

## The Maharashtra Prevention of Water Pollution Act, 1969

Act 16 of 1970

### Keyword(s):

Abstraction, Disposal System, Functions, Pollution, Sewage Effluent, Stream, Trade Effluent, Treatment Works, Waste, Water Pollution Prevention Area

Amendment appended: 31 of 1981

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**THE MAHARASHTRA PREVENTION OF WATER POLLUTION ACT, 1969.****CONTENTS****PREAMBLE****SECTIONS****CHAPTER I****PRELIMINARY**

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

**CHAPTER II****CONSTITUTION, PROCEEDINGS AND ORGANISATION OF THE BOARD**

3. Constitution of Board for prevention of water pollution.
4. Terms and conditions of service of members.
5. Meetings of Board.
6. Disqualifications of non-official members.
7. Removal of members.
8. Executive Committee.
9. Constitution of sub-committees.
10. Temporary association of persons with Board for particular purposes.
11. Vacancy in Board not to invalidate acts or proceeding.
12. Member-Secretary of Board.
13. Officers and servants of Board.
14. Expenses of Board.

**CHAPTER III****POWERS AND FUNCTIONS OF THE BOARD**

15. Functions of Board.
16. General powers of Board.
17. Directions by State Government.



8472

*Maharashtra Prevention of Water Pollution Act, 1969* [1970 : Mah. XVI]**CHAPTER IV****PREVENTION OF POLLUTION OF WATER**

18. Water pollution prevention areas.
19. Power of Board to obtain information.
20. Power to take samples of effluents and procedure to be followed in connection therewith.
21. Power of entry and inspection.
22. Prohibition on use of stream for disposal of polluting matter, etc.

**CHAPTER V****CONTROL OF EXISTING DISCHARGES**

23. Control of existing discharges.
24. Protection while applications are being dealt with.
25. Furnishing of information.
26. General provisions as to conditions and consents governing discharges and outlets.
27. Appeals to State Government.

**CHAPTER VI****CONTROL OF NEW OUTLETS AND DISCHARGES**

28. Restrictions on new outlets and new discharges.
29. Refusal or withdrawal of consent by Board.
30. The provisions relating to new discharges and new outlets.
31. Samples of effluent or waste.
32. Appeals.
33. Emergency measures in case of pollution of streams.
34. Revision.

**CHAPTER VII****POWER OF BOARD IN RELATION TO EXISTING DISCHARGES AND NEW OUTLETS AND DISCHARGES**

35. Powers of Board to carry out certain works.

**CHAPTER VIII****FUNDS, ACCOUNTS AND AUDIT**

36. Payments to Board.
37. Fund of Board.
38. Budget.
39. Annual report.
40. Accounts and audit.

**CHAPTER IX****PENALTIES AND PROCEDURE**

41. Failure to comply with directions under section 17.
42. Penalty for obstruction.
43. Penalty for certain acts.
44. Contravention of prohibitory provisions of section 22, etc.
45. Penalty for new or altered outlet or new discharges without consent of Board.
46. Enhanced penalty after previous conviction.
47. Offences by companies.
48. Sanction of prosecution.
49. Jurisdiction of courts.
50. Cognizance of offences.
51. Compounding of offences.

**CHAPTER X****MISCELLANEOUS**

52. State Water Testing and Waste Characterisation Laboratory
53. Government analyst.
54. Report of Government analyst.
55. Returns and reports.
56. Authentication of orders and documents of Board.
57. Service of notices, etc.
58. Notices, etc. to fix reasonable time.
59. Local authorities to assist.
60. Protection of action taken in good faith.
61. Over-riding effect.
62. Power of State Government to make rules.
63. Power to delegate.
64. Members, officers and staff of Board to be public servants.
65. Power of Board to acquire land.

**MAHARASHTRA ACT No. XVI OF 1970<sup>1</sup>****[THE MAHARASHTRA PREVENTION OF WATER POLLUTION ACT, 1969]****[4th April 1970]**

**An Act to provide for the prevention, abatement and control of pollution of streams in the State; for the maintaining or restoring of wholesomeness of such streams, for the constitution of the Board, and for conferring on such Board functions relating thereto, and for purposes connected with the matters aforesaid.**

WHEREAS, due to rapid industrial development in the State, a large number of industries spring up at various places adjoining rivers and streams, without making any adequate provision for treating industrial waste which is let out into such rivers and streams ;

AND WHEREAS, the Government of Maharashtra being aware of the gravity of the problem, by Government Resolution in the Urban Development and Public Health Department, No. MDR 3661/23921-M, dated the 17th September 1963 (as modified by subsequent Resolution No. MDR 3361/23921-M, dated the 6th July 1964) appointed a Committee at State level to investigate the problem of pollution of rivers and streams and other sources of drinking water supply by industrial effluent and trade waste, and to advise Government as to the steps to be taken to prevent such pollution ;

AND WHEREAS, the Committee, after carefully considering the various problems connected with the question of pollution of surface and underground water sources by industrial effluent and trade waste felt that, as a large number of towns are located on rivers and streams, the water pollution problem was also created by letting out domestic sewage and sullage, and it was, therefore, necessary to take measures to control pollution of water due to both these causes ;

AND WHEREAS, after considering the report of the Committee aforesaid, it is considered expedient to provide for the prevention, abatement and control of pollution of streams in the State, for the maintaining or restoring of wholesomeness of such streams by taking power to prevent pollution of streams, for controlling existing and new discharges and new outlets to streams, for the constitution of the Board, and for conferring on such Board functions relating thereto, and for purposes connected with the matters aforesaid ; It is hereby enacted in the Twentieth Year of the Republic of India as follows :—

**CHAPTER I****PRELIMINARY**

1. (1) This Act may be called the Maharashtra Prevention of Water Pollution Act, 1969.

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

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1969, Pt. IV, Extra., pages 170-172.

Short title,  
extent and  
commence-  
ment.

(3) It shall come into force on such date<sup>1</sup> as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different areas and different provisions of this Act.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) "abstraction", in relation to water contained in any source of supply in a water pollution prevention area, means the doing of anything whereby any of that water is removed from that source of supply, and either—

(i) ceases (either permanently or temporarily) to be comprised in the water resources of that area, or

(ii) is transferred to another source of supply in that area,

and "abstract" shall be construed accordingly ;

(b) "disposal system" means a system for disposing of sewage or trade effluent or waste ; and includes sewage and industrial treatment works ;

(c) "functions" includes powers and duties, and any reference to the conferring or exercise of functions shall include a reference to the imposing or performance of duties ;

(d) "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 waste or of any other liquid, gaseous or solid substance into water as may or is likely to create directly or indirectly a nuisance, or render such water harmful or injurious to public health or safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses, or to animal, plant or aquatic life and health ; and "pollute" shall be construed accordingly ;

(e) "prescribed" means prescribed by rules ;

(f) "sewage effluent" includes any effluent from the sewage disposal or sewerage works of a local authority, or any institution or body ;

(g) "stream" includes any river, watercourse (whether flowing or for the time being dry), inland water (whether natural or artificial) subterranean stream the course of which is known and defined, or sea to such extent and tidal waters to such point as the State Government may by an order in the *Official Gazette*, specify in this behalf ;

(h) "trade effluent" includes any liquid (either with or without particles of matter in suspension therein) which is discharged from any premises used for carrying on any trade or industry, other than domestic sewage ; and for the purposes of this definition, any land or premises wholly or mainly used (whether or not for profit) for agricultural or horticultural purposes or for scientific research or experiment shall be deemed to be premises used for carrying on a trade or industry ;

(i) "treatment works" means any plant including the appurtenances thereof, disposal field, lagoon, dam, pumping station, incinerator or other works used for the purposes of treating, stabilising or holding wastes ;

(j) "waste" means sewage, sullage and trade effluent and all other liquid, gaseous or solid substances (such as, garbage, refuse, wood residues, sand, cinders, ashes, nightsoil and the like) which may pollute or are likely to pollute any waters in a water pollution prevention area ;

(k) "water pollution prevention area" means any area defined as such by the State Government under section 18.

<sup>1</sup> 7th day of May 1970 (vide G.N., U.D.P.H. and H.D., No. FOW. 3670/W, dated 7th May 1970).

## CHAPTER II

## CONSTITUTION, PROCEEDINGS AND ORGANISATION OF THE BOARD

3. (1) The State Government shall, as soon as practicable, after the commencement of this Act, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board to be called the Maharashtra Prevention of Water Pollution Board (in this Act referred to as "the Board") to carry out the functions assigned to it by or under this Act. Constitution of Board for prevention of water pollution.

(2) The Board shall consist of the following members, namely :—

- (a) a Chairman to be nominated by the State Government ;
- (b) seven officials to be nominated by the State Government ;
- (c) two members to be nominated by the State Government from amongst members of local authorities functioning in the State ;
- (d) two members to be nominated by the State Government to represent the interests of persons concerned with carrying on of agriculture, fisheries, any industry or trade or any other interests which, in the opinion of the State Government, ought to be represented ;
- (e) a member-secretary to be nominated by the State Government.

(3) The Board shall be a body corporate with the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, and to contract, and may, by the name aforesaid, sue or be sued.

4. (1) Save as otherwise provided by or under this Act, a member of the Board, other than the member-secretary, shall hold office for a term of three years from the date of his nomination or until successor has been duly nominated, whichever is longer. Terms and conditions of service of members.

(2) A member of the Board, other than the member-secretary and Government officials, may at any time resign his office by writing under his hand addressed—

- (a) in the case of Chairman, to 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.

(3) A member of the Board, other than the member-secretary and Government officials, shall be deemed to have vacated his seat if he is absent, without the permission of the Board, from three consecutive meetings thereof or where he is nominated under clause (c) of sub-section (2) of section 3, if he ceases to be a member of a local authority, or becomes subject to any of the disqualifications specified in section 6.

(4) A casual vacancy in the 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 whose place he takes was nominated, and during any such vacancy the continuing members may act as if no vacancy had occurred.

(5) A member of the Board shall be eligible for re-nomination.

(6) The other terms and conditions of service of the members of the Board, other than the member-secretary and Government officials, shall be such as may be prescribed.

5. The Board shall meet not less than thrice a year but four months shall not intervene between its last sitting and the date appointed for its next sitting and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed. Meetings of Board.

8478

● *Maharashtra Prevention of Water Pollution Act, 1969* [1970 : Mah. XVI

Disqualifica-  
tions of  
non-official  
members.

6. A person shall be disqualified for being appointed or continuing as a non-official member, if he—

- (a) is of unsound mind, and stands so declared by a competent court ;
- (b) is an undischarged insolvent ; or
- (c) is, or has been convicted of an offence involving moral turpitude.

Removal of  
members.

7. If the State Government is of opinion that any member is guilty of misconduct in the discharge of his duties, or is incompetent to perform or has become incapable of performing his duties as a member or should for any other good and sufficient reason be removed, the State Government may, after giving the member an opportunity to show cause against his removal, by notification in the *Official Gazette*, remove him from office.

Executive  
Committee.

8. (1) There shall be an Executive Committee of the Board, which shall consist of—

- (a) the Chairman,
- (b) two official members of the Board specified by the State Government,
- (c) one other member of the Board to be nominated by the State Government,
- (d) the member-secretary.

(2) The Chairman of the Board shall also be the Chairman of the Executive Committee ; and the member-secretary shall also be the Secretary of the Executive Committee.

(3) Subject to the general control, direction and superintendence of the Board, the Executive Committee shall be competent to deal with any matter within the competence of the Board.

Constitution  
of sub-  
committees.

9. (1) The Board may constitute as many sub-committees (including area-sub-committees for water pollution prevention areas) consisting wholly of members, or partly of members and partly of other persons, and for such purpose or purposes as it may think fit.

(2) A sub-committee constituted under this section shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed by regulations made by the Board.

(3) The members of a sub-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.

Temporary  
association  
of persons  
with Board  
for particular  
purposes.

10. (1) The 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 in performing any of its functions under this Act.

(2) A person so associated with the Board under sub-section (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.

Vacancy in  
Board  
not to  
invalidate  
acts or  
proceeding.

11. No act or proceedings of the Board, Executive Committee or any sub-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, the Executive Committee, or as the case may be, any sub-committee.

12. (1) The member-secretary of the Board shall be a whole-time officer and the terms and conditions of his service shall be such as may be prescribed.

Member-Secretary of Board.

(2) He 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.

13. (1) For the efficient exercise of the powers and functions of the Board by or under this Act, the Chairman of the Board may, with the previous approval of the State Government, appoint such technical and administrative officers and staff as may be considered necessary.

Officers and servants of Board.

(2) The officers and staff so appointed shall be entitled to receive such salaries and allowances, and shall be governed by such terms and conditions of service, as may be determined by the State Government.

(3) The officers and staff so appointed under this section shall work under the control of the Chairman and shall be subordinate to him.

14. All expenses incurred by the Board including expenses incurred on account of salaries and allowances of the member-secretary, the officers and staff shall be met from such funds as may be placed at the disposal of the Board by the State Government.

Expenses of Board.

### CHAPTER III.

#### POWERS AND FUNCTIONS OF THE BOARD

15. (1) Subject to the provisions of this Act, the functions of the Board shall be—

Functions of Board.

(a) to advise the State Government to conserve the streams in the State, and to maintain them in natural state ;

(b) to protect, maintain and improve the quality thereof for the purpose of supply of water to the public, for preservation of animal, plant and aquatic life, and for domestic, commercial, industrial, agricultural recreational and other legitimate uses ;

(c) to promote the cleanliness of streams ; and

(d) to plan a State-wide programme by stages, if necessary, for the prevention, abatement and control of pollution of streams and for controlling existing and new discharges, and new outlet of streams in different areas of the State (hereinafter in this section referred to as " matters relating to pollution of streams " ), and to secure execution thereof in the water pollution prevention areas.

(e) to settle standards for effluents and for water quality, or classify waters of the State.

(2) In particular, and without prejudice to the generality of the foregoing power, the powers of the Board shall include the following :—

(a) to advise the State Government on any matter relating to pollution of streams ;

(b) to co-ordinate the activities of the sub-committees (if any) ;

(c) to advise, consult and co-operate with local authorities, other State agencies, Central Government, or industrial undertakings or any interests in relation to any of the purpose of this Act ;

(d) to provide technical assistance and guidance to the sub-committees (if any), to carry out special investigations and research in respect of problems relating to pollution of streams;

(e) to encourage, participate in and conduct investigations, research and demonstrations in respect of matters relating to pollution of streams as it may deem advisable and necessary for the discharge of its functions under this Act;

(f) to plan and organise the training of persons engaged or to be engaged in programmes in respect of matters relating to pollution of streams on such terms and conditions as the Board may specify;

(g) to collect and disseminate information in respect of matters relating to pollution of streams ;

(h) to collect, compile and publish technical and statistical data in respect of matters relating to pollution of streams, and the measures devised for its effective prevention, and also prepare manuals, codes or guides relating to sewage and trade effluent and waste;

(i) to adopt, modify or repeal and promulgate standards of quality of waters of the State and of any water works and sewage works according to their best uses in consultation with the authorities of the State or Central Government concerned, wherever necessary ;

(j) to inspect water, sewage and industrial effluents, treatment works and plants and to review plans, specifications and other data relating to water treatment plants, purification works and disposal systems or any part thereof in connection with the issue of such permits as are required by or under this Act;

(k) to issue, continue in effect, revoke, modify or deny under such conditions as it may specify, to prevent, control or abate pollution, permission for the discharge of wastes, and for the installation, modification or operation of disposal system or any part thereof;

(l) to issue, modify or revoke orders—

(i) prohibiting or abating discharges of wastes into streams in the water pollution prevention areas;

(ii) requiring the construction of new disposal systems or any parts thereof, or the modification, extension or alteration of existing disposal systems or any part thereof, or the adoption of the remedial measures to prevent, control or abate water pollution;

(iii) setting standards for effluents and for water quality, classifying waters of the State or evidencing other determination by the Board.

(m) to undertake by agreement capital works in regard to treatment and disposal of trade and sewage effluent and waste jointly or severally with local authorities or industrial undertakings or other interests and in like manner maintain such works and raise the funds required for such works and their maintenance by contributions from local authorities or industrial undertakings or other interests.

General  
powers of  
Board.

16. Subject to the provisions of this Act and the rules made thereunder, the Board shall have power,—

(a) to engage suitable consultants or persons having special knowledge or skill to assist the Board in the performance of its functions;

(b) with the previous sanction of the State Government, to delegate any of its functions generally or specially to any of the sub-committees appointed under section 9 or officers, and to permit them to redelegate specific powers to their subordinates;

(c) to do such other things and to perform such acts as the Board may think necessary; so however that, none of such acts or things are inconsistent with the provisions of this Act or rules made thereunder or any other law, for the proper discharge of its functions, and generally for the purpose of carrying into effect the purposes of this Act.

17. The State Government may issue to the Board such general or special directions as to questions of policy or as to the exercise or performance of its powers or functions by or under this Act, as it may think necessary or expedient for the purpose of carrying into effect the purposes of this Act; and the Board shall be bound to follow and act upon such directions.

Directions  
by State  
Government.

## CHAPTER IV

### PREVENTION OF POLLUTION OF WATER

18. (1) The State Government may, after consultation with the Board, by notification in the *Official Gazette*, define areas (hereinafter referred to as "water pollution prevention areas") for the purposes of this Act, being areas the drainage of which is directed to the stream or group of streams or areas which are so near any stream or group of streams that the water thereof is likely to be polluted as a result of any sewage or trade effluent or waste passing to or percolating in such stream or group of streams.

Water  
pollution  
prevention  
areas.

(2) Each water pollution prevention area may be defined 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 or by both.

(3) The State Government may after consultation with the Board by like notification in the *Official Gazette* —

(a) alter any water pollution prevention area whether by way of extension or reduction; or

(b) define a new water pollution prevention area which may include or consist of one or more water pollution prevention areas or any part or parts thereof.

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

Power of  
Board to  
obtain  
information.

(2) The Board may give directions requiring any person who in its opinion is abstracting water from any such stream in the water pollution prevention area in quantities which are substantial in relation to flow or volume of that stream or is discharging sewage or trade effluent or waste into any such stream to give such information as to the abstraction or discharging at such times and in such form as may be specified in the directions and such directions shall be complied by such person within such time as may be specified in the said direction.

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

20. (1) The Board or any officer empowered by it in this behalf may, subject to the provisions of section 31, take for the purpose of analysis samples of water from any stream or samples of any sewage or trade effluent or waste which is passing from any plant or vessel or from or over any place into any such stream in a water pollution prevention area.

(2) The result of any analysis of a sample of any water, or sewage or trade effluent, or waste taken under sub-section (1) shall not be admissible in evidence in any legal proceeding, unless the provisions of sub-sections (3) and (4) are complied with.

(3) When a sample of any water or sewage or trade effluent or waste is taken for analysis under sub-section (1), the person taking the sample shall,—

(a) give notice in writing then and there of his intention to have it so analysed to the occupier of the plant, vessel or place or to any responsible agent of such occupier;

(b) there and then divide the sample into three parts in the presence of the occupier or such agent of the occupier or if the occupier or agent refuses to be present or is absent, then in the presence of a responsible panch ;

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

(d) deliver one of the parts to the occupier or his agent aforesaid and retain another part for future comparison; and

(e) submit the third part to the laboratory referred to in section 52 for analysis by Government analyst by whatever designation he may be called.

(4) If the occupier or his agent refuses to sign or to accept the part of the sample delivered to him under clause (d) of sub-section (3), the person taking the sample shall inform the Government analyst in writing about such refusal, and the Government analyst receiving the part sent to the laboratory under clause (e) of sub-section (3), shall sub-divide it in to two parts, and send one of the parts in a container (which shall be marked, sealed and signed by the Government analyst) along with his report of analysis to that person who shall retain it for production in case any legal proceedings are taken.

Power of entry and inspection.

21. (1) Subject to the provisions of this section, any person empowered by the Board in this behalf shall on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours:—

(a) to enter any place for the purpose of exercising any 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 exercised, or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, given, made or granted under this Act is being or has been complied with, to enter any land and inspect or survey the land and inspect any articles thereon ;

(c) to enter any place 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 committed, and for seizing any such 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.

1970 : Mah. XVI] Maharashtra Prevention of Water Pollution Act, 1969 • 8483

(2) Any person empowered to enter any place by virtue of sub-section (1) may take with him such other person or persons for assistance as may be reasonably necessary.

V of  
1898.

(3) The provisions of the Code of Criminal Procedure, 1898, 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 the provisions of that Code.

(4) The provisions of this section shall apply in relation to vessels as they apply in relation to place.

22. (1) Subject to the provisions of this Act, any person who causes or knowingly permits to enter any stream in a water pollution prevention area—

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

(a) any poisonous, noxious or polluting matter ; or

(b) any other matter which may tend either directly or in combination with similar acts (whether his own or another's) to impede the proper flow of water of a stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences ;  
shall be deemed to pollute the stream.

*Explanation.*—For the purpose of this sub-section a person defecating or urinating into or near a stream will be deemed to pollute the stream under this section.

(2) A person shall not be deemed to pollute any stream 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 suitable 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 ;

(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 Board, the deposit accumulated in a well, pond or reservoir to enter any stream ;

(e) discharging water raised or drained from any underground or a mine into a stream in the same condition in which it is raised or drained from underground :

Provided that, the Board may by order direct that this clause shall not apply to discharges into any specified stream or part of a stream.

## CHAPTER V

### CONTROL OF EXISTING DISCHARGES

23. (1) Subject to the provisions of this Act no person shall, on and after the date appointed under this section make a discharge of trade or sewage effluent or waste to a stream in a water pollution prevention area (being a discharge which is not controlled under section 28 of this Act), without the consent of the Board, which consent shall not be unreasonably withheld.

(2) An application to the Board for its consent under this Act shall state—

(a) the nature and composition of the effluent or waste from any land or premises in respect of which the application is made ;

(b) the maximum temperature of the effluent or waste at the time when it is to be discharged ;

(c) the maximum quantity of the effluent or waste which it is proposed to discharge on any one day ;

(d) the highest rate at which it is proposed to discharge the effluent or waste ; and

(e) the route of discharge of the effluent up to the stream, duly supported by a copy of the plan.

(3) On an application for consent under sub-section (1), the Board may grant its consent, subject to such conditions, as it may reasonably impose, being conditions—

(a) as to the period, nature and composition, temperature, volume or rate of discharge of effluent or waste from the land or premises to which the application relates, and

(b) as to the provision of facilities for taking samples of what is passing from the land or premises to the stream, and in particular, as to the provision and maintenance of inspection chambers or manholes,

and any such conditions may be framed so as to have effect for a specified period, or for a period beginning or ending with a specified date.

(4) Subject to the provisions of this Act, where on or after the date appointed under this section, a discharge of trade or sewage effluent or waste in a water pollution prevention area is made without the consent under this Act of the Board, the Board may give to the person making the discharge a notice imposing any such conditions as the Board might have imposed on an application for its consent for making the discharge.

(5) No condition imposed under this section shall take effect until the expiration of a period of three months beginning with the giving of the consent, or as the case may be, the giving of the notice under sub-section (4) of this section, and if before the expiration of the said period of three months, a reference is made under this Act to the State Government in respect of the unreasonableness of any terms of the consent or notice, no conditions imposed under this section shall take effect, until the reference to the State Government is withdrawn or determined.

(6) No person shall cause or knowingly permit to enter a stream from land or premises in relation to which conditions have been imposed under this Act and are for the time being in force, a trade or sewage effluent or waste not complying with those conditions, and any person who does so shall be guilty of an offence punishable under section 44 of this Act.

(7) The date appointed under this section shall be such date as the State Government may, by order published in the *Official Gazette*, appoint, being a date not less than fourteen months after the passing of this Act, but applications for consent under this section may be made before that date, and where consent is granted before that date subject to conditions, those conditions may, subject to the provisions of sub-section (5) of this section, take effect before that date.

24. (1) If an application to the Board for its consent under this Act is duly made before the date appointed under the preceding section (and the application is not disposed of before that date), then, until the application is disposed of—

(a) it shall not be an offence under section 44 of this Act to make a discharge from the land or premises to which the application relates which is of the nature

and composition specified in the application, and which does not as respects the period, temperature, volume and rate of discharge, exceed the amounts or limits specified in the application, and

(b) no notice shall be given under sub-section (4) of the preceding section imposing any condition as respects the making of any such discharge.

(2) For the purpose of this section, an application shall not be regarded as disposed of—

(a) until the Board gives its consent to the application, or gives notice to the applicant that it refuses to give its consent, and

(b) until a further period of three months beginning with the giving of consent, or of a notice refusing the consent, has expired,

and if, before the expiration of the said period of three months, a reference is made under this Act to the State Government in respect of the withholding of consent, or of the unreasonableness of any terms of the consent, the application shall not be regarded as disposed of, until the reference to the State Government is withdrawn or determined; such withdrawal or determination being done as far as practicable within a period of three months beginning with the date of receipt of the reference by the State Government.

25. (1) The State Government may, for the purpose of assisting the Board to obtain the information required by it to deal with applications for consent under this Chapter prescribe the particulars which may, in accordance with the provisions of the next following sub-section, be required of any applicant with regard to the trade or sewage, effluent or waste which has been or is being or is to be discharged from the land or premises to which the application relates.

Furnishing  
of information.

(2) Any particulars prescribed under the foregoing sub-section may be included in directions given by the Board under sub-section (2) of section 19 to an applicant for its consent under this Act.

26. (1) The Board shall from time to time review any condition having effect under this Act (other than a condition to be satisfied before a discharge is made or an outlet is brought into use), and may give the person making the discharge or using the outlet, as the case may be, a notice making any reasonable variation of, or revoking, any such condition; and the State Government may, if it thinks fit so to do, direct the Board to vary or revoke any such condition and, if the Board fails within such period as the State Government may allow to give effect to any such condition, the State Government may itself give a notice as aforesaid.

General provisions as to conditions and consents governing discharges and outlets.

(2) A statement in the form hereto shall be included among the terms of—

(a) any consent having effect under this Act,

(b) any notice given under sub-section (4) of section 23, and

(c) any notice given under this section, other than a notice given with the consent in writing of the person to whom it is given,

being a consent taking effect, or a notice given, after the commencement of this Act, and the period specified in the statement shall be a reasonable period of not less than one year from the date on which the consent takes effect or the notice is given.

*Statement to be included in consents and notices.*

The terms of this consent/notice will not, without the consent in writing of the person to whom this consent/notice is given (or his successor) be altered before the expiration of the period ending with the day of 19

(3) No notice shall be given under sub-section (1) of this section before the expiration of the period specified in the said statement, except with the consent in writing of the person to whom the notice is given.

(4) Sub-section (2) of this section shall not apply to a consent or notice which, in consequence of the temporary nature of the discharge to which it relates or for any other reason, will be spent within one year from the date on which the consent takes effect or the notice is given, and no notice shall be given under sub-section (1) of this section varying the conditions of any such consent or notice, except with the consent in writing of the person making the discharge.

(5) In this section references to varying a condition include references to substituting for any condition or conditions any one or more other conditions, and to imposing any new conditions; and references to reviewing a condition include references to reviewing any consent on which no condition has been imposed with a view to determining whether a condition should be imposed

Appeals to  
State  
Government.

27. (1) Any question arising under this Chapter—

(a) whether the consent of the Board has or has not been unreasonably withheld, or

(b) as to the unreasonableness of the terms of any consent or notice, shall be determined for the purposes of this Chapter by the State Government in accordance with the provisions of this section.

(2) If at any time the Board gives notice to an applicant for consent under this Chapter that it has refused consent, any reference to the State Government to determine whether the Board's consent has been unreasonably withheld shall be made within three months beginning with the date of receipt of the notice.

(3) Any reference to the State Government in respect of the unreasonableness of the terms of any consent or notice shall be made within three months beginning with the date of receipt of the consent or notice.

(4) If, on a reference to the State Government for it to determine a question under sub-section (1) of this section, the State Government determines that the withholding of consent, or as the case may be, that anything in the terms of the consent or notice, was unreasonable, then—

(a) where the reference is in respect of the withholding of consent, the State Government may direct that the consent shall be treated as given either unconditionally, or subject to such conditions as appear to the State Government to be reasonable;

(b) where the reference is in respect of the unreasonableness of the terms of a consent, the State Government may direct that there shall be substituted for the terms of the consent such other terms as appear to the State Government to be reasonable;

(c) where the reference is in respect of the unreasonableness of the terms of a notice, the State Government may, after giving the Board a reasonable opportunity of being heard, direct either that the notice shall be treated as annulled, or that there shall be substituted, for the terms of the notice, such other terms as appear to the State Government to be reasonable.

but, without prejudice to the provisions of section 23 of this Act relating to the time when any conditions take effect, and without prejudice to section 24 of this Act, the provisions of this Chapter shall apply as respects the period before the giving of the direction as if the withholding of consent, or, as the case may be, the terms of the consent or notice had not been unreasonable.

## CHAPTER VI

## CONTROL OF NEW OUTLETS AND DISCHARGES

28. (1) Subject to the provisions of this section, no person shall in any water pollution prevention area, without the consent of the Board, bring into use any new or altered outlet for the discharge of trade or sewage effluent or waste to a stream or begin to make any new or additional discharge of trade or sewage effluent or waste to a stream. Restrictions on new outlets and new discharges.

(2) An application for consent of the Board under sub-section (1) shall be made in the prescribed form, and shall contain particulars regarding the proposed construction, installation or operation of the industrial or commercial establishment or of any disposal system or of any extension or addition thereto, and such other particulars as may be prescribed.

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

(4) The Board may grant its consent referred to in sub-section (1), subject to such conditions as it may reasonably impose, being,—

(a) in the case of a new or altered outlet, conditions as to the point of discharge into the stream or the construction of the outlet, or as to the use of that outlet or any other outlet for trade or sewage effluent or waste from the same land or premises ; and

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

and any such conditions imposed shall be binding on any person using the outlet, or discharging the effluent or waste from the land or premises, to which the condition relates.

(5) Where, without the consent of the Board, there is brought into use a new or altered outlet for the discharge of trade or sewage effluent or waste to a stream or there begins to be made a new or additional discharge of trade or sewage effluent or waste to a stream, the Board may give the person 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 for bringing the outlet into use or beginning to make the discharge.

(6) The Board shall maintain a register containing such particulars of the conditions which have been imposed under this section in relation to outlets or in relation to effluent or waste from land or premises and as are for the time being in force (except conditions to be satisfied before an outlet is brought into use or a new or additional discharge is made) and so much of the register as relates to any outlet, or to any effluent or waste from such land or premises—

(a) shall be open to inspection at all reasonable hours by any person interested in the outlet, or in the land or premises, as the case may be, or by any person authorised by him in this behalf ; and

(b) in favour of a person charged for contravening this section with causing or knowingly permitting to enter a stream an effluent or waste not complying with any such conditions, shall be conclusive as to the conditions with which the discharge of the effluent or waste is required to comply.

(7) If the Board fails, within six months of the making of it of an application for its consent under this section, to give the person proposing to bring into use the new or altered outlet or to begin to make the new or additional discharge, as the case may be, notice that the Board gives or refuses its consent, the consent shall be deemed

to, have been given unconditionally at the expiration of these six months. If for the purpose of considering the application, the Board has called for any information, then the period of six months shall commence from the date on which such information is received by the Board.

(8) For the purposes of this section—

(a) the expression "new or altered outlet" means any outlet which is wholly or partly constructed on or after the date on which this section comes into force or which (whether so constructed or not) is substantially altered after that date ;

(b) the expression "new or additional discharge" means a discharge which is not, as respects the nature and composition, temperature, volume and rate of discharge of the effluent or waste, 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 a previous discharge made as aforesaid shall not be deemed to be a new or additional discharge by reason of any reduction of the temperature or volume, period or rate of discharge of the effluent or waste as compared with the previous discharge.

Refusal or  
withdrawal  
of consent  
by  
Board.

29. (1) The Board shall not grant its consent to the bringing into use of a new or altered outlet, unless the outlet is so constructed as to comply with any conditions reasonably imposed by the Board to enable it to exercise its right to take samples of the effluent or waste.

(2) The Board may, from time to time, review any condition, imposed under section 28 (other than a condition to be satisfied before an outlet is brought into use or a new discharge begins to be made), and may give the person using the outlet or making the discharge, as the case may be, a notice (which shall not be less than a period of three months) making any reasonable variation of or revoking any such condition.

The provisions relating  
to new  
discharges  
and new  
outlets.

30. (1) The Board shall include in the register maintained by it under sub-section (6) of section 28 such particulars as the State Government may direct of any conditions which have been imposed under this Act in relation to land or premises in every water pollution prevention area, and of the other terms included in pursuance of this Act in any consent or notice.

(2) Any condition imposed under this Act shall continue in force (subject to any variation under this Act) until revoked under this Act, and shall be binding on any person discharging effluent or waste from the land or premises or, as the case may be, using the outlet to which the condition relates.

(3) If the occupier of land or premises from which effluent or waste passes or may pass to a stream by two or more ways meeting at the outlet or a point short of the outlet, gives his consent for the purposes of this sub-section, the power to impose conditions under this Act as to the effluent or waste discharged from the land or premises shall thereafter (and notwithstanding any change of occupation) include power to impose conditions as to the nature and composition, temperature, volume, period or rate of discharge of effluent or waste passing in each or any of those ways separately; and consent given for the purposes of this sub-section shall be recorded in the register under sub-section (6) of section 28 but may be withdrawn by agreement with the Board or the State Government.

(4) Any conditions imposed under section 28 may be framed so as to have effect for a specific period or for the period beginning or ending with a specified date.

Samples of  
effluent or  
waste.

31. (1) In any legal proceedings, it shall be presumed, until the contrary is shown, that any sample of effluent or waste taken at an inspection chamber or manhole or other place provided in compliance with a condition imposed under this Act in relation to any waters is a sample of what was passing from the land or premises to those waters.

1970 : Mah. XVI] Maharashtra Prevention of Water Pollution Act, 1970

848

(2) The Board may agree with the occupier of any land or premises from which effluent or waste is discharged on the point or points at which, in exercise of the Board's rights, samples are to be taken of the effluent or waste passing into any waters, and in any legal proceedings, it shall be presumed, until the contrary is shown, that any sample of effluent or waste taken at a point fixed under this section is a sample of what was passing from the land or premises to those waters.

(3) An agreement under the last foregoing sub-section shall have effect in relation to the land or premises notwithstanding any change of occupation, but the Board or the occupier for the time being may at any time declare that it shall cease to have effect.

(4) In default of agreement under the foregoing provisions of this section, the Board may apply to the State Government and the State Government may, after giving the occupier of the land or premises and any other person who appears to the State Government to be interested an opportunity of being heard fix the point at which samples are to be taken; and the State Government may from time to time on the application of the Board or the occupier of the land or premises review and vary any decision taken by it under this sub-section.

(5) The Board shall maintain a register containing such particulars as the State Government may direct of sampling points fixed under the foregoing provisions of this section, and the register shall be open to inspection at all reasonable hours by any person appearing to the Board to be interested.

32. (1) Any person aggrieved by an order made under section 28, section 29 or section 30 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to an appellate officer having the prescribed qualifications who shall be a person nominated in this behalf by the State Government : Appeal.

Provided that, the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate officer shall, after giving the appellant and the Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) If the appellate officer determines that the withholding of consent, or 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 withholding of consent, he may direct that the consent shall be treated as given either unconditionally or subject to such conditions as appear to him to be reasonable;

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

(c) where the appeal is in respect of the unreasonableness of any variation of a condition, he 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 him to be reasonable; but as respects the period before the giving of the direction, this section shall apply as if the withholding of consent, or the condition imposed, or the variation of the condition, as the case may be, had not been unreasonable.

33. (1) Where it appears to the Board that any poisonous, noxious or polluting matter is present in any stream or has entered that stream in consequence of an accident or other unforeseen act or event, the Board may, subject to the following Emergency measures in case of pollution of streams.



8490 • *Maharashtra Prevention of Water Pollution Act, 1969* [1970 : Mah. XVI,

provisions of this section, carry out such operations as the Board considers necessary or expedient for either or all of the following purposes, that is to say—

(a) removing that matter from the stream and disposing of it in such manner as the Board considers appropriate ;

(b) remedying or mitigating any pollution caused by its presence in the stream ; and

(c) immediately restraining or prohibiting discharge of any harmful, poisonous or toxic waste into stream, or from making insanitary use of the stream.

(2) The power conferred by the preceding sub-section does not include power to construct any works other than works of a temporary character which are removed on or before the completion of the operations.

Revision. 34. (1) The State Government may, at any time, either of its own motion, or on application made to it in this behalf, call for the records of any case where an order has been passed by the Board under section 28, section 29 or section 30 or records of any case falling under section 33 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 fit :

Provided that, the State Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

(2) The State Government shall not revise any order passed under section 28, section 29 or section 30 where an appeal against that order lies to the appellate officer, but has not been preferred and the time within which such appeal may be preferred has not expired, or where an appeal has been preferred and is pending before the appellate officer.

## CHAPTER VII.

### POWERS OF BOARD IN RELATION TO EXISTING DISCHARGES AND NEW OUTLETS AND DISCHARGE

Powers of  
Board to  
carry out  
certain  
works.

35. (1) Where under this Act any conditions have been imposed on any person for making any existing discharges, or for bringing into use any new or altered outlet for the discharge of trade or sewage effluent or waste to a stream or for making any new or additional discharge of trade or sewage effluent or waste to a stream, and such conditions require such person to execute any work (including any treatment work) in connection with such existing discharge or new or altered outlet, or for such new or additional discharge, and such work has not been executed within such time as may be specified in this behalf, the Board may serve a notice on the person concerned 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 notice referred to in sub-section (1) is not complied with, then after the expiration of the time specified in the notice, the Board may itself execute the work required to be done by the notice.

(3) All expenses incurred by the Board for 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 payment, may be recovered by the Board from the person concerned, as arrears of land revenue.

## CHAPTER VIII.

## FUNDS, ACCOUNTS AND AUDIT

36. The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the Board in each financial year such sums as the State Government may consider necessary for the performance of the functions of the Board under this Act. Payments to Board.

37. (1) The Board shall have its own fund, and all sums which may, from time to time, be paid to it by the State Government, and all other receipts of the Board shall be credited to the fund of the Board, and all payments by the Board shall be made therefrom. Fund of Board.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the fund of that Board.

38. The Board shall prepare, in such form and at such time each year 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 State Government. Budget.

39. (1) The Board shall prepare and forward to the State Government in such form and as may be prescribed an annual report, within six months from the end of every year, giving a true and full account of its activities during the previous year. Annual report.

(2) Every such report shall be laid before each House of the State Legislature within six months from the time it is received by State Government.

40. (1) The 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 State Government in consultation with the Accountant General, Maharashtra. Accounts and audit.

(2) The accounts of the Board shall be audited by the Accountant General, Maharashtra, and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Accountant General has in connection with the audit of Government accounts, and in particular, 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.

(3) The accounts of the Board as certified by the Accountant General or any other person appointed by him in this behalf together with the auditor's report thereon shall be forwarded annually to the State Government ; and the State Government shall cause the same to be laid before both Houses of the State Legislature.

## CHAPTER IX.

## PENALTIES AND PROCEDURE

41. Whoever intentionally fails to comply with any directions given under section 19 within such time as may be specified in the directions shall, in respect of each such failure, on conviction, be punished with fine which may extend to one thousand rupees ; and in case the failure continues, with an additional fine which may extend to one hundred rupees for every day during which such failure continues after conviction for the first such failure. Failure to comply with directions under section 17.

42. Whoever voluntarily obstructs any person lawfully exercising a right conferred by or under this Act to enter any land or any vessel or to carry out any inspection or survey or to make copies of or extracts from any documents or to obtain and take away samples shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both. Penalty for obstruction.

Penalty for  
certain acts.

43. If any person—

(a) wilfully destroys, pulls down, injures or defaces any notice or other matter posted by the authority of the Board or such matter inscribed and placed by the Board ;

(b) wilfully obstructs any person duly acting under the orders or directions of the Board in setting out the lines of any works, or pulls up or removes any pillar, post or stake fixed in the ground for the purpose of setting out the lines of such works, or defaces or destroys any works made for the same purposes or in carrying out any operations or orders under this Act ; or

(c) wilfully damages any works or property belonging to the Board ; or

(d) wilfully neglects to furnish any officer or other employee of the Board any information required by him for the purposes of this Act ;

he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Contraven-  
tion of  
prohibitory  
provisions  
of section  
22, etc.

44. Whoever intentionally contravenes the provisions of sub-section (1) of section 22 or who knowingly causes or permits to enter a stream by an outlet, or from any place or premises or plant or vessel, in relation to which conditions have been imposed under section 23, any trade or sewage effluent or waste not complying with those conditions, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine, which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

Penalty for  
new or  
altered out-  
let or new  
discharges  
without  
consent of  
Board.

45. Whoever, in contravention of the provisions of section 28, brings into use a new or altered outlet or begins to make a new discharge without obtaining the consent of the Board or without observing any conditions imposed by the Board in giving its consent under that section (being conditions to be satisfied before the outlet is brought into use or the new discharge begins to be made), shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

Enhanced  
penalty  
after  
previous  
conviction.

46. If any person who has been convicted of any offence punishable under this Act is again found guilty of an offence involving a contravention of the same provision, he shall, on conviction, be punished on a subsequent conviction with imprisonment which may extend to six months but shall not be less than three months, and with fine which may extend to two thousand rupees, or both.

Offences by  
companies.

47. (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. No legal proceedings or prosecution for an offence punishable under this Act shall be instituted, until the expiration of one month after notice has been given to the offender that the taking of such proceedings or prosecution is being considered, and no legal proceedings or prosecution instituted shall be withdrawn, except with the previous sanction of the Board, or any officer authorised by the Board in this behalf.

49. No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try an offence punishable under this Act.

50. No court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of the Board.

51. (1) The Board by general or special order in this behalf may either before or after the institution of the legal proceedings or prosecution with the permission of the court compound any offence punishable by or under this Act subject to such terms and conditions as may be laid down by the Board in this behalf :

Provided that, the Board before compounding any offence shall not accord its approval unless the accused pays to the Board by way of composition of the offence such sum as may be determined by it. Such sum shall not be less than one-half of the maximum amount of fine prescribed for the offence, and if the fine prescribed therefor is unlimited, shall not be less than five hundred rupees.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged ; and no further proceedings shall be taken against him in respect of the offence so compounded.

## CHAPTER X.

### MISCELLANEOUS

52. (1) The State Government may, by notification in the *Official Gazette*,—

(a) establish a State Water Testing and Waste Characterisation Laboratory, or  
(b) specify any laboratory or institute as a State Water Testing and Waste Characterisation Laboratory, to carry out the functions entrusted to the State Water Testing and Waste Characterisation Laboratory by this Act or any rules made thereunder.

(2) The State Government may, after consultation with the Board, make rules prescribing—

(a) the functions of the State Water Testing and Waste Characterisation Laboratory;

(b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent or waste for analysis, test or characterisation, the form of the report of the Government analyst thereon and fees payable in respect of such analysis, test or characterisation and report;

(c) such other matters as may be necessary or expedient to enable the laboratory to carry out its functions.

8494 • *Maharashtra Prevention of Water Pollution Act, 1969* [1970 : Mah. XVI

Government  
analyst.

53. The State Government may, by notification in the *Official Gazette*, appoint such persons as it thinks fit, having the prescribed qualifications to be Government analysts for such water pollution prevention areas as may be assigned to them by the State Government.

Report of  
Government  
Analyst.

54. (1) The Government analyst shall deliver, in such form as may be prescribed, a report to the Board or to the person taking any sample under this Act of the result of the analysis of such sample sent to him for analysis.

(2) Subject to the provisions of section 20, any documents purporting to be a report signed by a Government analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

Returns and  
reports.

55. The Board shall furnish to the State Government such reports, returns, statistics, accounts and other information with respect to its fund or activities as the State Government may, from time to time, require.

Authentica-  
tion of  
orders and  
documents  
of Board.

56. All permissions, orders, decisions, notices and other documents of the Board shall be authenticated for and on behalf of the Board by the signature of the member-secretary or any officer authorised by the Board in this behalf.

Service of  
notices, etc.

57. (1) All notices, orders and other documents required by this Act or any rule made thereunder to be served on any person shall, save as otherwise provided in this Act or such rule be deemed to be duly served—

(a) where the person to be served is a company the service is effected in accordance with the provisions of section 51 of the Companies Act, 1956 ;

1 of  
1956.

(b) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, identifying it by the name and style under which its business is carried on, and either—

(i) sent under a certificate of posting or by registered post, or

(ii) left at the office ;

(c) where the person to be served is a local body or a statutory public body or a corporation or other body, if the document is addressed to the Secretary, Treasurer or other head officers of that body or corporation at its principal office, and is either—

(i) sent under a certificate of posting or by registered post, or

(ii) left at that office ;

(d) in any other case, if the document is addressed to the person to be served and—

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family, or is affixed on some conspicuous part of the building to which it relates, or

(iii) is sent under a certificate of posting or by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or premises may be addressed to the owner or the occupier,

as the case may be, of that land or premises (naming that land or premises without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is given or tendered to some person on the land or premises or, where there is no person on the land or premises to whom it can be delivered, if affixed to some conspicuous part of the land or premises.

(3) Where a document is served on a firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property, the occupier (if any) of the property may be required by notice in writing by the Authority to state the name and address of the owner thereof.

58. Where any notice, order or other document issued or made under this Act or any rule made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rules, the notice, order or other document shall specify a reasonable time for doing the same or complying therewith. Notices, etc. to fix reasonable time.

59. All local authorities shall render such help and assistance and furnish such information to the Board as the Board may require for carrying out 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. Local authorities to assist.

60. No suit, prosecution or other legal proceedings shall lie against any member, officer or servant of the Board or of Government for anything in good faith done or intended to be done by or under this Act, or any rule made thereunder. Protection of action taken in good faith.

61. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act. Over-riding effect.

62. (1) The State Government may, after consultation with the Board and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Power of State Government to make rules.

(2) 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 successive sessions, and if, before the expiry of the session in which it is so laid or the session 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 from the date of publication of a notification in the *Official Gazette*, of such decision 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.

63. The State Government may, by notification in the *Official Gazette*, delegate any power (other than the power to make rules) exercisable by it under this Act or the rules made thereunder to any officer of the State Government. Power to delegate.



8496

*Maharashtra Prevention of Water Pollution Act, 1969* [1970 : Mah. XVI

Members,  
officers and  
staff of  
Board to be  
public  
servants.

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

XLV  
of  
1860.

Power of  
Board to  
acquire land.

65. The Board may take steps for the compulsory acquisition of any land or any interest therein required for the purposes of this Act, in the manner provided in the Land Acquisition Act, 1894; and the acquisition of any land or any interest therein for the purposes of this Act shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894.

I of  
1894.

Wondershare  
PDFelement



1981: Mah. XXXI]

10127

**THE MAHARASHTRA PREVENTION OF WATER POLLUTION  
(REPEAL) ACT, 1981.**

---

**CONTENTS**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Definitions.
3. Repeal of Mah. XVI of 1970 and dissolution of Board constituted thereunder.
4. Savings.





**MAHARASHTRA ACT No. XXXI OF 1981.<sup>1</sup>**

[THE MAHARASHTRA PREVENTION OF WATER POLLUTION (REPEAL) ACT, 1981.]

[This Act received the assent of the President on 22nd May 1981; assent was first published in the *Maharashtra Government Gazette*, Part IV, on 25th May 1981.]**An Act to repeal the Maharashtra Prevention of Water Pollution Act, 1969.**

Mah. WHEREAS the State Legislature has enacted the Maharashtra Prevention of  
XVI Water Pollution Act, 1969;  
of  
1970.

VI of AND WHEREAS Parliament has thereafter enacted the Water (Prevention and  
1974 Control of Pollution) Act, 1974, and the Water (Prevention and Control of Pollution)  
XLIV Amendment Act, 1978, but these Central Acts apply only to those States, which have  
of adopted them by resolutions passed in that behalf by their State Legislatures in  
1978. pursuance of article 252 of the Constitution of India;

XXXVI AND WHEREAS Parliament has also enacted the Water (Prevention and Control  
of 1977. of Pollution) Cess Act, 1977, for the levy of a cess on water consumed by persons  
carrying on certain industries and by local authorities, to augment the resources,  
*inter alia*, of the State Boards, but this Act applies only to the States to which the  
VI of Water (Prevention and Control of Pollution) Act, 1974, applies;  
1974.

VI of AND WHEREAS it is considered desirable and expedient to adopt the Water  
1974. (Prevention and Control of Pollution) Act, 1974, and the Water (Prevention and Con-  
XLIV trol of Pollution) Amendment Act, 1978, for the State of Maharashtra also by  
of resolution passed in that behalf by both Houses of the State Legislature and to repeal  
1978. the Maharashtra Prevention of Water Pollution Act, 1969, subject to certain saving  
Mah. provisions hereinafter appearing; It is hereby enacted in the Thirty-second Year  
XVI of the Republic of India as follows :—  
of  
1970.

1. This Act may be called the Maharashtra Prevention of Water Pollution Short title.  
(Repeal) Act, 1981.

2. In this Act, unless the context otherwise requires,—

(a) "appointed day" means the date† specified in the resolution passed by both  
Definitions. Houses of the State Legislature under article 252 of the Constitution of India as the  
date of the adoption of the Central Acts for application to the State of Maharashtra;

VI of (b) "the Central Acts" means the Water (Prevention and Control of Pollution)  
1974. Act, 1974, and the Water (Prevention and Control of Pollution) Amendment  
XLIV Act, 1978;  
of  
1978.

Mah. (c) "the Maharashtra Act" means the Maharashtra Prevention of Water  
XVI Pollution Act, 1969.  
of  
1970.

3. On the appointed day, the Maharashtra Act shall stand repealed, and the Board  
constituted thereunder shall stand dissolved.

Repeal of  
Mah. XVI  
of 1970 and  
dissolution  
of Board  
constituted  
thereunder.

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1981, Part V,  
page 302.

† 1st June 1981.



10130

*Maharashtra Prevention of Water Pollution  
(Repeal) Act, 1981*

[1981 : Mah. XXXI

Savings. 4. (1) Notwithstanding the repeal of the Maharashtra Act, by this Act, anything done or any action taken and in force under the Act so repealed immediately before the appointed day shall, unless it is inconsistent with the provisions of the Central Acts, continue to be in force on and after the appointed day, unless and until modified or superseded by any authority under the Central Acts competent to do so.

(2) Every person who immediately before the appointed day is serving under the Board constituted under the Maharashtra Act shall be deemed to have been allotted, on the appointed day, to serve under the State Board constituted in accordance with the provisions of the Central Acts, on the same terms and conditions, until they are duly varied by the State Board or other competent authority under the Central Acts.

(3) All properties, moveable and immovable, and interests of whatsoever nature and kind therein, which vested in the Board constituted under the Maharashtra Act immediately before the appointed day shall, on the appointed day, stand transferred to, and vest in, the Board constituted under the Central Acts, subject to all limitations and conditions and rights or interests of any person, body or authority in force or subsisting immediately before the appointed day.

(4) Save as otherwise provided, the provisions of section 7 of the Bombay General Clauses Act, 1904, with regard to effect of repeal, shall apply.

Bom.  
I of  
1904.