tank.

(3) If, in accordance with a decision of the Panchayat under clause (a) of sub. section (1), any land assessed as wet is not supplied with water for raising wet crops, the holder of such land shall be entitled to remission of half the assessment of such land.

16. (1) When the restoration of a minor tank has been sanctioned under Act XV of 1923, a Tank Panchayat or a Village Panchayat empowered under Section 23 of the Panchayat Act, 1926, may undertake the execution of the said restoration, under the rules framed by the Government in this behalf.

(2) A Tank Panchayat or a Village Panchayat empowered under Section 23 of the Village Panchayat Act, 1926, shall be bound to execute the work undertaken by it under sub-section (1) within the time and according to the specification and constructive details as may be prescribed in this behalf.

17. All moneys due to the Tank Fund under section 10 of this Act shall, in default of payment by the person from whom such moneys may be due, and on the application of the Panchayat, be recoverable by the Deputy Commissioner as arrears of land revenue.

18. (1) If, in the opinion of the Government, any Tank Panchayat or any Village Panchayat empowered under section 23 of the Village Panchayat Act, 1926] is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official Gazette, abolish the Tank Panchayat or withdraw the powers of the Village Panchayat as the case may be

(2) Where a Tank Panchayat is abolished or a Village Panchayat is divested of its powers as aforesaid the Deputy Commissioner shall take charge of the connected funds, if any, and shall enforce the customary obligations of the raiyats in the same manner as if the Tank Panchayat had not been constituted or the Village. Panchayat had not been so
empowered and may utilise such funds for the purpose referred to in section 10 in the same manner as the Panchayat may have utilised the same.

(3) A Tank Panchayat abolished or a Village Panchayat divested of its powers under sub-section (2) may, after such time as the Government may think fit, be reconstituted or re-empowered as the case may be.

19. Nothing in this Act shall be deemed to relieve the raiyats of any of their obligations under any law, or under any rule, order or custom having the force of law, in regard to restoration, repair and maintenance of tanks.

20. No member of the Panchayat shall be liable to be sued for any act done or ordered to be done in good faith in pursuance of the provisions of this Act.

21. (1) The Government may, for the whole or any part of [the State of Mysore except Bellary District] or for any Panchayat or group of Panchayats, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may-

(a) provide for the preparation of lists of persons qualified to vote under sections 6, 15 and 16 and of persons qualified for election to the Panchayat under sections 4 and 5;

(b) prescribe the procedure to be adopted at meetings of voters;

(c) prescribe the procedure to be adopted by Panchayats at their meetings;

(d) prescribe the accounts and books to be kept by Panchayats and provide for the audit of such accounts;

(e) prescribe the accounts, returns and reports to be furnished by Panchayats;

(f) prescribe the procedure to be followed by Panchayats for collecting their dues.
# SAMPLE SURVEY RELATING TO WATER POLLUTION OF LAKES AND TANKS IN MYSORE CITY/DISTRICT

(Information from enforcement authorities)

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<td>1</td>
<td><strong>Name of the enforcement authority and address:</strong> (MUDA, MCC, Forest Department, PCB, Zoo Authority, Mysore University, District Collector, Zilla Parishat)</td>
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<tr>
<td>2</td>
<td><strong>History of Lakes &amp; Tanks</strong></td>
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<tr>
<td>3</td>
<td><strong>How environmental law provisions are enforced under your jurisdiction?</strong> (Environment Protection Act 1986 and Water (Prevention and Control of Pollution) Act 1974)</td>
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<td>4</td>
<td><strong>When the city lakes and tanks get polluted? Specify the reason for pollution.</strong></td>
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<td>5</td>
<td><strong>What preventive steps have been undertaken to prevent further damage to the status of water body? (Lakes &amp; Tanks)</strong></td>
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<tr>
<td>6</td>
<td><strong>Whether any action is taken to cleaning up the tanks and lakes?</strong></td>
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<tr>
<td>7</td>
<td><strong>Whether the quality of the water is completely restored after cleaning up?</strong></td>
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<td></td>
<td>Impact of deterioration of quality of water due to water pollution (please specify the damage caused for fishing and other aquatic animals)</td>
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<tr>
<td>9</td>
<td>What kind of liability is imposed for polluting the water bodies?</td>
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<td>10</td>
<td>Any report submitted to the Government for financial assistance for cleaning up of lakes and tanks</td>
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<td>11</td>
<td>Government’s response to proposed project to prevent water pollution.</td>
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<td>12</td>
<td>What concrete steps are taken against industries which pollute natural source of water? (please specify the action initiated as contemplated under Environmental law)</td>
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<tr>
<td>13</td>
<td>Does the department suffer from any financial constraint for speedy implementation of environmental provision?</td>
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<td>14</td>
<td>Whether the budget allocation is sufficient to carry out scientific research and lab test to identify the quality of water?</td>
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<td>15</td>
<td>Whether the man power and expertise is sufficient to meet the challenge relating to environmental problems?</td>
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<td>16</td>
<td>How industries are cooperating in complying with environmental standards with regard to water pollution?</td>
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<tr>
<td>17.</td>
<td>Are there any industries ordered for closure for violating the provisions of the Water (Prevention and Control of Pollution) Act 1974?</td>
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<tr>
<td>18.</td>
<td>What is the success rate of compliance of the environmental provisions in relation to prevention and control of water pollution of city lakes and tanks under your jurisdiction?</td>
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<td>19.</td>
<td>Do you suggest anything for effective management of Pollution Control Board?</td>
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<tr>
<td>20.</td>
<td>How NGOs (Non-governmental Organizations) are interacting and cooperating with the authorities in implementing the objectives of environmental laws?</td>
</tr>
<tr>
<td>21.</td>
<td>How Government is responding to your initiative to promote a healthy environment to community?</td>
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<td>22.</td>
<td>Any other suggestions</td>
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SAMPLE SURVEY RELATING TO WATER POLLUTION OF LAKES AND TANKS IN MYSORE CITY /DISTRICT:

(Information from NGOs: Non-Governmental Organizations)

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<td>1.</td>
<td>Name of the NGO &amp; Address</td>
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<td>2.</td>
<td>Year of Establishment of NGO</td>
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<td>3.</td>
<td>Task or Objective of NGO</td>
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<td>Members of the NGO</td>
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<td>5.</td>
<td>Programme undertaken to prevent Pollution of Lakes &amp; Tanks in Mysore City/ District</td>
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<td>6.</td>
<td>Co-coordinating agencies interaction and response</td>
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<td>Question</td>
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</tbody>
</table>
| 7 | Whether desired co-operation is extended by the authorities indicated below?  
   | (a) Mysore City Corporation  
   | (b) Mysore Urban Development Authority  
   | (c) District Collector  
   | (d) Pollution Control Board  
   | (e) University of Mysore  
   | (f) Forest Department  
   | (g) Chamarajendra Zoological Garden  
   | (h) Zilla Parishat |
| 8 | Whether your organization has made any survey and submitted report to the authorities to preserve water bodies from being polluted?  
<p>| (Please furnish the copy of the report) |
| 9 | Status of action taken report |
| 10 | Public response to NGO movement on Environmental issues |
| 11 | Whether your organization has conducted any public awareness programme on environmental issues? |
| 12 | Do you consider public funding is necessary to make the NGO movement more effective? |
| 13 | Media support and coverage of the information of NGO movement |
| 14 | Periodical interaction with the authorities (please specify the frequency of meeting) |
| 15 | Are you satisfied with the performance of your organization? |</p>
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<td>17</td>
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<td>18</td>
<td>Do you suggest the involvement of District In-charge Minister to monitor the progress on the report submitted by NGO on environmental issues?</td>
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<td>19</td>
<td>What kind of cooperation is extended by Police Commissioner to organize jatha and other public participation meetings?</td>
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<tr>
<td>20</td>
<td>Does present environmental law provide opportunity for NGO’s in policy formulation on environment?</td>
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<tr>
<td>21</td>
<td>Do you consider the role played by the Judiciary is encouraging to preserve environment?</td>
</tr>
<tr>
<td>22</td>
<td>Any other suggestions</td>
</tr>
</tbody>
</table>

Dated:    
Signature:  

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