

Pollution control board

Functions of the Central Board:

According to Section 16-A, the following are the functions of the Central Board:

- To promote cleanliness of streams and wells in different areas of the state.
- To advise the Central Govt, on matters concerning the prevention and control of water pollution.
- To co-ordinate the actions of the State Board and resolve disputes among them.
- To provide technical assistance and guidance to the State Boards to carry out research in prevention and control of water pollution problems.
- To organise training of persons engaged in pollution control.
- To organise comprehensive programme for pollution control through mass media.
- To lay down standards for streams or wells.
- To prepare manuals, codes or guides for treatment and disposal of sewage and trade effluents.
- To establish or recognise laboratories for analysis of water samples from any stream, well or trade effluents.

Functions of the State Boards:

Under Section 7-B, the following are the functions of a State Board:

- Planning a comprehensive programme for prevention, control and abatement of pollution of streams and wells.
- Advising the State Government regarding water pollution control or location of industries.
- Conducting and encouraging investigations and research relating to different aspects of water pollution.
- To collaborate with the Central Board for training personnel for handling water pollution programmes and organising related mass education programmes.
- Inspecting trade effluents and waste water treatment plants.
- Prescribing effluent standards for the sewage and trade effluents.
- Evolving economical and reliable methods of disposal, treatment and reuse of waste water (in agriculture).

- Laying down the standards of treatment of sewage and trade effluents to be discharged into any stream.
- Making, varying or revoking any order for preservation or control of discharge of waste into streams and wells or construction of systems for disposal of effluents.
- Establishing or recognising laboratories for analysis of samples.
- Performing such functions as may be entrusted by Central Board or State governments.

Directions:

- The Central Board shall be bound by directions given by the Central Govt, whereas the State Board shall be bound by directions given by the Central Board or the State Government.

In case a grave emergency arises as a result of non-compliance of the State Govt, as regards directions given by the Central Board, then the Central Govt, may recover the expenses incurred by it from the persons concerned, as arrears of land revenue.

Powers of the State Government:

- Power to Obtain Information:

According to Section 20.2, the State Board may make surveys, take measurements or obtain information for purpose of performing functions under this Act. Failure to comply with any directions under the Section is a punishable offence under subsection (1) of Section 41.

- Power to Take Samples:

Under Section 21(1) A, the State Government has the power to take samples of water of any stream or well or any effluent being discharged into such a stream or well, for analysis. Under Section 22.4, the State Board further has the power to obtain a report of the result of the analysis by a recognised laboratory.

- Power of Entry and Inspection:

According to Section 23.5, the State Board is empowered by the State Govt., with the right to enter any place for the purpose of performing any of the functions entrusted to it.

- Power of Prohibition on Disposal of Polluting Matter into a Stream or Well:

Under Section 24.6,

1. No person shall knowingly allow entry of any poisonous, noxious or polluting matter directly or indirectly into any stream, well or sewer or on land.
2. No person shall knowingly allow entry of any matter into any stream, which may impede the proper flow of water resulting in substantial aggravation of pollution.

3. No person shall establish any industry, operation or process or any treatment disposal system, which is likely to discharge any sewage or effluent into stream or well or on land.
4. No person shall use any new outlet for discharge of sewage.
5. No person shall begin to make any new discharge of sewage.

Consent of State Board:

(a) Board must decide an application for consent within four months failing which consent will be deemed to have been given.

(b) Persons already discharging any sewage or effluent into any stream or well or on land will have to seek the consent of the State Board.

A person may appeal against the order of the State Board within 30 days, to an appellate authority established by the State Government. The State Govt, can alter the decision of the State Board, if necessary.

(c) While giving consent, if any work is required to be executed and the applicant fails to do so, the Board may itself execute it and recover the expenses alongwith interest.

(d) The State Board must be informed in case due to an accident in any industry or treatment or disposal system, any polluting matter is likely to be discharged into any stream, well or on land which in turn may pollute water. The Board may take remedial measures wherever necessary.

(e) The Board may approach a court for restraining a person who is likely to cause pollution by disposal discharge of polluting matter into a stream, well or on land.

The person concerned may be directed by the court to remove the polluting matter and in case of non-compliance, the court may authorise the board to do the needful and the expenses incurred by the Board may be recovered from the person concerned.

The Board may order closure, prohibition or regulation of any industry or operation. It may stop or regulate the supply of electricity, water or any other service.

Penalties for Violation of the Provisions of the Act:

(a) In case of failure to give information by a person discharging effluents into stream or well or regarding construction or establishment of a disposal system the penalty is imprisonment upto 3 months or fine upto Rs. 10,000/- or both.

If the omission continues, the penalty is an additional fine upto Rs. 5000/- per day.

(b) In case of destroying or damaging the property of the Board, obstructing the performance of the Board's functions, failure to furnish information about accidents under section 31, giving

wrong information or making false statements to get Board's consent, the penalty is, imprisonment upto 3 months or fine upto Rs. 10,000/- or both.

(c) In case of violation of order prohibiting discharge of any polluting matter into stream, well or land, or violation of control order restraining pollution of water or streams or wells or violation of Board order of closure of industry or stoppage of water or electricity supply etc., the penalty is imprisonment for one and a half years to six years and fine. If it continues there is an additional fine of Rs. 5000/- per day and if it continues beyond one year then the penalty is imprisonment of two to seven years on conviction.

(d) In case of permitting polluting material into any stream, well or land the penalty is imprisonment for one and a half years to six years or fine or both.

On subsequent conviction the offender is penalised to imprisonment for two to seven years and fine, and the names of the offenders are published in newspapers at offender's expense.