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PARLIAMENT OF INDIA
RAJYA SABHA

**PREVENTION OF WATER POLLUTION
BILL, 1969**

REPORT OF THE JOINT COMMITTEE
(Presented on the 13th November, 1972)



RAJYA SABHA SECRETARIAT
NEW DELHI

NOVEMBER, 1972

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COMPOSITION OF THE JOINT COMMITTEE ON THE PREVENTION
OF WATER POLLUTION BILL, 1969

*Shri Krishan Kant—*Chairman*

MEMBERS

RAJYA SABHA

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
- **4. Shri Nuthalapati Joseph
5. Shri Balram Das
- **6. Dr. Rajat Kumar Chakrabarti
7. Shri Kalyan Chand
8. Shri Jagdish Prasad Mathur
9. Shri U. K. Lakshmana Gowda
10. Shri G. A. Appan
11. Shri Salil Kumar Ganguli
12. Shri U. N. Mahida

Lok Sabha

13. Shri Maganti Ankineedu
14. Shri Kondajji Basappa
15. Shri Onkar Lal Berwa
16. Shri Chakleshwar Singh
17. Shri Chhutton Lal
18. Shri G. C. Dixit
19. Shri T. H. Gavit
20. Shri Mani Ram Godara
21. Shri K. Gopal
22. Shri Samar Guha
23. Shri M. M. Hashim
24. Shri A. K. Kisku
25. Hazi Lutfal Haque
26. Shri Yamuna Prasad Mandal

*Re-appointed to the Committee on 14-4-1972.

**Appointed on 14-4-72 *vice* Shri Baharul Islam who resigned his seat in the Rajya Sabha
and Shri M.H. Samuel, who expired on 16-2-72.

(ii)

27. Shri Nanubhai N. Patel
28. Shri Mohan Swarup
29. Shri Rajaram Dada Saheb Nimbalkar
30. Shri Ramji Ram
31. Shri P. Ganga Reddy
32. Dr. Saradish Roy
33. Shri S. A. Shamim
34. Shri Ramavatar Shastri
35. Shri S. D. Singh
36. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Health and Family Planning (Department of Health)

1. Shri A. B. Malik, Joint Secretary
2. Shri Satish Kumar, Deputy Secretary.
3. Shri S. K. Sudhakar, Under Secretary.
4. Shri J. M. Dave, Adviser (PHE).
5. Shri B. B. Rau, Deputy Adviser (PHE).
6. Shri V. Venugopalan, Deputy Adviser (PHE).
7. Shri T. Durairaj, Deputy Adviser (PHE).
8. Shri V. A. Anandadoss, Deputy Adviser (PHE).
9. Shri T. K. Vedaraman, Asstt. Adviser (PHE).
10. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).
11. Shri R. N. Tewari, Deputy Director

Ministry of Law and Justice

1. Shri Hari Har Iyer, Joint Secretary.
2. Shri A. K. Srinivasamurthy, Addl. Legislative Counsel.
3. Shri A. P. Pandey, Assistant Legislative Counsel.
4. Shri Des Raj Goel, Attache.

SECRETARIAT

1. Shri S. S. Bhalerao, Joint Secretary.
2. Shri M. S. Panigrahi, Deputy Secretary.
3. Shri P. K. Bhor, Deputy Secretary.
4. Shri Sudarshan Agarwal, Deputy Secretary.
5. Shri A. Nandi, Deputy Secretary.
6. Shri M. K. Jain, Deputy Secretary.
7. Shri Kashmiri Lal, Under Secretary.

REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which the Bill* to provide for the prevention 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 Prevention of Water Pollution Boards, for conferring on such Boards functions relating thereto and for matters connected therewith was referred, as authorised by the Joint Committee, present, on its behalf this Report of the Committee along with the Bill as amended by the Committee, annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 22nd December, 1969.

3. The motion for reference of the Bill to a Joint Committee of the Houses (Appendix I) was moved in the Rajya Sabha by Shri U. N. Mahida on the 10th August, 1970, and was adopted by the House on the 18th August, 1970. A message was thereafter transmitted to the Lok Sabha on the 19th August, 1970, communicating to the Lok Sabha the adoption of the said motion by the Rajya Sabha. The Lok Sabha concurred in the motion on the 4th September, 1970, (Appendix II) and the message from the Lok Sabha was reported to the Rajya Sabha on the 5th September, 1970. Two meetings of this Committee were held. At the first meeting the Committee decided that a Press Communique be issued inviting memoranda on the Bill from individuals, associations, organisations and other bodies interested in the subject-matter of the Bill by 5th November, 1970. The Committee also decided that all the State Governments and all the Municipal Corporations in the country and the Municipal Committees, where there are no Municipal Corporations, of the capital cities of the States, should be requested to send their comments on the various provisions of the Bill by the aforesaid date.

4. The Fourth Lok Sabha was, however, dissolved on the 27th December, 1970 and as such the Joint Committee could not complete its deliberations. The Fifth Lok Sabha was constituted on the 15th March, 1971. A fresh motion for reference of the Bill to a Joint Committee of the Houses was moved in and adopted by the Rajya Sabha on the 30th July, 1971 (Appendix III). The motion was transmitted to the Lok Sabha on the 31st July, 1971.

5. The Lok Sabha concurred in the motion of the Rajya Sabha at its sitting held on the 12th August, 1971 (Appendix IV). The message of the Lok Sabha was reported to the Rajya Sabha on the same day.

6. According to the fresh motion the Report of the Committee was to be presented to the House by the first day of the Seventy-eighth (Winter) Session of the Rajya Sabha. The Committee, was, however, granted extension of time, first up to the first day of the Eighty-first Session and again up to the first day of the Eighty-second Session of the Rajya Sabha.

*Published in the Gazette of India, Extraordinary Part II, Section 2, dated the 22nd December, 1969.

7. The Committee held 39 sittings in all (Appendix VII). In order to obtain first-hand knowledge of the problems of pollution of water in the country, the Committee decided to visit certain important centres of industry located in various parts of the country, specially places where the problem of water pollution has become very acute. For this purpose, the Committee divided itself into three convenient Study Groups—Study Groups I, II and III—which visited Eastern, Western and Southern parts of the country respectively.

The Committee also visited Haryana, Punjab, Delhi, Uttar Pradesh, Jammu and Kashmir for an on-the-spot study of the different aspects of the problem connected with the pollution of water.

8. At its first sitting held on Monday, the 16th August, 1971, the Committee decided that all the memoranda containing the views and opinions on the Bill, received in pursuance of the steps mentioned in paragraph 3 of this report should be deemed to be memoranda to the (newly constituted) Joint Committee. The Committee also decided that a fresh communique be issued inviting opinions from various individuals, associations, and other bodies interested in the subject-matter of the Bill who have not so far submitted any memoranda on the Bill and advising them to send the same by the 30th September, 1971. The Committee also decided to call witnesses for giving oral evidence on the Bill and authorised the Chairman to decide after examining all the memoranda, as to who should be invited for the purpose. The Chairman also requested Members to suggest names of persons who might be invited for giving oral evidence before the Committee.

9. Eighty-two memoranda containing views, comments, suggestions, resolutions etc. on the various provisions of the Bill from individuals, associations and other bodies were received by the Committee (Appendix VI).

10. The Committee heard evidence tendered by 62 witnesses (Appendix VI).

11. The Committee decided that the evidence tendered before it should be laid on the Table of the Houses.

12. The Committee considered and adopted the Draft Report at its sitting held on Friday, the 10th November, 1972.

13. Before dealing with the changes effected by the Committee in the various clauses of the Bill, the Committee would like to point out that the Bill seeks to tackle the problem of pollution of water, keeping in view the peculiar conditions of streams in the country. The Committee is aware of the magnitude of the problem and the serious proportions it has assumed with the rapid development of industries in the country and feels that the Bill has been introduced at a stage when control and prevention of water pollution does not present insurmountable difficulties.

Keeping in view the gravity of the problem and the threat it holds out to public health, the Committee has endeavoured to bring out the changes in the Bill with a view to make it more comprehensive and as practical as possible. The Committee has effected such changes in the Bill as would make the various procedures time-bound thus obviating the likelihood of delays in the implementation of the various provisions of the Bill.

The Committee also has in view the peculiar conditions of geography and terrain of the States of Assam, Meghalaya, Nagaland and Union Territories—Mizoram and Arunachal, and for this reason suggests that a common Board for the Prevention of Water Pollution would be advantageous. A new chapter has, therefore, been incorporated in the Bill to enable Joint Boards being constituted by agreement between two or more States.

With a view to control the problem of pollution of water and leave no scope for individuals, associations, industries and other bodies to continue or enhance pollution, the Committee has made the provisions in the Bill relating to penalties more stringent and deterrent so that polluters do not find it easy to ignore the requirements of law.

14. The principal changes effected by the Committee in the Bill and the reasons therefor are set out in the succeeding paragraphs.

Clause 2

Paragraph (d) [original paragraph (c)].—(i) As pollution of water bodies from any premises could be direct as well as indirect, the Committee feels that there should be scope in the Bill for controlling the indirect pollution also. As such the Committee has modified the definition of "pollution" to include both direct and indirect pollution.

(ii) Pollution of water can affect the plants and other aquatic organisms besides animals. The Committee is of the opinion that plant life and the aquatic life should also be protected from water pollution and the paragraph has therefore been revised suitably.

*Paragraph (f) [original paragraph (e)].—*The Committee recognises that sewage and sewage effluents originating from sewage systems and sewage treatment works as well as sullage from open drains contribute in a large measure to the pollution of waters. The Committee has therefore made the definition of "sewage effluent" more comprehensive.

*Paragraph (i) [original paragraph (h)].—*The Committee is of the opinion that water pollution is not restricted to rivers and water courses or inland waters alone but may extend to estuaries, sea waters and sub-terranean waters as well, all of which need to be protected from pollution. There are instances where the rivers are non-perennial and become dry. The Committee has therefore made suitable provisions to prevent pollution of streams in different conditions of flow. In addition the definition of "stream" has been enlarged to include estuaries, water courses whether flowing or for the time being dry, tidal waters, sea and sub-terranean waters.

Clauses 3 and 4

The Committee is strongly of the view that as the functions to be entrusted to the Central and the State Boards under this Bill are predominantly of a technical nature, the Chairmen of such Boards should be persons possessing special knowledge or practical experience in respect of matters relating to use, conservation, control and prevention of water and water resources.

The Committee also feels that the Chairman of the Central and State Boards should be full-time Chairman.

The Committee further feels that the Member-Secretaries who have a very specialised role to play, in the Central and State Boards, should also be persons qualified in respect of water supply, sewerage treatment and disposal of sewage and trade effluents. Because of the nature of their duties they should also have administrative experience. The Committee is also of the opinion that the Member-Secretaries should be full time Member-Secretaries. The clauses have accordingly been suitably amended.

Chapter III (New)—Clauses 13—15 (New)

In view of the fact that under special situations, some contiguous States or Union Territories may prefer to establish a Board for their regions for the purpose of implementation of the provisions of this Act, the Committee considers that it will be useful to make provision for the constitution of Joint Boards.

Clause 16 (Original Clause 13)

Sub-clause (2) Paragraph (f) (Original).—The Committee feels that the Central Board or the State Boards should not be vested with the responsibility of enforcing the provisions of the Bill in regard to matters pertaining to prevention of water pollution and at the same time advising local bodies or industrial undertakings in regard to the method of treatment and disposal of sewage and trade effluents. It would be inappropriate for a pollution controlling agency to act as an accuser and be also responsible for the solution of the problems complained of. The Committee has accordingly deleted this paragraph.

Paragraph (h) (New).—The Committee feels that it is necessary to execute a nationwide programme for the prevention, control or abatement of water pollution and has added the new paragraph with this end in view.

Sub-clause (3) (New).—The Committee feels that in order to enable the Boards to perform their functions effectively and efficiently, including that of analysis of samples of water, from any stream or well or samples of any sewage or trade effluent the Central Board should be empowered to establish or recognise laboratory or laboratories. Accordingly, the Committee has added a new sub-clause in this regard. The Committee also feels that State Boards should also be empowered to establish similar laboratories and has accordingly made a provision to this effect in Clauses 16 and 17 (original clauses 13 and 14).

Clause 17 (Original Clause 14)

Paragraph (g) (New).—The Committee is of the opinion that in a country like India, with flows in rivers varying very widely from season to season and scant water resources, greater attention will have to be given in formulation of standards and the utilisation of sewage and suitable trade effluents for agriculture. Methods of disposal of effluents, will have to be evolved to suit local conditions.

Accordingly, suitable provisions in this regard have been incorporated in the paragraph.

Paragraph (m) (new).—The Committee has decided that laying down effluent standards to be complied with by persons depending upon the

circumstances is important in a realistic approach in tackling the problem of water pollution. The paragraph has, therefore, been included with this end in view.

Clause 20 (Original Clause 17)

Sub-clause (3) (New).—The Committee feels that the existing Bill does not empower the Boards to obtain the information regarding the process details or of any disposal facilities meant for treating these wastes which power should be readily available to the Board. A special provision has, therefore, been included in this regard.

Clause 21 (Original Clause 18)

Sub-clauses (3), (4) and sub-clause (5) (New).—The Committee feels that the samples collected for the purpose of analysis could deteriorate with the passage of time and the preservation of the samples for future reference would not therefore be meaningful and would not be acceptable in a court of law.

With a view to rectify such situations, the Committee has amended the sub-clauses suitably.

Clause 24 (Original Clause 20)

Sub-clause (3).—The Committee is of the opinion that sub-clause in its present form can be availed of by established industries in avoiding installation of treatment works. A suitable new clause has, therefore, been added.

Clause 26 (New)

The Committee is of the view that the provisions referred to above did not cover existing polluters. At the same time the Committee agrees that some time should be given to such polluters to enable them to put up the necessary treatment facilities and has therefore made a provision to give them time to comply with the requirements. The new clause has therefore been adopted to achieve this objective.

Clause 41—45 (Original Clauses 34—38)

The punishments provided in the present clauses are principally fines, occasionally combined with imprisonment. Such punishments may, on the opinion of the Committee, not act as sufficient deterrents. The penalty provisions have, therefore, been suitably revised.

Clause 49 (Original Clause 40)

Sub-clause (2) (New).—The Committee feels that as there is a possibility that a person guilty under this Act could find escape under the provisions of some other Acts which could let him off with much lesser punishment, it has specifically added the sub-clause to provide that in such cases only the provisions of this Act should prevail.

Clause 58 (New)

The Committee considered the possibility of an aggrieved party going to a court of law directly without taking recourse to the procedure laid

(viii)

down for making an appeal to the appellate authority. The Committee feels that it is necessary to make a provision in the Bill to obviate such an action being taken by the party and hence the new clause has been added.

Clauses 61 and 62 (New)

The Committee is of the view that there should be provision in the Bill for supersession of a Board by the Central Government, or the State Government, as the case may be, when the Board was not found to be operating satisfactorily with the objects delineated to it. The Committee, however, feels that such supersession should not be of a permanent character but steps should be taken to reconstitute the Board as quickly as possible. With these objectives in view, the Committee has added these clauses.

Clauses 63 and 64 (Original Clauses 49 and 50)

Sub-clause (1) The Committee is of the opinion that usually it takes a long time to frame the rules after the constitution of the Boards and this acts as an impediment in their effective functioning. The Committee has amended the clauses accordingly so as to ensure that rules are framed and become operative simultaneously with the constitution of the Boards.

The Long Title

The long title has been modified to include control of water pollution besides its prevention since the Committee feels that prevention may not be practicable immediately in many cases and in such a situation at least control should be exercised.

Clause 1

Sub-clause (3).—The Committee feels that usually there is some time-lag between the date of adoption of an Act by a State Government and the date appointed for its coming into force. In order to avoid such delay, the Committee has provided that the Act should come into force in a State simultaneously with its adoption by the State Government concerned.

15. The other changes made in the Bill are of a consequential, verbal or drafting nature.

16. The Committee recommends that the Bill as amended be passed.

KRISHAN KANT,

Chairman of the Joint Committee.

NEW DELHI;

November 10, 1972.

THE PREVENTION OF WATER POLLUTION BILL, 1969

ARRANGEMENT OF CLAUSES

CLAUSES

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THE PREVENTION OF WATER POLLUTION BILL, 1969
(AS REPORTED BY THE JOINT COMMITTEE)

[Words side-lined or underlined indicate the amendments suggested by the Committee ; asterisks indicate omissions.]

A

BILL

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 Gujarat, Haryana, Jammu and Kashmir, Kerala and Mysore to the effect that the matters aforesaid should be regulated in those States by Parliament by law;

5

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, application and commencement.

1. (1) This Act may be called the Water (Prevention and Control of Pollution) Act, 1972. 10

(2) It applies in the first instance to the whole of the States of Gujarat, Haryana, Jammu and Kashmir, Kerala and Mysore 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. 15

(3) It shall come into force, at once in the States of Gujarat, Haryana, Jammu and Kashmir, Kerala and Mysore 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, mean the date on which this Act comes into force in such State or Union territory. 20

Definitions.

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

(a) "Board" means the Central Board or a State Board; 25

(b) "Central Board" means the Central Board for the Prevention and Control of Water Pollution 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 where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory of the premises; 30

(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) 35

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;

5 (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;

10 (h) "State Board" means a State Board for the Prevention and Control of Water Pollution constituted under section 4;

(i) "State Government" in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution;

15 (j) "stream" includes—

(i) river;

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

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

20 (iv) sub-terranean 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;

25 (k) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any trade or industry, other than domestic sewage

* * * * *

CHAPTER II

THE CENTRAL AND STATE BOARDS FOR PREVENTION AND CONTROL OF WATER POLLUTION

30

3. (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 Gujarat, Haryana, Jammu and Kashmir, Kerala and Mysore and in the Union territories) as it may, by notification in the Official Gazette, appoint, constitute a Central Board to be called the Central Board for the Prevention and Control of Water Pollution to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

Constitu-
tion of
Central
Board.

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

(a) a full-time chairman having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources and the prevention and control of water pollution, to be nominated by the Central Government; 5

(b) five officials 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, referred to in clause (c) of sub-section (2) of section 4; 10

(d) three non-official 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; 15

(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 qualified in respect of water supply, sewerage system, treatment and disposal of sewage and trade effluents and having administrative experience, to be appointed by the Central Government. 20

(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. 25

Constitu-
tion of
State
Boards.

4. (1) The State Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the State) as it may, by notification in the Official Gazette, appoint, constitute a State 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. 30

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

(a) a full-time chairman having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources and the prevention and control of water pollution, to be nominated by the State Government;

5 (b) five officials to be nominated by the State Government to represent that Government;

(c) five persons to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

10 (d) three non-officials 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;

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

20 (f) a full-time member-secretary qualified in respect of water supply, sewerage system, treatment and disposal of sewage and trade effluents and having administrative experience, 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:

30 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.

35 5. (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.

40 (2) The term of office of a member of a Board nominated under clause (b) of sub-section (2) of section 3 or clause (b) 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, as the case may be, *** the State Government, by virtue of which he was nominated.

45 (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.

Terms and conditions of service of members.

(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) of sub-section (2) of section 3 or under clause (c) of sub-section (2) of section 4, if he ceases to be a member of the State Board, or as the case may be, of the local authority.

(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 not be eligible for renomination for more than two terms.

(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.

Disquali-
fication.

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

6. (1) No person shall be a member of a 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 a 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 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-section (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. If a member of a Board becomes subject to any of the disqualifications specified in section 6, his seat shall become vacant.

Vacation of seats by members.

8. 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:

Meetings of Board.

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. (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.

Constitution of committees.

(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. (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.

Temporary association of persons with Board for particular purposes.

(2) A person 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.

11. No act or proceedings 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.

Vacancy in Board not to invalidate acts or proceedings

12. (1) The terms and conditions of service of the member-secretary shall be such as may be prescribed.

Member-secretary and officers and other employees of Board.

(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 and the rules so made may provide for the salaries and allowances and other terms and conditions of service of such officers and employees.

(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

Constitu-
tion of
Joint
Boards.

13. (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 Gazettes of the participating States and in a case referred to in clause (b) of that sub-section, in the Official Gazettes of the participating Union territory or Union territories and the participating State or States.

14. (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:—

Composi-
tion of
Joint
Boards.

(a) a full-time chairman having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources and the prevention and control of water pollution, 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 of 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 qualified in respect of water supply, sewerage system, treatment and disposal of sewage and trade effluents and having administrative experience, 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 having special knowledge or practical experience in respect of matters relating to the use and conservation of water resources and the prevention and control of water pollution, 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 the Central Government and one person to be nominated by the participating State Government or State Governments to represent the interests of agriculture, fishery or of 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 qualified in respect of water supply, sewerage system, treatment and disposal of sewage and trade effluent and having administrative experience, 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. 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 shall alone 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. (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;

Special provision relating to giving of directions.

Functions of Central Board.

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(b) *** co-ordinate the activities of the State Boards and resolve disputes among them;

5 (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;

10 (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;

15 (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:

20 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;

25 (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.

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

Functions of State Board.

35 (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 ***;

40 (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;

45 (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 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.

5 18. 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:

10 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.

CHAPTER V

PREVENTION AND CONTROL OF WATER POLLUTION

15 19. (1) Notwithstanding anything contained in this Act, if the State Government, 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
20 pollution, prevention and control area or areas and thereupon the provisions of the Act shall apply only to such area or areas.

Powers to give directions.

Power of State Government to restrict the application of the Act to certain 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
25 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

30 (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. (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
35 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
40 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.

Power to obtain information.

(2) A State Board may give directions requiring any person who in its opinion is abstracting water from any such stream or well in the area in quantities which are substantial in relation to the flow or volume of
45 that stream or well or is discharging sewage or trade effluent into any

such stream or well, to 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 or trade 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.

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

21. (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 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 wilfully absents himself, 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 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 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.

(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 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. (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.

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

(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.

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

Power
of entr;
and ins
pection

5 (a) for the purpose of performing any of the functions of the Board entrusted to him;

10 (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;

15 (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:

20 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.

5 of 1898. 25 (2) The provisions of the Code of Criminal Procedure, 1898, or, in relation to the State of Jammu and Kashmir, the provision 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 section 98 of the said Code, or, as the case may be, under the corresponding provisions of the said law.

Prohibi-
tion on
use of
stream
or well
for dis-
posal of
polluting
matter,
etc.

Explanation.—For the purposes of this section, “place” includes vessel.

24. (1) Subject to the provisions of this section,—

5 of 1898. 35 (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 stream or well; or

40 (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.

45 (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:—

50 (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, 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.

Restrictions on new outlets and new discharges.

25. (1) Subject to the provisions of this section no person shall, without the previous consent of the State Board, bring into use any new or altered outlet for the discharge of sewage or trade effluent into a stream or well or begin to make any new discharge of sewage or trade effluent into a stream or well.

(2) An application for consent of the State 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 treatment and disposal system or of any extension or addition thereto and such other particulars 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 grant its consent referred to in sub-section (1), subject to such conditions as it may impose, being—

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

(b) 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 new discharge is to be made,

and any such conditions imposed shall be binding on any person using the outlet, or discharging the effluent from the land or premises aforesaid.

(5) Where, without the consent of the State Board, a new or altered outlet is brought into use for the discharge of sewage or trade effluent into a stream or well or a new discharge of sewage or trade effluent is made, the State Board may serve on 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 in respect to such outlet or discharge.

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

(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.

Provision regarding existing discharge of sewage or trade effluent.

26. Where immediately before the commencement of this Act any person was discharging any sewage or trade effluent into a stream or well, 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 within a period of three months of the constitution of the State Board.

Refusal or withdrawal of consent by State Board.

27. (1) A State 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 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 any condition imposed under section 25 (other than a condition to be satisfied before an outlet is brought into use or a new discharge is made), or under section 26 and may serve on the person using the outlet or making the discharge, as the case may be, a notice, making any reasonable variation of or revoking any such condition.

(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. (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 three persons.

(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 conditions 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. (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 fit:

Revision.

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. (1) Where under this Act any conditions have been imposed on any person for bringing into use any new or altered outlet for the discharge of sewage or trade effluent into a stream or well or for making any new discharge of sewage or trade effluent into a stream or well or on any person who, immediately before the commencement of this Act, was

Power of State Board to carry out certain works.

discharging any sewage or trade effluent in a stream or well 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 5 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 10 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 15 concerned, as arrears of land revenue, or of public demand.

Furnish-
ing of
informa-
tion to
State
Boards
and other
agencies
in certain
cases.

31. (1) If at any place where any industry or trade 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 and, as a result of such discharge, the water in such 20 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 to such other authorities or agencies as may be prescribed.

(2) Where any local authority operates any sewerage system or sewage 25 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.

Emer-
gency
measures
in case of
pollution
of stream
or well.

32. (1) Where it appears to the State Board that any poisonous, noxi- 30 ous or polluting matter is present in any stream or well 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— 35

(a) removing that matter from the stream or well 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 40 person concerned the discharge of any poisonous, noxious or polluting matter into the stream or well, 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 45 which are removed on or before the completion of the operations.

33. (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 of any matter therein or of any likely disposal of any matter therein, or otherwise, the Board may make an application to a court, not inferior to that of a Presidency Magistrate or a 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.

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

CHAPTER VI

FUNDS, ACCOUNTS AND AUDIT

34. 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.

Contributions by Central Government.

35. 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 contribution to the State Board as it may think necessary to enable that Board to perform its functions under this Act.

Contribution by State Government.

36. (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 or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

Fund of Central Board.

(2) The Central 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.

37. (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 or other-

Fund of State Board.

wise) 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 such sums shall be treated as expenditure payable out of the fund of that Board. 5

Budget

38. 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 10 State Government.

Annual report.

39. (1) The Central Board shall during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and copies thereof shall be forwarded to the Central Government 15 and that Government shall cause every such report to be laid before both Houses of Parliament within six months of the date on which it is received by that Government.

(2) The State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving a 20 true and full account of its activities during the previous financial year and copies thereof shall be forwarded to the State Government and that Government shall cause every such report to be laid before the State Legislature within a period of six months of the date on which it is 25 received by that Government.

Accounts and audit.

40. (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. 30

(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 35 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 the case may be, the State Government. 40

(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. 45

(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

5 41. (1) Whoever fails to comply with any direction given under sub-section (2) or sub-section (3) of section 20 within such time as may be specified in the direction or fails to comply with any orders issued under clause (c) of sub-section (1) of section 32 shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both and in case the failure continues, with an additional fine which may extend to one thousand rupees for every day during which such failure continues after the conviction for the first such failure.

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.

15 (2) Whoever fails to comply with any direction issued by a court under sub-section (2) of section 33 shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both and in case the failure continues, with an additional fine which may extend to one thousand rupees for every day during which such failure continues after the conviction for the first such failure.

Penalty for certain acts.

20 42. (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

25 (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

30 (e) fails to intimate of 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

35 (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,

40 shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

45 (2) Where for the grant of a consent in pursuance of the provisions of section 25 or section 26 the use of a 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 one thousand rupees or with both.

Penalty for contravention of provisions of section 24.

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

Penalty for contravention of section 25 or section 26.

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

Enhanced penalty after previous conviction.

45. If any person who has been convicted of any offence under section 24 or section 25 or section 26 is again found guilty of an offence involving 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 one year but which may extend to seven years and with fine:

Publication of names of offenders.

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.

46. 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.

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.

Offences by Government Departments.

48. 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.

5 49. (1) No court shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing of the State Board, and no court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act. Cogni-
zance of
offences.

5 of 1898. 10 (2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the first class or for any Presidency 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.

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

CHAPTER VIII

20 MISCELLANEOUS

51. (1) The Central Government may, by notification in the Official Gazette,— Central
Water
Labora-
tory.

(a) establish a Central Water Laboratory; or

25 (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;

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

52. (1) The State Government may, by notification in the Official Gazette,— State
Water
Labora-
tory.

(a) establish a State Water Laboratory; or

40 (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. 5

Analysts.

53. (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. 10

(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. 15

(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. 20 25

Reports of analysts.

54. 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.

Local authorities to assist.

55. 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. 30

Compulsory acquisition of land for the State Board.

56. 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, or under any other corresponding law for the time being in force. 35

1 of 1894.

Returns and reports.

57. 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. 40

Bar of jurisdiction.

58. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an appellate authority constituted under the 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. 45

59. 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.

Protection of action taken in good faith.

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

Overriding effect.

61. (1) If at any time the Central Government is of opinion—

10 (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

Power of Central Government to supersede the Central Board and Joint Board.

(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, 15 supersede the Central Board or such Joint Board, as the case may be, for such period, not exceeding six months, as may be specified in the notification:

20 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.

25 (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;

30 (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;

35 (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—

40 (a) extend the period of supersession for such further term, not exceeding three 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

45 (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.

Power of
State
Govern-
ment to
supersede
State
Board.

62. (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 5

(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 six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section 10 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) 15 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.

Power of
Central
Govern-
ment to
make
rules.

63. (1) The Central Government may, simultaneously with the con- 20
stitution 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. 25

(2) The matters in respect of which the Central Government may make rules, shall relate to all or any of the following:—

(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; 30

(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; 35

(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 a Board under sub-section (1) of section 10; 40

(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; 45

(g) the powers and duties to be exercised and performed by

the Chairman and the member-secretary of the Central Board;

(h) the prohibition or regulation of bathing in any stream or well or the washing or cleaning therein of things of any class or description, or the putting of litter or other objectionable matter, whether poisonous, noxious or polluting or not into any stream or well;

(i) the prohibition or regulation of the keeping or use, on any stream, of vessels provided with sanitary appliances from which polluting matter passes into the stream;

(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 and annual report of the Central Board may be prepared and forwarded to the Central Government under sections 38 and 39;

(m) the form in which the accounts of the Central Board may be maintained under section 40;

(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 in which it is so laid 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. (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:

Power
of State
Govern-
ment to
make
rules.

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 the 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;

(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;

(n) the form in which, and the time within which, the budget and annual report of the State Board may be prepared and forwarded to the State Government under sections 38 and 39;

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

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

APPENDIX I

(Vide Para 2 of the Report)

MOTION IN THE RAJYA SABHA FOR REFERENCE OF THE BILL TO A JOINT COMMITTEE

“That the Bill to provide for the prevention 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 prevention of Water Pollution Boards, for conferring on such Boards functions relating thereto and for matters connected therewith, be referred to a Joint Committee of the Houses, consisting of 36 members; 12 members from this House, namely:—

1. Shri Nawal Kishore
2. Chaudhary A. Mohammad
3. Shri M. H. Samuel
4. Shri Balram Das
5. Shri Baharul Islam
6. Shri Kalyan Chand
7. Shri Jagdish Prasad Mathur
8. Shri U. K. Lakshmana Gowda
9. Shri G. A. Appan
10. Shri Salil Kumar Ganguli
11. Shri U. N. Mahida
12. Shri M. M. Dharia

and 24 members from the Lok Sabha;

That in order to constitute a meeting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

That in other respect, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

That the Committee shall make a report to this House by the first day of the next session; and

That this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee”

APPENDIX II

(Vide Para 3 of the Report)

MOTION IN THE LOK SABHA

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to provide for the prevention 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 Prevention of Water Pollution Boards, for conferring on such Boards functions relating thereto and for matters connected therewith, made in the motion adopted by Rajya Sabha at its sitting held on the 18th August, 1970 and communicated to this House on the 19th August, 1970 and do resolve that the following twenty-four members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

- (1) Shri Maganti Ankineedu
- (2) Shri Ram Singh Ayarwal
- (3) Shri N. T. Das
- (4) Shri Gangacharan Dixit
- (5) Shrimati Ganga Devi
- (6) Shri Tukaram Hurji Gavit
- (7) Shri Y. Gadilingana Goud
- (8) Shri Samar Guha
- (9) Kumari Kamla Kumari
- (10) Shri G. Y. Krishnan
- (11) Hazi Lutfal Haque
- (12) Shri Yamuna Prasad Mandal
- (13) Sri Dhuleshwar Meena
- (14) Shri Mohan Swarup
- (15) Shri B. S. Murthy
- (16) Shri Shri Kedar Paswan
- (17) Shri Ram Charan
- (18) Shrimati Tara Sapre
- (19) Shri Ramavatar Shastri
- (20) Shri T. M. Sheth
- (21) Shri Satya Narain Singh
- (22) Shri P. Sivasankaran
- (23) Shri Ramachandra Ulaka
- (24) Shri Tenneti Viswanatham".

APPENDIX III

MOTION IN THE RAJYA SABHA FOR REFERENCE OF BILL TO A JOINT COMMITTEE

"WHEREAS this House at its sitting held on the 18th August, 1970, adopted a motion that the Bill to provide for the prevention 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 Prevention of Water Pollution Boards, for conferring on such Boards functions relating thereto and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 36 members; 12 members from this House and 24 members from the Lok Sabha;

AND WHEREAS this House *appointed twelve members from this House to the said Joint Committee;

AND WHEREAS this House recommended that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee;

AND WHEREAS a message was thereafter transmitted to the Lok Sabha on the 19th August, 1970, communicating to the Lok Sabha the adoption of the said motion by this House;

AND WHEREAS the Lok Sabha at its sitting held on the 4th September, 1970, adopted a motion concurring in the said recommendation of this House and nominating 24 members from the Lok Sabha to serve on the said Joint Committee;

AND WHEREAS the Lok Sabha was dissolved on the 27th December, 1970, before the Joint Committee could conclude its deliberations and a new Lok Sabha was thereafter constituted on the 15th March, 1971;

*The twelve members appointed by the Rajya Sabha to the Joint Committee were:—

1. Shri Nawal Kishore
2. Chaudhary A. Mohammad.
3. Shri M. H. Samuel
4. Shri Balram Das
5. Shri Baharul Islam
6. Shri Kalyan Chand
7. Shri Jagdish Prasad Mathur
8. Shri U. K. Lakshmana Gowda
9. Shri G. A. Appan
10. Shri Salil Kumar Ganguli
11. Shri U. N. Mahida
12. Shri M. M. Dharia

Now THEREFORE this House do resolve that the aforesaid Bill be referred to a Joint Committee of the Houses consisting of 36 members; 12 members from this House (names to be given at the time of making the motion) and 24 members from the Lok Sabha;

That in order to constitute a meeting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

That in other respects, the Rules of Procedure of this House relating to select Committees shall apply with such variations and modifications as the Chairman may make;

That the Committee shall make a report to this House by the first day of the Seventy-eighth (Winter) Session of the Rajya Sabha; and

That this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee".

APPENDIX IV

(Vide Para 5 of the Report)

MOTION IN THE LOK SABHA

"That this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to provide for the prevention 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 Prevention of Water Pollution Boards, for conferring on such Boards functions relating thereto and for matters connected therewith, made in the motion adopted by Rajya Sabha at its sitting held on the 30th July, 1971 and communicated to this House on the 31st July, 1971 and do resolve that the following 24 members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

1. Shri Maganti Ankineedu
2. Shri Kondajji Basappa
3. Shri Onkar Lal Berwa
4. Shri Chakleshwar Singh
5. Shri Chutten Lal
6. Shri G. C. Dixit
7. Shri T. H. Gavit
8. Shri Mani Ram Godara
9. Shri K. Gopal
10. Shri Samar Guha
11. Shri M. M. Hashim
12. Shri A. K. Kisku
13. Hazi Lutfal Haque
14. Shri Yamuna Prasad Mandal
15. Shri Nanubhai N. Patel
16. Shri Mohan Swarup
17. Shri Rajaram Dada Saheb Nimbalkar
18. Shri Ramji Ram
19. Shri P. Ganga Reddy
20. Dr. Saradish Roy
21. Shri S. A. Shamim
22. Shri Ramavatar Shastri
23. Shri S. D. Singh; and
24. Shri R. P. Ulganambi."

APPENDIX V

LIST OF INDIVIDUALS/ASSOCIATIONS ETC. FROM WHOM MEMORANDUM ETC. WERE RECEIVED BY THE JOINT COMMITTEE.

| Memorandum No. | From whom received |
|-------------------|---|
| 1. | Ministry of Irrigation and Power, Government of India. |
| 2. | Central Public Health Engineering & Research Institute (Director), Nagpur. |
| 3. | National Institute of Occupational Health, Ahmedabad (Forwarded by the Indian Council of Medical Research, New Delhi.) |
| 4. | Fertilizer & Chemicals, Travancore Ltd., Floor, Udyogmandal, Kerala. |
| 5. | Hindustan, Photo Films Mfg. Co., Indunagar, Ootacamund, Tamil Nadu. |
| 6. | Hindustan Shipyard Ltd., Gandhigram, Visakhapatnam. |
| 7. | Hindustan Steel Ltd., P. O. Hinoo, Ranchi. |
| 8. | Indian Drugs & Pharmaceuticals Ltd., N-12/South Extension (II), New Delhi. |
| 9. | National News print & Paper Mills Ltd., Neapanagar, Madhya Pradesh. |
| 10. | Oil and Natural Gas Commission, Dehra Dun. |
| 11. | Government of Gujarat (Panchayat and Health Department). |
| 12. | Chandigarh Administration (Legal Remembrancer). |
| 13. | Nagar Mahapalika, Agra. |
| 14. | Municipal Corporation, Ahmedabad. |
| 15. | Baroda Municipal Corporation. |
| 16. | Corporation of Calicut. |
| 17. | Municipal Corporation, Chandernagore. |
| 18. | Hubli-Dharwar Municipal Corporation. |
| 19. | Poona City Municipal Corporation. |
| 20. | Federation of Indian Chambers of Commerce and Industry, Federation House, Tan Sen Marg, New Delhi. |

| Memorandum No. | From whom received |
|----------------|--|
| 21. | Maharashtra Chamber of Commerce, 12/Rampart Row, 3rd Floor, Fort, Bombay. |
| 22. | Southern Gujarat Chamber of Commerce and Industries, Surat. |
| 23. | Carbide Chemicals Co., Division of Union Carbide India Ltd., Anik, Chembur, Bombay. |
| 24. | Century Rayon, Kalyan, Maharashtra. |
| 25. | Geo-Miller & Co., Ltd., D/2, South Extension (II), New Delhi [Dr. T. R. Bhaskaran Technical Adviser]. |
| 26. | Indian Paper Mills Association, India, Exchange Place, Calcutta. |
| 27. | National Rayon Corporation Ltd., Ewart House, Bruce Street, Bombay. |
| 28. | Orient Paper Mills Ltd., P.O. Brajrajnagar, Sambalpur. |
| 29. | Standard Mills Co. Ltd., Thana, Belapur Road, Thana Mafatlal House, Backbay Reclamation, P.B. No. 1038, Bombay. |
| 30. | Shri Basantilal Kanthed, 60/Kanthed Sadan, Janmejai Marg, Nagda Junction, Madhya Pradesh. |
| 31. | Shri Brajendra Kumar, Advocate, Monghyr Bar, Monghyr. |
| 32. | Shri K. V. Apte, B. E., Consulting Industrial Engineer, Metal Extruders (India) Pvt. Ltd., Kamani Chambers, Nicol Road, Bellard Estate Bombay. |
| 33. | Shri R. N. Shelat, Professor & Head of the Civil Engineering Deptt. S.V. Regional College of Engineering & Technology, Surat. |
| 34. | Prof. T. Shivaji Rao, Professor in Civil Engineering, Andhra University, Waltair. |
| 35. | Andhra Pradesh Angling Association, Tank Road, Hyderabad—4. |
| 36. | Vaniyambadi Tanners' Association, Vaniyambadi, Tamil Nadu. |
| 37. | Tata Iron & Steel Company Ltd., Jamshedpur. |
| 38. | Municipal Council (Chief Municipal Officer), Burhanpur. |
| 39. | Government of Maharashtra (Urban Development, Public Health and Housing Deptt.), Bombay. |
| 40. | Municipal Corporation, Raipur & Executive Engineer, Public Health Division, Raipur. |
| 41. | Shri Satish Chandra Kakati, ex-Chairman, Gauhati Municipality and Editor, the Assam Tribune. |
| 42. | Shri N. R. Mujumdar, Advocate, (Ex. M.P. and M.L.A.), Burhanpur, Madhya Pradesh. |
| 43. | Dr. Samar Rai Choudhury, Lenin Sarani, Calcutta. |
| 44. | Chief Engineer (Water) (Shri Mallinath Jain), Delhi Municipal Corporation. |
| 45. | Municipal Corporation, Bhopal. |

Memorandum
No.

From whom received

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46. M/s. Jyoti Ltd., Baroda-3.
 47. Tanners' Association, Pernambut Tamil Nadu.
 48. Ambur Tanners' Association, Ambur, Tamil Nadu.
 49. Shri Swami Hariprasad Vaidic Ashram, Balsar, Gujarat.
 50. Shri Y. Digvijay Sinh Ex-M.L.A., and Chairman, Ecological Council of Gujarat, Ranjit Vilas, Wankener, Gujarat.
 51. Society for Clean Environment, Chembur, Bombay.
 52. Government of Orissa (Industries Department).
 53. Ministry of Irrigation and Power, Government of India.
 54. Ministry of Food, Agriculture, Community Development and Cooperation (Deptt. of Agriculture), Government of India.
 55. Ministry of Steel & Heavy Engineering, Government of India.
 56. Ministry of Railways (Railway Board), Government of India.
 57. Ministry of Defence (Deptt. of Defence Production) Government of India (Directorate General, Ordnance Factories Calcutta).
 58. Ministry of Defence (Deptt. of Defence Production), Government of India [(I) Scientific Advisers Organisation of the Ministry (II) A.F.D Factory, Hazratpur, Agra.]
 59. Municipal Corporation, Varanasi.
 60. Fertilizer Corporation of India Ltd., Trombay Unit, Bombay.
 61. Bharat Earth Movers Ltd., Bangalore.
 62. South India Tanners & Dealers Association, Ranipat, Tamil Nadu.
 63. Hindustan Antibiotics Ltd., Pimpri, Poona.
 64. Deptt. of Atomic Energy, Government of India, C.S.M. Marg, Bombay.
 65. Darbhanga Municipality, Darbhanga, Bihar.
 66. Indian Sugar Mills Association, New Delhi.
 67. Indian Petrochemicals Corporation Ltd., Baroda, Gujarat.
 68. Uttar Pradesh Administration, Lucknow.
 69. Indian Medical Association, New Delhi.
 70. The Government of Punjab (Health and Family Planning Deptt.), Chandigarh.
 71. Dr. D. N. Debsarma, Kamrup, Assam.
 72. Government of Jammu and Kashmir, Srinagar.
 73. Kalyan Ambarnath, Manufacturers' Association, Kalyan, Maharashtra.
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| Memorandum No. | From whom received |
|-------------------|---|
| 74. | Federation of Gujarat Mills and Industries, Baroda. |
| 75. | Government of Haryana, Chandigarh. |
| 76. | Municipal Corporation of Delhi. |
| 77. | Government of Kerala, Trivandrum. |
| 78. | S/Shri N. P. Tiwari, Commissioner, and S. B. Pharaskhanewala, City Engineer (Hydraulics), Municipal Corporation, Bhopal. |
| 79. | Draft, regarding control of existing abstractions or discharges, prepared by Shri G. B. Modak, Chairman, Maharashtra Prevention of Water Pollution Board. |
| 80. | Chief Engineer, Public Health Engineering, Government of Assam, Shillong. |
| 81. | Chief Engineer, Minor Irrigation and Public Health Engineering Public Works Department, Bangalore-1. |
| 82. | Chief Engineer, Public Health Engineering Department, Government of West Bengal, Calcutta. |

APPENDIX VI

LIST OF WITNESSES WHO TENDERED EVIDENCE BEFORE THE COMMITTEE

| Sl. No. | Name of organisation/individuals | Name of representative | Date |
|---------|--|------------------------|---------|
| 1 | Professor Harald Allen Thomas, Junior Gordon Mckay Professor of Civil and Sanitary Engineering, Harvard University. | | 14-9-71 |
| 2 | Professor John Charles Geyer, Professor, Department of Geography and Environmental Engineering, The Johns Hopkins University, U.S.A. | | 14-9-71 |
| 3 | Prof. Martin Alexander, Professor of Soil Science, Cornell University, U.S.A. | | 14-9-71 |
| 4 | Prof. Perry L. McCarty, Professor of Environmental Engineering, Stanford University. | | 14-9-71 |
| 5 | Professor Robert L. Smith, Dean Aekers Professor of Engineering and Chairman, Deptt. of Civil Engineering, University of Kansas. | | 15-9-71 |
| 6 | Professor Donald William Pritchard, Director, Chesapeak Bay Institute, John Hopkins University. | | 15-9-71 |
| 7 | Professor Gerard Addison Rholich, Director, Water Resources Centre, Hydeaulin and Sanitary Laboratory. | | 15-9-71 |
| 8 | Prof. Nathaniel Wollman, Professor and Dean, University of Mexico. | | 15-9-71 |
| 9 | Professor Roger Revelle, Richard Sattonstall Professor of Polluti Policy and Director, Centre for Population Studies, Harvard University. | | 15-9-71 |
| 10 | Shri V. M. Dave, Chief Engineer (PH) & Joint Secretary, Panchayat and Health Department, Govt. of Gujarat, Vallabh Vidyanagar, Gujarat. | | 15-7-72 |
| 11 | Shri R. S. Mehta, Vice-Chancellor, Sardar Patel University, Gujarat. | | 15-7-72 |

| Sl. No. | Name of organisation/individuals | Name of representative | Date |
|---------|---|--|------------------------|
| 12 | Representatives of Maharashtra Prevention of Water Pollution Board, Bombay. | Shri G.B. Modak, Chairman. Shri N. A. Lentin, Member, Secretary. | 17-7-72 |
| 13 | Govt. of Madhya Pradesh, Bhopal. | Shri Raghavendra Rao, Suptdg. Engineer. | 17-7-72 |
| 14 | Bhabha Atomic Research Centre, Trombay, Bombay. | Dr. A. K. Ganguly, Head of the Health Division. | 17-7-72 |
| 15 | Municipal Corporation, Bhopal. | Shri N. P. Tiwari, Municipal Commissioner. Shri S.B. Pharaskhanewala, City Engineer, Shri H. S. Shirouti, Legal Adviser. | 18-7-72 |
| 16 | Tamil Nadu Water Supply and Drainage Board, Madras. | Shri J. S. Bhango, Managing Director. | 18-7-72 |
| 17 | Shri V. P. Narayanan Nayar, Chief Engineer, Public Health, Government of Kerala, Trivandrum. | | 18-7-72 |
| 18 | Fertilizer and Chemicals Travancore Ltd., Udyog Mandal, Kerala. | Shri S. R. Shastri, General Supdt. Shri K. V. Mathews, Addl. Chief Engineer (Process). | 19-7-72 19-7-72 |
| 19 | Shri Krishna Rao Naram, Superintending Engineer. Rural Water Supply (RCW) (Circle), Hyderabad. | | 19-7-72 |
| 20 | Indian Drugs and Pharmaceuticals Ltd., New Delhi. | Dr. J. M. Sehgal, Dy. Chief (Technical Division). Shri B. N. Chakraborty, Senior Chemical Engineer. | 19-7-72 19-7-72 |
| 21 | Public Health Engineering Deptt., Government of Bihar. | Dr. S. N. Sinha, Senior Research Officer. | 11-9-72 |
| 22 | Chief Inspector of Factories, Government of Bihar. | Shri M. K. Roy, Inspector of Factories (Chemical). | 11-9-72 |

| Sl. No. | Name of organisation/individuals | Name of representative | Date |
|---------|---|---|--------------------|
| 23 | Water Supply and Sewage Disposal Undertaking, New Delhi. | Shri J. D'cruz, Chief Engineer(W). | 11-9-72 |
| 24 | Deptt. of Public Health, Haryana | Shri J. L. Sethi, Chief Engineer. Shri O. K. Sharma, Superintending Engineer. | 11-9-72 |
| 25 | Public Health Engineering Deptt. Govt. of Rajasthan, Jaipur. | Shri M. S. Kachwaha, Technical Assistant to the Ch. Engineer. | 12-9-72 |
| 26 | Indian Oil Corporation Ltd., New Delhi. | Dr. H. K. Joshi, Dy. General Manager. | 13-9-72 |
| 27 | Calcutta Metropolitan Development Authority, Calcutta. | Shri D. Mookerjee, Technical Adviser. | 13-9-72 |
| 28 | Public Health Engineering, Govt. of West Bengal. | Shri S. K. Majumdar, Chief Engineer. | 13-9-72 |
| 29 | Bangalore Water Supply and Sewage Board. | Shri I. M. Magdum, Chairman. Shri K. G. Katwey, Advisor. | 13-9-72 13-9-72 |
| 30 | Central Leather Research Institute, Madras. | Sri A. Ganeshan, Scientist. | 14-9-72 |
| 31 | All India Institute of Hygiene and Public Health, Calcutta. | Prof. Sampath Kumaran, Coordinating Officer for Research. | 14-9-72 |
| 32 | Central Inland Fisheries Research Institute, Barrackpore, Calcutta. | Dr. V.G. Jhingran, Director. | 14-9-72 |
| 33 | Indian Institute of Technology, Kanpur. | Dr. G. D. Agarwal, Professor of Public Health Engineering. Dr. A. V. S. Prabhakar Rao, Associate Professor of Public Health Engineering. | 15-9-72 15-9-72 |
| 34 | Delhi Administration, Delhi. | Shri B. P. Verma, Public Health Engineer. | 16-9-72 |
| 35 | Government of Assam, Shillong. | Shri R. Choudhary, Chief Public Health Engineer. Shri P. K. Das, Public Analyst. | 18-9-72 18-9-72 |
| 36 | Bureau of Public Enterprises, Ministry of Finance, New Delhi. | Shri Ajit Singh, Director. | 19-9-72 |
| 37 | Deptt. of Health Govt. of Jammu & Kashmir, Srinagar. | Shri G. H. Vaida, Chief Engineer. | 19-9-72 |
| 38 | Haryana Agricultural University, Hissar. | Dr. O. P. Gulati, Professor and Head, Agricultural Engineering Deptt. | 19-9-72 |

| Sl. No. | Name of organisation/individuals | Name of representative | Date |
|---------|--|---|---------------------------------------|
| 39 | Surat Municipal Corporation, Surat. | Shri P. H. Parmar, Municipal Engineer and Dy. Municipal Commissioner, Surat. | 20-9-72 |
| 40 | Public Health Engineering Division, Institution of Engineers (India), Poona. | Prof. C. H. Khadilkar, Chairman. | 20-9-72 |
| 41 | Geo Miller Pvt., Ltd., New Delhi. | Dr. T. R. Bhaskaran, Chief Technologist. | 21-9-72 |
| 42 | CPHERI, Nagpur. | Dr. N. V. Rao, Scientist-in-charge. | 21-9-72 |
| 43 | I.C.A.R., New Delhi. | Dr. J. S. Kanwar, Deputy Director- General. | 22-9-72 |
| 44 | Mr. K. Ramiah, M.P. | | 22-9-72 |
| 45 | Shri I. K. Gujral, Minister of State in the Ministry of Information & Broadcasting, New Delhi. | | 22-9-72 |
| 46 | Executive Committee of All India Council of Mayors, Baroda. Bombay. | Dr. Thakorebhai V. Patel, Chairman. | 23-9-72 |
| 47 | Udyognagar Sehkari Sangh, Navapur, Dalia Sheri, Surat. | Shri Jayantilal B. Chokhawala, Chairman. | 23-9-72 |
| 48 | Municipal Corpn. of Bombay. | Shri R. K. Ganatra, Mayor of Bombay, Shri V. D. Desai, Deputy Municipal Commissioner (Spl. Engg.) Shri G. F. Khambati, Dy. Project Engineer. | 23-9-72 23-9-72 23-9-72 |
| 49 | Calcutta Corpn., Calcutta. | Shri S. Mitra, Chief Engineer. Shri P. K. Banerjee, Spl. Dy. Commissioner. | 23-9-72 23-9-72 |
| 50 | Govt. of Orissa. | Shri S. K. Lall, Director of Industries, Govt. of Orissa and Members-Secretary, River Board, Orissa. | 3-10-72 |
| 51 | Public Health, Govt. of Meghalaya, Shillong. | Shri P. Arunachalam, Addl. Chief Engineer. | 3-10-72 |
| 52 | Municipal Corpn, Ahmedabad. | Shri N. M. Barot, Chairman, Standing Committee. Dr. Sureshbhai Shah, Dy. Mayor, Ahmedabad. Shri K. K. Sanghani, Municipal Engineer. | 3-10-72 3-10-72 3-10-72 |

| Sl. No. | Name of organisation/individuals | Name of representative | Date |
|---------|--|--|-------------------------------|
| 53 | Bureau of Public Enterprises, Ministry of Finance, New Delhi. | Shri A. N. Banerjee, Addl. Secy. & Director General Shri J. J. Mehta, Chairman and Managing Director, Indian- Petro-Chemicals Corporation Ltd. Dr. S. K. Mukherji, Director(Production) Fertilizer Corpn. of India Ltd., New Delhi. Shri C. R. Das, Gupta, Managing Director, Refineries, Indian Oil Corpn., Ltd., New Delhi. Shri B. K. Paul, Adviser (Technical), Hindustan Steel Ltd., Ranchi. Dr. P. Dayal, Adviser (Mining), Bureau of Public Enterprises. Shri V. R. Vaish, Adviser (Const.) Bureau of Public En- terprises. Shri R. K. Ray, Adviser (Production), Bureau of Public En- terprises. Shri P. Seshadri, G. M. (Project), Fertilizer Corpn., of India Ltd. | 4-10-72 and on 18-10-72 |
| 54 | Messrs. Pennwalt India Ltd., | Shri C. W. Bosson. Shri C. D. Kashyap, Managing Director. Shri J. S. Kaul, Area Manager(North). | 4-10-72 |
| 55 | I.C.A.R., New Delhi. | Shri M. S. Swamina- than, Director- General Dr. J. S. Kanwar, Dy. Director General. | 5-10-72 5-10-72 |
| 56 | Shri S. Y. Gore of M/s W. S. Atkins Pvt. Ltd., Calcutta. | | 6-10-72 |
| 57 | Shri S. Rajagopalan, Adviser (PH) (Retd.) | | 7-10-72 |
| 58 | Dr. B. D. Nag Choudhury, Scientific Adviser to the Minister of Defence. | | 11-10-72 |

| Sl. No. | Name of organisation/individuals | Name of representative | Date |
|---------|--|------------------------|----------|
| 59 | Shri U. N. Mahida, M.P. | | 12-10-72 |
| 60 | Mr. Walter M. Schirra Jr., Chairman and Chief Executive Officer, Environmental Control Corporation, U.S.A. | | 13-10-72 |
| 61 | Shri S. Nagarajan, Superintending Engineer, Arunachal Pradesh Government. | | 13-10-72 |
| 62 | Shri A. C. Chaturvedi, Chief Engineer, L.S.G.E.D., Government of Uttar Pradesh, Lucknow. | | 13-10-72 |

APPENDIX VII

MINUTES OF THE MEETING OF THE JOINT COMMITTEE ON THE PREVENTION OF WATER POLLUTION BILL, 1969

I

First Meeting

The Committee met at 10.00 A.M. on Monday, the 16th August, 1971,
in Committee Room No. 63, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Balram Das
5. Shri Baharul Islam
6. Shri Kalyan Chand
7. Shri Jagdish Prasad Mathur
8. Shri G. A. Appan
9. Shri U. N. Mahida

Lok Sabha

10. Shri Maganti Ankineedu
11. Shri Kondajji Basappa
12. Shri G. C. Dixit
13. Shri T. H. Gavit
14. Shri M. M. Hashim
15. Shri A. K. Kisku
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri Nanubhai N. Patel
19. Shri Mohan Swarup
20. Shri Ramji Ram
21. Shri P. Ganga Reddy
22. Dr. Saradish Roy
23. Shri Ramavatar Shastri
24. Shri S. D. Singh.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri A. K. Srinivasamurthy, Deputy Legislative Counsel.

Ministry of Health and Family Planning (Deptt. of Health)

(i) Shri Satish Kumar, Deputy Secretary.

(ii) Shri B. B. Rau, Deputy Adviser (PHE).

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary.

Shri M. K. Jain, Under Secretary.

2. The Chairman welcomed the members of the Committee.

The Chairman then pointed out the gravity and magnitude of the problem of water pollution in the country and the importance of the work entrusted to the Committee.

3. The Chairman informed the Committee that he had extended an invitation both to Shri Umashankar Dikshit, Minister of Works and Housing, Health and Family Planning and Dr. D. P. Chattopadhyaya, Minister of State in the Ministry of Health and Family Planning, to attend all the meetings of the Committee as that would help the Committee in its deliberations.

4. The Chairman apprised the members of the steps already taken by the Rajya Sabha Secretariat concerning the Bill in pursuance of the decisions taken by the earlier Joint Committee which could not complete its work due to the dissolution of the Fourth Lok Sabha. The Committee decided that whatever memoranda containing the views and opinions on the Bill have so far been received as a result of those steps should be deemed to be memoranda to the present Committee and accordingly be circulated to the members. The Committee also decided that a fresh Press Communiqué be issued inviting opinions from various individuals, associations and other bodies interested in the subject-matter of the Bill who have not so far submitted any memoranda on the Bill and advising them to send the same by the 30th September, 1971.

5. The Committee desired that copies of the following papers etc., be made available by the Ministry of Health and Family Planning (Department of Health) to the Rajya Sabha Secretariat for circulation to members of the Committee:—

(i) The Water Resources Act of U.K.

(ii) The Water Pollution Prevention Act of U.K. (Three Acts).

(iii) Prevention of Water Pollution Act as passed by the Maharashtra Legislature.

(iv) Prevention of Water Pollution Bill|Act of Gujarat.

- (v) Reports on Water Pollution prepared by various State Governments including the Report of the West Bengal Government on the pollution of water of the river Hooghly.
- (vi) Parliamentary debates relating to and Report by the Enquiry Commission on the Pollution of the Ganga water by the Oil Refinery at Barauni.
- (vii) Brief note and a questionnaire on the subject-matter of the Bill.
- (viii) Reports, if any, of the W.H.O. and other international agencies on the subject of water pollution.

6. The Committee had a general discussion regarding their future programme of sittings.

After some discussion the Committee decided that with a view to acquire first-hand knowledge of the various problems connected with the pollution of water they should visit places in the country where the water pollution problem was more acute. A provisional list of such places was then prepared. The Committee felt that it would be convenient and would expedite its work if it divided itself into three Study Groups for visiting those places.

The Committee further decided that the aforesaid study visits should be undertaken from the second week of September, 1971. The Committee authorised its Chairman to finalise the composition of the three Study Groups, the places to be visited by the respective Groups along with the dates of such visits.

The Committee also authorised its Chairman to approach the Chairman of the Rajya Sabha for obtaining necessary permission in the matter.

7. The Chairman also requested the members to suggest, if they so desired, names of individuals, authorities, organisations etc., whom they would like to be addressed for the purpose of obtaining their comments on the provisions of the Bill and also those whom they would like to be considered for being invited to give oral evidence before the Committee.

8. The Committee authorised the Chairman to decide, after examining all memoranda etc., as to who might be invited to give oral evidence before the Committee in Delhi and to allot suitable dates for hearing oral evidence some time during October, 1971.

9. The Committee then adjourned at 11.00 A.M.

II

Second Meeting

The Committee met from 10.00 A.M. to 12.00 Noon and from 3.00 P.M. to 4.30 P.M. on Tuesday, the 14th September, 1971, in Committee Room No. 63, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri M. H. Samuel
5. Shri Baharul Islam
6. Shri Kalyan Chand
7. Shri Salil Kumar Ganguli
8. Shri U. N. Mahida

Lok Sabha

9. Shri Kondajji Basappa
10. Shri Onkar Lal Berwa
11. Shri Chakleshwar Singh
12. Shri Chhutton Lal
13. Shri G. C. Dixit
14. Shri T. H. Gavit
15. Shri Mani Ram Godara
16. Shri K. Gopal
17. Hazi Lutfal Haque
18. Shri Yamuna Prasad Mandal
19. Shri Nanubhai N. Patel
20. Shri Rajaram Dada Saheb Nimbalkar
21. Shri Ramji Ram
22. Dr. Saradish Roy
23. Shri S. A. Shamim
24. Shri Ramavatar Shastri
25. Shri S. D. Singh
26. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Shri A. K. Srinivasamurthy, Deputy Legislative Counsel.

Ministry of Health and Family Planning (Deptt. of Health)
Ministry of Law and Justice

- (i) Shri A. B. Malik, Joint Secretary.
- (ii) Shri Satish Kumar, Deputy Secretary.
- (iii) Shri J. M. Dave, Adviser (PHE).
- (iv) Shri T. Durairaj, Deputy Adviser (PHE).
- (v) Shri B. B. Rau, Deputy Adviser (PHE).
- (vi) Shri T. K. Vedaraman, Asstt. Adviser (PHE):
- (vii) Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary.

Shri P. K. Bhor, Deputy Secretary.

Shri A. Nandi, Under Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee heard and exchanged views with the following four representatives of the National Academy of Sciences, U.S.A., on the problem of water pollution:—

- (i) Professor Harald Allen Thomas, Junior, Gordon Mckay Professor of Civil and Sanitary Engineering, Harvard University.
- (ii) Professor John Charles Geyer, Professor, Department of Geography and Environmental Engineering, The Johns Hopkins University, USA.
- (iii) Prof. Martin Alexander, Professor of Soil Science, Cornell University, USA.
- (iv) Prof. Perry L. McCarty, Professor of Environmental Engineering, Stanford University.

3. It was brought to the notice of the Committee that owing to certain practical difficulties the concerned local authorities were finding it difficult to make necessary arrangements in connection with the scheduled study visits of Group No. I of the Committee at Calcutta. In view of this the Committee decided to postpone the study visit of Group I (First Phase) to Calcutta, Gauhati and Namrup, for the time being.

4. The Committee then adjourned at 4.30 P.M. to meet again at 10.00 A.M. on Wednesday, the 15th September, 1971.

III

Third Meeting

The Committee met from 10.00 A.M. to 12.15 P.M. and from 3.00 P.M. to 5.10 P.M. on Wednesday, the 15th September, 1971, in Committee Room No. 63, Parliament House, New Delhi.

Present

1. Shri Krishan Kant.—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Baharul Islam
5. Shri Kalyan Chand
6. Shri Salil Kumar Ganguli
7. Shri U. N. Mahida

Lok Sabha

8. Shri Maganti Ankineedu
9. Shri Kondajji Basappa
10. Shri Onkar Lal Berwa
11. Shri Chakleshwar Singh
12. Shri G. C. Dixit
13. Shri T. H. Gavit
14. Shri Mani Ram Godara
15. Shri K. Gopal
16. Shri Samar Guha
17. Hazi Lutfal Haque
18. Shri Yamuna Prasad Mandal
19. Shri Nanubhai N. Patel
20. Shri Mohan Swarup
21. Shri Rajaram Dada Saheb Nimbalkar
22. Shri Ramji Ram
23. Shri P. Ganga Reddy
24. Dr. Saradish Roy
25. Shri S. A. Shamim
26. Shri Ramavatar Shastri
27. Shri S. D. Singh
28. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRY OF HEALTH AND FAMILY PLANNING

Shri A. B. Malik, Joint Secretary.

Shri Satish Kumar, Deputy Secretary.

Shri J. M. Dave, Adviser (PHE).

Shri J. K. Vedaraman, Asstt. Adviser (PHE).

Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary.

Shri P. K. Bhor, Deputy Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee heard and exchanged views with the following five representatives of the National Academy of Sciences, U.S.A. on the problem of water pollution:—

- (i) Professor Robert L. Smith, Dean Aekers Professor of Engineering and Chairman, Deptt. of Civil Engineering, University of Kansas.
- (ii) Professor Donald William Pritchard, Director, Chesapeake Bay Institute, John Hopkins University.
- (iii) Professor Gerard Addison Rholich, Director, Water Resources Centre, Hydraulics and Sanitary Laboratory.
- (iv) Prof. Nataniel Wollman, Professor and Dean, University of Mexico.
- (v) Professor Roger Revelle, Richard Sattonstall Professor of Pollution Policy and Director, Centre for Population Studies, Harvard University.

3. The Chairman announced that the Committee will visit Srinagar from the 3rd to 6th October, 1971 to study the problem of water pollution there. The members will assemble at Srinagar in the M.L.A.s' Hostel at 3.00 P.M. on the 3rd October, 1971.

4. The Committee then adjourned at 5.10 P.M.

IV

Fourth Meeting

The Committee met from 11.05 A.M. to 11.35 A.M. on the 11th November, 1971.

Present

1. Shri Krishan Kant.—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri M. H. Samuel
4. Shri Balram Das
5. Shri Baharul Islam
6. Shri Jagdish Prasad Mathur
7. Shri G. A. Appan
8. Shri U. N. Mahida

Lok Sabha

9. Shri Maganti Ankineedu
10. Shri Onkar Lal Berwa
11. Shri Chakleshwar Singh
12. Shri G. C. Dixit
13. Shri M. M. Hashim
14. Shri Nanubhai N. Patel
15. Shri Mohan Swarup
16. Shri Rajaram Dada Saheb Nimbalkar
17. Shri Ramji Ram

REPRESENTATIVES OF THE MINISTRIES

Ministry of Health and Family Planning (Department of Health)

- (i) Shri Satish Kumar, Deputy Secretary
- (ii) Shri T. Durairaj, Deputy Adviser (PHE).
- (iii) Shri T. K. Vedaraman, Asstt. Adviser (PHE).
- (iv) Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee held a general discussion about its future programme.

3. The Committee decided to ask for extension of time up to the first day of the Eighty-first (Monsoon) Session of the Rajya Sabha for the presentation of the report of the Committee and authorised the Chairman and in his absence, Shri U N. Mahida, to move the necessary motion in the Rajya Sabha.

4. The Committee authorised the Chairman to fix the date for its next meeting.

5. The Committee then adjourned at 11.35 A.M.

V

Fifth Meeting

The Committee met from 10.30 A.M. to 10.55 A.M. on the 23rd December, 1971.

Present

1. Shri Krishan Kant.—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Balram Das
4. Shri Baharul Islam
5. Shri Kalyan Chand
6. Shri U. K. Lakshmana Gowda
7. Shri G. A. Appan
8. Shri Salil Kumar Ganguli
9. Shri U. N. Mahida

Lok Sabha

10. Shri Kondajji Basappa
11. Shri Chakleshwar Singh
12. Shri Chhутten Lal
13. Shri T. H. Gavit
14. Shri Mani Ram Godara
15. Shri K. Gopal
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri Nanubhai N. Patel
19. Shri Rajaram Dada Saheb Nimbalkar
20. Dr. Saradish Roy
21. Shri S. A. Shamim
22. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Health and Family Planning (Department of Health)

- (i) Shri J. M. Dave, Adviser (PHE).
- (ii) Shri Satish Kumar, Deputy Secretary.
- (iii) Shri M. Venugopalan, Asstt. Adviser (PHE).
- (iv) Shri T. K. Vedaraman, Asstt. Adviser (PHE).
- (v) Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

2. The Committee held a general discussion about its future programme.

3. The Committee decided to ask for extension of time up to the first day of the Eighty-first (Monsoon) Session of the Rajya Sabha for the presentation of the report of the Committee and authorised the Chairman and in his absence, Shri U N. Mahida, to move the necessary motion in the Rajya Sabha.

4. The Committee authorised the Chairman to fix the date for its next meeting.

5. The Committee then adjourned at 11.35 A.M.

V

Fifth Meeting

The Committee met from 10.30 A.M. to 10.55 A.M. on the 23rd December, 1971.

Present

1. Shri Krishan Kant.—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Balram Das
4. Shri Baharul Islam
5. Shri Kalyan Chand
6. Shri U. K. Lakshmana Gowda
7. Shri G. A. Appan
8. Shri Salil Kumar Ganguli
9. Shri U. N. Mahida

Lok Sabha

10. Shri Kondajji Basappa
11. Shri Chakleshwar Singh
12. Shri Chhuttan Lal
13. Shri T. H. Gavit
14. Shri Mani Ram Godara
15. Shri K. Gopal
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri Nanubhai N. Patel
19. Shri Rajaram Dada Saheb Nimbalkar
20. Dr. Saradish Roy
21. Shri S. A. Shamim
22. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Health and Family Planning (Department of Health)

- (i) Shri J. M. Dave, Adviser (PHE).
- (ii) Shri Satish Kumar, Deputy Secretary.
- (iii) Shri M. Venugopalan, Asstt. Adviser (PHE).
- (iv) Shri T. K. Vedaraman, Asstt. Adviser (PHE).
- (v) Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee held a general discussion about its future programme and decided to visit the sites of pollution of water in a number of places in the States of Haryana and Punjab from the 6th January, 1972 to the 11th January, 1972.

3. The Committee, therefore, adjourned at 10.55 A.M. to meet again at 10.00 A.M. on the 6th January, 1972, in New Delhi.

VI

Sixth Meeting

The Committee met from 10.00 A.M. to 10.30 A.M. on the 6th January, 1972.

Present

1. Shri Krishan Kant.—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri M.-H. Samuel
4. Shri Balram Das
5. Shri Baharul Islam
6. Shri Kalyan Chand
7. Shri Jagdish Prasad Mathur
8. Shri U. K. Lakshmana Gowda
9. Shri U. N. Mahida

Lok Sabha

10. Shri Kondajji Basappa
11. Shri Onkar Lal Berwa
12. Shri Chakleshwar Singh
13. Shri Mani Ram Godara
14. Shri K. Gopal
15. Shri M. M. Hashim
16. Shri A. K. Kisku
17. Hazi Lutfal Haque
18. Shri Nanubhai N. Patel
19. Shri Ramji Ram
20. Dr. Saradish Roy
21. Shri S. A. Shamim
22. Shri Ramavatar Shastri
23. Shri R. P. Ulganambi

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

Shri A. K. Srinivasamurthy, Deputy Legislative Counsel

Ministry of Health and Family Planning

(Department of Health)

- (i) Shri J. M. Dave, Adviser (PHE)
- (ii) Shri Satish Kumar, Deputy Secretary
- (iii) Shri M. Venugopalan, Asstt. Adviser (PHE)
- (iv) Shri T. K. Vedaraman, Asstt. Adviser (PHE)
- (v) Dr. I. Radhakrishnan, Sanitary Chemist, (Biologist).

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary

2. The Committee held a general discussion about its future programme and decided to visit daily the sites of pollution of water in the places in and around Delhi, from the 22nd to 25th January, 1972.

3. The Committee then adjourned at 10.30 A.M.

VII

Seventh Meeting

The Committee met from 10.00 A.M. to 10.45 A.M. on the 29th May, 1972.

Present

1. Shri Krishan Kant.—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Balram Das
5. Dr. Rajat Kumar Chakrabarti
6. Shri U. K. Lakshmana Gowda
7. Shri U. N. Mahida

Lok Sabha

8. Shri Maganti Ankineedu
9. Shri Kondajji Basappa
10. Shri Chakleshwar Singh
11. Shri G. C. Dixit
12. Shri Mani Ram Godara
13. Shri K. Gopal
14. Shri Samar Guha
15. Shri A. K. Kisku
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri Rajaram Dada Saheb Nimbalkar
19. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

Shri A. K. Srinivasamurthy, Deputy Legislative Counsel

Ministry of Health and Family Planning

(Department of Health)

1. Shri S. K. Sudhakar, Under Secretary (L)
2. Shri T. Durairaj, Deputy Adviser (PHE)
3. Shri V. Venugopalan, Asstt. Adviser (PHE)
4. Shri T. K. Vedaraman, Asstt. Adviser (PHE).

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary

Shri M. K. Jain, Under Secretary.

2. At the outset the Chairman made a reference to the passing away of Shri M. H. Samuel, a member of the Committee, on the 16th February, 1972. The Committee observed one minute's silence, all Members standing as a mark of respect to the deceased. The Committee directed that a message of condolence and sympathy be sent to the members of the family of the deceased.

3. The Chairman welcomed the new Members of the Committee.

4. The Committee held a general discussion about its future programme and decided that Study Group I thereof, which could not visit the eastern part of the country earlier, should now visit that part of the country, from the 19th June, 1972 onwards and complete its tour in one phase. The representatives of the Ministry of Health and Family Planning were requested to finalise the programme and forward the same for the approval of Chairman and also to take other necessary action in the matter.

5. The Committee decided to hold the next series of its meetings in Delhi from the 10th July, 1972 onwards to hear oral evidence on the provisions of the Bill. The Chairman was authorised to select witnesses for tendering oral evidence before the Committee. The Committee also decided to visit Rishikesh, Varanasi and Kanpur during that period.

6. The Chairman requested the members to suggest the names of witnesses whom they would like to be considered for tendering oral evidence before the Committee.

7. The Committee then adjourned at 10.45 A.M.

VIII

Eighth Meeting

The Committee met at 10.00 A.M. on Saturday, the 15th July, 1972, in Committee Room No. 63 First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant.—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nuthalapati Joseph
3. Shri Rajat Kumar Chakrabarti
4. Shri Kalyan Chand
5. Shri Salil Kumar Ganguli
6. Shri U. N. Mahida

Lok Sabha

7. Shri Chakleshwar Singh
8. Shri G. C. Dixit
9. Shri T. H. Gavit
10. Shri K. Gopal
11. Shri M. M. Hashim
12. Hazi Lutfal Haque
13. Shri Mohan Swarup
14. Shri Rajaram Dadasaheb Nimbalkar
15. Shri Ramji Ram
16. Shri Saradish Roy
17. Shri Ramavatar Shastri

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

Shri A. K. Srinivasamurthy, Deputy Legislative Counsel.

Ministry of Health and Family Planning

(Department of Health)

1. Shri J. M. Dave, Adviser (PHE)
2. Shri V. Venugopalan, Deputy Adviser (PHE)
3. Dr. I. Radhakrishnan, Sanitary Chemist.

SECRETARIAT

1. Shri M. Panigrahi, Deputy Secretary
2. Shri M. K. Jain, Under Secretary.

WITNESSES

1. Shri V. M. Dave, Chief Engineer (PH) & Joint Secretary, Panchayats and Health Department, Government of Gujarat, Vallabh Vidyanagar, Gujarat.
2. Shri R. S. Mehta, Vice Chancellor, Sardar Patel University, Gujarat.

The Committee heard the oral evidence tendered by the above mentioned witnesses. ..

A verbatim record of the evidence was kept.

3. The Committee adjourned at 1.15 P.M. to meet again at 10.00 A.M. on Monday the 17th July, 1972.

IX

Ninth Meeting

The Committee met from 10.00 A.M. to 1.50 P.M. and again from 3.00 P.M. to 6.30 P.M. on Monday, the 17th July, 1972 in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Dr. Rajat Kumar Chakrabarti
6. Shri Kalyan Chand
7. Shri Jagdish Prasad Mathur
8. Shri G. A. Appan
9. Shri Salil Kumar Ganguli
10. Shri U. N. Mahida

Lok Sabha

11. Shri Maganti Ankineedu
12. Shri Chakleshwar Singh
13. Shri G. C. Dixit
14. Shri T. H. Gavit
15. Shri K. Gopal
16. Shri Samar Guha
17. Shri M. M. Hashim
18. Hazi Lutfal Haque
19. Shri Rajaram Dadasaheb Nimbalkar
20. Dr. Saradish Roy
21. Shri S. A. Shamim
22. Shri Ramavatar Shastri
23. Shri A. K. Kisku

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, *Addl. Legislative Counsel*
2. Shri Des Raj Goel, *Attache.*

Ministry of Health and Family Planning
(Department of Health)

1. Shri J. M. Dave, Adviser (PHE)
2. Shri V. Venugopalan, Dy. Adviser (PHE).
3. Dr. L. Radhakrishnan, Sanitary Chemist.

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary
Shri M. K. Jain, Under Secretary.

WITNESSES

1. Shri G. B. Modak, Chairman, Maharashtra Prevention of Water Pollution Board, Bombay.
2. Shri N. A. Lentin, Member-Secretary, Maharashtra Prevention of Water Pollution Board, Bombay.
3. Shri Raghavendra Rao, Superintending Engineer, Government of Madhya Pradesh, Bhopal
4. Dr. A. K. Ganguly, Head of the Health Division, Bhabha Atomic Research Centre, Trombay, Bombay.

2. At the outset the Chairman made a reference to the passing away of Shri Bakshi Gulam Mohammed, ex-Prime Minister of Jammu & Kashmir, on the 15th July, 1972. The Committee observed one minute's silence, all Members standing as a mark of respect to the deceased. The Committee directed that a message of condolence and sympathy be sent to the members of the family of the deceased.

3. The Committee heard the oral evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

4. The Committee adjourned at 6.30 P.M. to meet again at 10.00 A.M. on Tuesday, the 18th July, 1972.

X

Tenth Meeting

The Committee met from 10.00 A.M. to 11.55 A.M. and again from 3.00 P.M. to 4.40 P.M., on Tuesday, the 18th July, 1972 in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant.—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Nuthalapati Joseph
4. Shri Kalyan Chand
5. Shri G. A. Appan

Lok Sabha

6. Shri Kondajji Basappa
7. Shri Chakleshwar Singh
8. Shri G. C. Dixit
9. Shri T. H. Gavit
10. Shri K. Gopal
11. Shri Samar Guha
12. Shri M. M. Hashim
13. Shri A. K. Kisku
14. Hazi Lutfal Haque
15. Shri Rajaram Dadasaheb Nimbalkar
16. Shri Ramji Ram
17. Dr. Saradish Roy
18. Shri S. A. Shamim
19. Shri Ramavatar Shastri

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Addl. Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Dept. of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri V. Venugopalan, Dy. Adviser (PHE).
3. Dr. I. Radhakrishnan, Sanitary Chemist.

SECRETARIAT

Shri M. S. Panigrahi, Deputy Secretary.

Shri M. K. Jain, Under Secretary.

WITNESSES

1. Shri N. P. Tiwari, Municipal Commissioner, Municipal Corporation, Bhopal.
2. Shri S. B. Pharashkanewala, City Engineer, Municipal Corporation, Bhopal.
3. Shri H. S. Shirouti, Legal Adviser, Municipal Corporation, Bhopal.
4. Shri J. S. Bhango, Managing Director, Tamil Nadu Water Supply and Drainage Board, Madras.
5. Shri G. B. Modak, Chairman, Maharashtra Prevention of Water Pollution Board, Bombay.
6. Shri N. A. Lentin, Member-Secretary, Maharashtra Prevention of Water Pollution Board, Bombay.
7. Shri V. P. Narayanan Nayar, Chief Engineer, Public Health, Government of Kerala, Trivandrum.

2. At the outset the Chairman made a reference to the passing away of Shri Indu Lal Yagnik, Member of Lok Sabha, on the 17th July, 1972. The Committee observed one minute's silence, all Members standing, as a mark of respect to the deceased. The Committee directed that a message of condolence and sympathy be sent to the members of the family of the deceased.

3. The Committee heard the oral evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

4. The Committee adjourned at 4.40 P.M. to meet again at 10.00 A.M. on Wednesday, the 19th July, 1972.

XI

Eleventh Meeting

The Committee met from 10.30 A.M. to 11.00 A.M. and again from 12.00 NOON to 12.30 P.M. on Wednesday, the 19th July, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Shri Kalyan Chand
6. Shri Jagdish Prasad Mathur
7. Shri G. A. Appan

Lok Sabha

8. Shri Kondajji Basappa
9. Shri Chakleshwar Singh
10. Shri G. C. Dixit
11. Shri T. H. Gavit
12. Shri K. Gopal
13. Shri Samar Guha
14. Shri M. M. Hashim
15. Shri A. K. Kisku
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri Mohan Swarup
19. Shri Rajaram Dadasaheb Nimbalkar
20. Shri Ramavatar Shastri

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

- Shri A. K. Srinivasamurthy, Additional Legislative Counsel
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning

(Department of Health)

1. Shri V. Venugopalan, Dy. Adviser (PHE)
2. Dr. I. Radhakrishnan, Sanitary Chemist.

SECRETARIAT

1. Shri M. S. Panigrahi, Deputy Secretary
2. Shri M. K. Jain, Under Secretary.

WITNESSES

1. Representatives of the Fertilizer and Chemicals Travancore Ltd., Udyog Mandal, Kerala.
 - (i) Shri S. R. Shastri, General Superintendent (Cochin Division).
 - (ii) Shri K. V. Mathews, Addl. Chief Engineer (Process).
2. Shri Krishna Rao Naram, Superintending Engineer Rural Water Supply (RCW) (Circle), Hyderabad.
3. Representatives of the Indian Drugs and Pharmaceuticals Ltd., New Delhi.
 - (i) Dr. J. M. Sehgal, Deputy Chief (Technical Division).
 - (ii) Shri B. N. Chakraborty, Senior Chemical Engineer.

2. The Committee heard the oral evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee decided to ask for extension of time up to the first day of the Eighty-second (Winter) Session of the Rajya Sabha for the presentation of the Report of the Committee and authorised the Chairman and in his absence, Shri Nawal Kishore, to move the necessary motion in the Rajya Sabha.

4. The Committee then adjourned at 12.30 P.M.

XIV

Fourteenth Meeting

The Committee met from 10.00 A.M. to 12.35 P.M. and again from 3.15 P.M. to 5.38 P.M. on Wednesday, the 13th September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Nuthalapati Joseph.
4. Dr. Rajat Kumar Chakrabarti

Lok Sabha

5. Shri Kondajji Basappa
6. Shri Chakleshwar Singh
7. Shri G. C. Dixit
8. Shri T. H. Gavit
9. Shri Mani Ram Godara
10. Shri Samar Guha
11. Shri M. M. Hashim
12. Hazi Lutfal Haque
13. Shri Yamuna Prasad Mandal
14. Shri Nanubhai N. Patel
15. Shri Rajaram Dadasaheb Nimbalkar
16. Shri Ramji Ram
17. Dr. Saradish Roy
18. Shri S. A. Shamim
19. Shri Ramavatar Shastri
20. Shri S. D. Singh
21. Shri R. P. Ulganambi

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning
(Department of Health)

1. Shri B. B. Rau, Deputy Adviser (PHE).
2. Shri V. A. Anandadoss, Deputy Adviser (PHE).
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESSES

1. Dr. H. K. Joshi, Deputy General Manager, Indian Oil Corporation Ltd., New Delhi.
2. Shri D. Mookerjea, Technical Adviser, Calcutta Metropolitan Development Authority, Calcutta.
3. Shri S. K. Majumdar, Chief Engineer, Public Health Engineering, Govt. of West Bengal.
4. (i) Shri I. M. Magdum, Chairman, Bangalore Water Supply and Sewage Board.
(ii) Shri K. G. Katwey, Adviser, Bangalore Water Supply and Sewage Board.

2. The Committee heard the oral evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee then adjourned at 5.38 p.m. to meet again at 11.30 a.m. on Thursday, the 14th September, 1972.

XV

Fifteenth Meeting

The Committee met from 11.30 A.M. to 12.33 P.M. and again from 3.00 P.M. to 5.05 P.M. on Thursday, the 14th September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Nuthalapati Joseph
4. Shri Balram Das
5. Dr. Rajat Kumar Chakrabarti
6. Shri Salil Kumar Ganguli

Lok Sabha

7. Shri Kondajji Basappa
8. Shri Chakleshwar Singh
9. Shri G. C. Dixit
10. Shri Mani Ram Godara
11. Shri K. Gopal
12. Shri M. M. Hashim
13. Hazi Lutfal Haque
14. Shri Yamuna Prasad Mandal
15. Shri Nanubhai N. Patel
16. Shri Rajaram Dadasaheb Nimbalkar
17. Shri Ramji Ram
18. Shri S. A. Shamim
19. Shri Ramavatar Shastri
20. Shri R. P. Ulganambi

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning, (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESSES

1. Shri A. Ganesan, Scientist, Central Leather Research Institute, Madras.
2. Professor Sampath Kumaran, Coordinating Officer for Research, All India Institute of Hygiene and Public Health, Calcutta.
3. Dr. V. G. Jhingran, Director, Central Inland Fisheries Research Institute, Barrackpore, Calcutta.

2. The Committee heard the oral evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 5.05 P.M. to meet again at 11.30 A.M. on Friday, the 15th September, 1972.

XII

Twelfth Meeting

The Committee met from 10.15 A.M. to 11.55 A.M. and again from 3.00 P.M. to 4.21 P.M. on Monday, the 11th September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Nuthalapati Joseph
4. Shri Balram Das
5. Dr. Rajat Kumar Chakrabarti
6. Shri Kalyan Chand
7. Shri Jagdish Prasad Mathur

Lok Sabha

8. Shri Kondajji Basappa
9. Shri Onkar Lal Berwa
10. Shri Chakleshwar Singh
11. Shri T. H. Gavit
12. Shri M. M. Hashim
13. Hazi Lutfal Haque
14. Shri Yamuna Prasad Mandal
15. Shri Rajaram Dadasaheb Nimbalkar
16. Shri Ramji Ram
17. Dr. Saradish Roy
18. Shri S. A. Shamim
19. Shri Ramavatar Shastri
20. Shri R. P. Ulganambi

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.

Ministry of Health and Family Planning

(Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri H. K. Vedaraman, Assistant Adviser (PHE).
3. Dr. I. Radhakrishnan, Sanitary Chemist.

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESSES

1. Dr. S. N. Sinha, Senior Research Officer, representing the Chief Engineer, Public Health Engineering Department, Government of Bihar.
2. Shri M. K. Roy, Inspector of Factories (Chemical), representing the Chief Inspector of Factories, Government of Bihar.
3. Shri J. D'cruz, Chief Engineer (W), Water Supply and Sewage Disposal Undertaking, New Delhi.
4. (i) Shri J. L. Sethi, Chief Engineer, Public Health, Haryana.
(ii) Shri O. K. Sharma, Superintending Engineer, Public Health, Haryana.

2. At the outset, Chairman made a reference to the passing away of Shri Balkrishna Gupta, a sitting Member of the Rajya Sabha, on the 10th September, 1972. The Committee observed one minute's silence, all Members standing, as a mark of respect to the deceased. The Committee directed that a message of condolence and sympathy be sent to the bereaved family.

3. The Committee heard the oral evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

4. The Committee adjourned at 4.21 P.M. to meet again at 11.30 A.M. on Tuesday, the 12th September, 1972.

XIII

Thirteenth Meeting

The Committee met at 11.30 A.M. on Tuesday, the 12th September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Nuthalapati Joseph
4. Shri Balram Das
5. Dr. Rajat Kumar Chakrabarti
6. Shri Kalyan Chand
7. Shri Salil Kumar Ganguli

Lok Sabha

8. Shri Kondajji Basappa
9. Shri Onkar Lal Berwa
10. Shri Chakleshwar Singh
11. Shri T. H. Gavit
12. Shri Mani Ram Godara
13. Shri M. M. Hashim
14. Hazi Lutfal Haque
15. Shri Yamuna Prasad Mandal
16. Shri Nanubhai N. Patel
17. Shri Rajaram Dadasaheb Nimbalkar
18. Shri Ramji Ram
19. Dr. Saradish Roy
20. Shri S. A. Shamim
21. Shri Ramavatar Shastri
22. Shri S. D. Singh
23. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning
(Department of Health)

1. Shri B. B. Rau, Dy. Adviser (PHE).
2. Shri T. K. Vedaraman, Assistant Adviser (PHE).
3. Dr. I. Radhakrishnan, Sanitary Chemist.

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESS

Shri M. S. Kachwaha, Technical Assistant to the Chief Engineer,
Public Health Engineering Department, Government of Rajasthan,
Jaipur.

2. The Committee heard the oral evidence tendered by the above-mentioned witness.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 11.55 A.M. to meet again at 10.00 A.M. on Wednesday, the 13th September, 1972.

XVI

SIXTEENTH MEETING

The Committee met at 11.50 A.M. on Friday, the 15th September, 1972 in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant.—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Nuthalapati Joseph
4. Dr. Rajat Kumar Chakravarti
5. Shri Jagdish Prasad Mathur

Lok Sabha

6. Shri Chakleshwar Singh
7. Shri G. C. Dixit
8. Shri K. Gopal
9. Shri M. M. Hashim
10. Hazi Lutfal Haque
11. Shri Nanubhai N. Patel
12. Shri Rajaram Dadasaheb Nimbalkar
13. Shri Ramavatar Shastri

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Kashmiri Lal, Under Secretary.

WITNESSES

1. Dr. G. D. Agarwal, Professor of Public Health Engineering, Indian Institute of Technology, Kanpur.
 2. Dr. A. V. S. Prabhakar Rao, Associate Professor of Public Health Engineering, Indian Institute of Technology, Kanpur.
2. The Committee heard the evidence tendered by the above-mentioned witnesses.
- A verbatim record of the evidence was kept.
3. The Committee adjourned at 12.42 P.M. to meet again at 11.30 A.M. on Saturday, the 16th September, 1972.

XVII

SEVENTEENTH MEETING

The Committee met at 12.00 Noon on Saturday, the 16th September, 1972 in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Balram Das
4. Dr. Rajat Kumar Chakravarti

Lok Sabha

5. Shri Chakleshwar Singh
6. Shri G. C. Dixit
7. Shri Mani Ram Godara
8. Shri K. Gopal
9. Shri M. M. Hashim
10. Hazi Lutfal Haque
11. Shri Nanubhai N. Patel
12. Shri Ramavatar Shastri

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESS

Shri B. P. Verma, Public Health Engineer, Delhi Administration,
Delhi.

2. The Committee heard the evidence tendered by the above-mentioned witness.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 12.30 P.M. to meet again at 3.00 P.M. on Monday, the 18th September, 1972.

XVIII

EIGHTEENTH MEETING

The Committee met at 3.15 p.m. on Monday, the 18th September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Balram Das
4. Dr. Rajat Kumar Chakravarti
5. Shri Jagdish Prasad Mathur
6. Shri G. A. Appan.

Lok Sabha

7. Shri Chakleshwar Singh
8. Shri Mani Ram Godara
9. Shri K. Gopal
10. Hazi Lutfal Haque
11. Shri Nanubhai N. Patel
12. Shri Mohan Swarup
13. Shri Rajaram Dadasaheb Nimbalkar
14. Shri Ramavatar Shastri
15. Shri M. M. Hashim.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

Shri M. K. Jain, Under Secretary.

WITNESSES

1. Shri R. Choudhary, Chief Public Health Engineer, Government of Assam, Shillong.
 2. Shri P. K. Das, Public Analyst, Government of Assam, Shillong.
2. The Committee heard the evidence tendered by the above-mentioned witnesses.
- A verbatim record of the evidence was kept.
3. The Committee adjourned at 4.12 P.M. to meet again at 3.00 P.M. on Tuesday, the 19th September, 1972.

XIX

NINETEENTH MEETING

The Committee met at 3.15 P.M. on Tuesday, the 19th September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Balram Das
4. Shri G. A. Appan
5. Shri U. N. Mahida

Lok Sabha

6. Shri Maganti Ankineedu
7. Shri Chakleshwar Singh
8. Shri T. H. Gavit
9. Shri Mani Ram Godara
10. Shri M. M. Hashim
11. Hazi Lutfal Haque
12. Shri Nanubhai N. Patel
13. Shri Rajaram Dadasaheb Nimbalkar
14. Shri Ramavatar Shastri

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

Shri M. K. Jain, Under Secretary.

WITNESSES

1. Shri Ajit Singh, Director, Bureau of Public Enterprises, Ministry of Finance, New Delhi.
 2. Shri G. H. Vaidya, Chief Engineer, Department of Health, Govt. of Jammu & Kashmir, Srinagar.
 3. Dr. O. P. Gulati, Professor and Head, Agricultural Engineering Department, Haryana Agricultural University, Hissar.
2. The Committee heard the evidence tendered by the above mentioned witnesses.
- A verbatim record of the evidence was kept.
3. The Committee adjourned at 4.55 P.M. to meet again at 3.00 P.M. on Wednesday, the 20th September, 1972.

XX

TWENTIETH MEETING

The Committee met at 3.10 p.m. on Wednesday, the 20th September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Balram Das
5. Dr. Rajat Kumar Chakrabarti
6. Shri U. N. Mahida

Lok Sabha

7. Shri Maganti Ankineedu
8. Shri Chakleshwar Singh
9. Shri T. H. Gavit
10. Shri K. Gopal
11. Hazi Lutfal Haque
12. Shri Nanubhai N. Patel
13. Shri Rajaram Dadasaheb Nimbalkar
14. Shri Ramji Ram
15. Dr. Saradish Roy
16. Shri Ramavatar Shastri
17. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri V. Venugopalan, Deputy Adviser (PHE).
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

Shri M. K. Jain, Under Secretary.

WITNESSES

1. Shri P. H. Parmar, Municipal Engineer and Deputy Municipal Commissioner Surat Municipal Corporation, Surat.
2. Prof. C. H. Khadilkar, Chairman, Public Health Engineering Division, Institution of Engineers (India), Poona.

2. The Committee heard the evidence tendered by the above mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 4.10 P.M. to meet again at 3.00 P.M. on Thursday, the 21st September, 1972.

XXI

TWENTY-FIRST MEETING

The Committee met at 3.30 P.M. on Thursday, the 21st September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Balram Das
4. Dr. Rajat Kumar Chakrabarti
5. Shri U. N. Mahida

Lok Sabha

6. Shri Kondajji Basappa
7. Shri Onkar Lal Berwa
8. Shri Chakleshwar Singh
9. Shri T. H. Gavit
10. Shri K. Gopal
11. Hazi Lutfal Haque
12. Shri Rajaram Dadasaheb Nimbalkar
13. Dr. Saradish Roy
14. Shri Ramavatar Shastri
15. Shri R. P. Ulganambi

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE).
3. Shri V. Venugopalan, Deputy Adviser (PHE).
4. Shri T. K. Vedaraman, Assistant Adviser (PHE).
5. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri M. K. Jain, Under Secretary.

WITNESSES

1. Dr. T. R. Bhaskaran, Chief Technologist, Geo Miller Pvt. Ltd.,
New Delhi.
2. Dr. N. U. Rao, Scientist-in-charge, CIPHERI, Nagpur.

2. The Committee heard the evidence tendered by the above mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 4.45 P.M. to meet again at 3.30 P.M. on Friday, the 22nd September, 1972.

XXII

TWENTY-SECOND MEETING

The Committee met at 3.35 P.M. on Friday, the 22nd September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Jagdish Prasad Mathur

Lok Sabha

5. Shri Kondajji Basappa
6. Shri Onkar Lal Berwa
7. Shri Chakleshwar Singh
8. Shri T. H. Gavit
9. Shri K. Gopal
10. Shri M. M. Hashim
11. Hazi Lutfal Haque
12. Shri Yamuna Prasad Mandal
13. Shri Mohan Swarup
14. Shri Ramji Ram
15. Dr. Saradish Roy
16. Shri S. A. Shamim
17. Shri Ramavatar Shastri
18. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri M. K. Jain, Under Secretary.

WITNESSES

1. Dr. J. S. Kanwar, Deputy Director-General I.C.A.R., New Delhi.
2. Dr. K. Ramiah, M.P.
3. Shri I. K. Gujral, Minister of State in the Ministry of Information & Broadcasting, New Delhi.

2. At the outset, Chairman made a reference to the passing away of Shri C. C. Desai, a sitting Member of the Lok Sabha, today. The Committee observed one minute's silence, all Members standing, as a mark of respect to the deceased. The Committee directed that a message of condolence and sympathy be sent to the bereaved family.

3. The Committee heard the evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

4. The Committee adjourned at 6.15 P.M. to meet again at 2.30 P.M. on Saturday, the 23rd September, 1972.

XXIII

TWENTY THIRD MEETING

The Committee met at 2.45 P.M. on Saturday, the 23rd September, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Dr. Rajat Kumar Chakrabarti
4. Shri Jagdish Prasad Mathur
5. Shri G. A. Appan
6. Shri U. N. Mahida

Lok Sabha

7. Shri Kondajji Basappa
8. Shri Chakleshwar Singh
9. Shri T. H. Gavit
10. Shri Mani Ram Godara
11. Shri K. Gopal
12. Hazi Lutfal Haque
13. Shri Yamuna Prasad Mandal
14. Shri Mohan Swarup
15. Shri Ramji Ram
16. Shri S. A. Shamim
17. Shri Ramavatar Shastri

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE)
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.

WITNESSES

1. Dr. Thakorebhai V. Patel, Chairman, Executive Committee of All India Council of Mayors, Baroda.

2. Shri Jayantilal B. Chokhawala, Chairman, Udyognagar Sehkari Sangh, Navapur, Dalia Sheri, Surat.

3. (i) Shri A. K. Ganatra, Mayor of Bombay, Bombay.

(ii) Shri V. D. Desai, Deputy Municipal Commissioner (Spl. Engg.) Municipal Corporation of Bombay, Bombay.

(iii) Shri G. F. Khambati, Deputy Project Engineer, Municipal Corporation of Bombay, Bombay.

4. (i) Shri S. Mitra, Chief Engineer, Calcutta Corporation, Calcutta.

(ii) Shri P. K. Banerjee, Spl. Dy. Commissioner, Calcutta Corporation, Calcutta.

2. The Committee heard the evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee decided to hold its next series of sittings in New Delhi from the 3rd October, 1972 onwards to record evidence and to consider the Bill, clause by clause.

4. The Chairman requested the Members to send amendments, if any, on the various provisions of the Bill, to the Rajya Sabha Secretariat by the 30th September, 1972 at the latest.

5. The Committee adjourned at 5.15 P.M. to meet again at 10.00 A.M. on Tuesday, the 3rd October, 1972.

XXIV

TWENTY-FOURTH MEETING

The Committee met at 10.35 A.M. on Tuesday, the 3rd October, 1972 in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

MEMBERS

1. Shri Krishan Kant—*Chairman.*

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Shri Balram Das
6. Dr. Rajat Kumar Chakrabarti
7. Shri Kalyan Chand
8. Shri Jagdish Prasad Mathur
9. Shri Salil Kumar Ganguli
10. Shri U. N. Mahida

Lok Sabha

11. Shri Kondajji Basappa
12. Shri G. C. Dixit
13. Shri T. H. Gavit
14. Shri Mani Ram Godara
15. Shri K. Gopal
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri S. A. Shamim
19. Shri Ramavatar Shastri
20. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE)
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri M. S. Panigrahi, Dy. Secretary.
2. Shri Sudarshan Agarwal, Dy. Secretary.
3. Shri Amar Nandi, Dy. Secretary.
4. Shri Kashmiri Lal, Under Secretary.

WITNESSES

- (1) Shri S. K. Lall, Director of Industries, Govt. of Orissa and Member Secretary River Board, Orissa.
- (2) Shri P. Arunachalam, Addl. Chief Engineer Public Health Govt. of Meghalaya, Shillong.
- (3) (i) Shri N. M. Barot, Chairman, Standing Committee, Municipal Corporation, Ahmedabad.
(ii) Dr. Sureshbhai Shah, Deputy Mayor, Ahmedabad.
(iii) Shri K. K. Sanghani, Municipal Engineer.

2. The Committee heard the evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 12.50 P.M. to meet again at 10.30 A.M. on Wednesday, the 4th October, 1972.

XXV

TWENTY FIFTH MEETING

The Committee met from 10.40 A.M. to 12.55 P.M. and again from 3.00 P.M. to 3.35 P.M. on Wednesday, the 4th October 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Shri Balram Das
6. Dr. Rajat Kumar Chakrabarti
7. Shri Kalyan Chand
8. Shri G. A. Appan
9. Shri U. N. Mahida

Lok Sabha

10. Shri Maganti Ankineedu
11. Shri Kondajji Basappa
12. Shri Chakleshwar Singh
13. Shri G. C. Dixit
14. Shri T. H. Gavit
15. Shri Mani Ram Godara
16. Shri K. Gopal
17. Shri M. M. Hashim
18. Hazi Lutfal Haque
19. Shri Yamuna Prasad Mandal
20. Shri Ramji Ram
21. Shri Ramavatar Shastri
22. Shri S. D. Singh
23. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE)
2. Shri B. B. Rau, Deputy Adviser (PHE)
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri M. S. Panigrahi, Dy. Secretary.
2. Shri Sudarshan Agarwal, Dy. Secretary.
3. Shri Amar Nandi, Dy. Secretary.
4. Shri Kashmiri Lal, Under Secretary.

WITNESSES

1. Bureau of Public Enterprises, Ministry of Finance, New Delhi:
 - (i) Shri A. N. Banerjee, Addl. Secretary and Director General, Bureau of Public Enterprises, Ministry of Finance, New Delhi.
 - (ii) Shri J. J. Mehta, Chairman and Managing Director, Indian Petro-Chemicals Corporation Ltd.
 - (iii) Dr. S. K. Mukherji, Director (Production) Fertilizer Corporation of India Ltd., New Delhi.
 - (iv) Shri C. R. Das Gupta, Managing Director, Refineries, Indian Oil Corporation Ltd., New Delhi.
 - (v) Shri B. K. Paul, Adviser (Technical), Hindustan Steel Ltd., Ranchi.
 - (vi) Dr. P. Dayal, Adviser (Mining), Bureau of Public Enterprises.
 - (vii) Shri V. R. Vaish, Adviser (Construction), Bureau of Public Enterprises
 - (viii) Shri R. K. Ray, Adviser (Production), Bureau of Public Enterprises.
 - (ix) Shri P. Seshadri, G. M. (Project), Fertilizer Corporation of India, Ltd.
2. Messrs, Pennwalt India Ltd.:
 - (i) Shri C. W. Bosson.
 - (ii) Shri C. D. Kashyap, Managing Director.
 - (iii) Shri J. S. Kaul, Area Manager (North).

2. The Committee heard the evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 3.35 P.M. to meet again at 3.00 P.M. on Thursday, the 5th October, 1972.

XXVI

TWENTY-SIXTH MEETING

The Committee met at 3.00 P.M. on Thursday, the 5th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Balram Das
5. Dr. Rajat Kumar Chakrabarti
6. Shri Kalyan Chand
7. Shri G. A. Appan
8. Shri U. N. Mahida

Lok Sabha

9. Shri Maganti Ankineedu
10. Shri Kondajji Basappa
11. Shri Chakleshwar Singh
12. Shri T. H. Gavit
13. Shri Mani Ram Godara
14. Shri K. Gopal
15. Shri Samar Guha
16. Shri M. M. Hashim
17. Hazi Lutfal Haque
18. Shri Yamuna Prasad Mandal
19. Shri Rajaram Dadasaheb Nimbalkar
20. Shri Ramji Ram
21. Shri Ramavatar Shastri
22. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

Shri A. P. Pandey, Assistant Legislative Counsel.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE).
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri Amar Nandi, Deputy Secretary.
3. Shri Kashmiri Lal, Under Secretary.

WITNESSES

1. Shri M. S. Swaminathan, Director General, I.C.A.R., New Delhi.
2. Dr. J. S. Kanwar, Deputy Director General, I.C.A.R., New Delhi.

2. The Committee heard the evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 4.28 P.M. to meet again at 3.00 P.M. on Friday, the 6th October, 1972.

XXVII

TWENTY-SEVENTH MEETING

The Committee met at 3.05 p.m. on Friday, the 6th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Balram Das
5. Dr. Rajat Kumar Chakrabarti
6. Shri Kalyan Chand
7. Shri G. A. Appan
8. Shri U. N. Mahida

Lok Sabha

9. Shri Kondajji Basappa
10. Shri Chakleshwar Singh
11. Shri G. C. Dixit
12. Shri T. H. Gavit
13. Shri Mani Ram Godara
14. Shri Samar Guha
15. Shri M. M. Hashim
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri Rajaram Dadasaheb Nimbalkar
19. Shri Ramji Ram
20. Shri Ramavatar Shastri
21. Shri S. D. Singh
22. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

Shri A. P. Pandey, Assistant Legislative Counsel.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE).
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Amar Nandi, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESSES

Shri S. Y. Gore of M/s. W. S. Atkins Pvt. Ltd., Calcutta.

2. The Committee heard the evidence of the above-mentioned witness. A verbatim record of the evidence was kept.
3. The Committee decided that after completing its sitting on the 7th October, 1972 the next sitting would be held at 3.00 P.M. on Wednesday, the 11th October, 1972.
4. The Committee then adjourned at 3.35 P.M. to meet again at 10.30 A.M. on the 7th October, 1972.

XXIV

TWENTY-FOURTH MEETING

The Committee met at 10.35 A.M. on Tuesday, the 3rd October, 1972 in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

MEMBERS

1. Shri Krishan Kant—*Chairman.*

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Shri Balram Das
6. Dr. Rajat Kumar Chakrabarti
7. Shri Kalyan Chand
8. Shri Jagdish Prasad Mathur
9. Shri Salil Kumar Ganguli
10. Shri U. N. Mahida

Lok Sabha

11. Shri Kondajji Basappa
12. Shri G. C. Dixit
13. Shri T. H. Gavit
14. Shri Mani Ram Godara
15. Shri K. Gopal
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri S. A. Shamim
19. Shri Ramavatar Shastri
20. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE)
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri M. S. Panigrahi, Dy. Secretary.
2. Shri Sudarshan Agarwal, Dy. Secretary.
3. Shri Amar Nandi, Dy. Secretary.
4. Shri Kashmiri Lal, Under Secretary.

WITNESSES

- (1) Shri S. K. Lall, Director of Industries, Govt. of Orissa and Member Secretary River Board, Orissa.
- (2) Shri P. Arunachalam, Addl. Chief Engineer Public Health Govt. of Meghalaya, Shillong.
- (3) (i) Shri N. M. Barot, Chairman, Standing Committee, Municipal Corporation, Ahmedabad.
(ii) Dr. Sureshbhai Shah, Deputy Mayor, Ahmedabad.
(iii) Shri K. K. Sanghani, Municipal Engineer.

2. The Committee heard the evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 12.50 P.M. to meet again at 10.30 A.M. on Wednesday, the 4th October, 1972.

XXV

TWENTY-FIFTH MEETING

The Committee met from 10.40 A.M. to 12.55 P.M. and again from 3.00 P.M. to 3.35 P.M. on Wednesday, the 4th October 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Shri Balram Das
6. Dr. Rajat Kumar Chakrabarti
7. Shri Kalyan Chand
8. Shri G. A. Appan
9. Shri U. N. Mahida

Lok Sabha

10. Shri Maganti Ankineedu
11. Shri Kondajji Basappa
12. Shri Chakleshwar Singh
13. Shri G. C. Dixit
14. Shri T. H. Gavit
15. Shri Mani Ram Godara
16. Shri K. Gopal
17. Shri M. M. Hashim
18. Hazi Lutfal Haque
19. Shri Yamuna Prasad Mandal
20. Shri Ramji Ram
21. Shri Ramavatar Shastri
22. Shri S. D. Singh
23. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. P. Pandey, Assistant Legislative Counsel.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE)
2. Shri B. B. Rau, Deputy Adviser (PHE)
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri M. S. Panigrahi, Dy. Secretary.
2. Shri Sudarshan Agarwal, Dy. Secretary.
3. Shri Amar Nandi, Dy. Secretary.
4. Shri Kashmiri Lal, Under Secretary.

WITNESSES

1. Bureau of Public Enterprises, Ministry of Finance, New Delhi:
 - (i) Shri A. N. Banerjee, Addl. Secretary and Director General, Bureau of Public Enterprises, Ministry of Finance, New Delhi.
 - (ii) Shri J. J. Mehta, Chairman and Managing Director, Indian Petro-Chemicals Corporation Ltd.
 - (iii) Dr. S. K. Mukherji, Director (Production) Fertilizer Corporation of India Ltd., New Delhi.
 - (iv) Shri C. R. Das Gupta, Managing Director, Refineries, Indian Oil Corporation Ltd., New Delhi.
 - (v) Shri B. K. Paul, Adviser (Technical), Hindustan Steel Ltd., Ranchi.
 - (vi) Dr. P. Dayal, Adviser (Mining), Bureau of Public Enterprises.
 - (vii) Shri V. R. Vaish, Adviser (Construction), Bureau of Public Enterprises
 - (viii) Shri R. K. Ray, Adviser (Production), Bureau of Public Enterprises.
 - (ix) Shri P. Seshadri, G. M. (Project), Fertilizer Corporation of India, Ltd.
2. Messrs, Pennwalt India Ltd.:
 - (i) Shri C. W. Bosson.
 - (ii) Shri C. D. Kashyap, Managing Director.
 - (iii) Shri J. S. Kaul, Area Manager (North).

2. The Committee heard the evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 3.35 p.m. to meet again at 3.00 p.m. on Thursday, the 5th October, 1972.

XXVI

TWENTY-SIXTH MEETING

The Committee met at 3.00 P.M. on Thursday, the 5th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Balram Das
5. Dr. Rajat Kumar Chakrabarti
6. Shri Kalyan Chand
7. Shri G. A. Appan
8. Shri U. N. Mahida

Lok Sabha

9. Shri Maganti Ankineedu
10. Shri Kondajji Basappa
11. Shri Chakleshwar Singh
12. Shri T. H. Gavit
13. Shri Mani Ram Godara
14. Shri K. Gopal
15. Shri Samar Guha
16. Shri M. M. Hashim
17. Hazi Lutfal Haque
18. Shri Yamuna Prasad Mandal
19. Shri Rajaram Dadasaheb Nimbalkar
20. Shri Ramji Ram
21. Shri Ramavatar Shastri
22. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

Shri A. P. Pandey, Assistant Legislative Counsel.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE).
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri Amar Nandi, Deputy Secretary.
3. Shri Kashmiri Lal, Under Secretary.

WITNESSES

1. Shri M. S. Swaminathan, Director General, I.C.A.R., New Delhi.
2. Dr. J. S. Kanwar, Deputy Director General, I.C.A.R., New Delhi.

2. The Committee heard the evidence tendered by the above-mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 4.28 p.m. to meet again at 3.00 p.m. on Friday, the 6th October, 1972.

XXVII

TWENTY-SEVENTH MEETING

The Committee met at 3.05 P.M. on Friday, the 6th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

Shri Krishan Kant—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Balram Das
5. Dr. Rajat Kumar Chakrabarti
6. Shri Kalyan Chand
7. Shri G. A. Appan
8. Shri U. N. Mahida

Lok Sabha

9. Shri Kondajji Basappa
10. Shri Chakleshwar Singh
11. Shri G. C. Dixit
12. Shri T. H. Gavit
13. Shri Mani Ram Godara
14. Shri Samar Guha
15. Shri M. M. Hashim
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri Rajaram Dadasaheb Nimbalkar
19. Shri Ramji Ram
20. Shri Ramavatar Shastri
21. Shri S. D. Singh
22. Shri R. P. Ulganambi.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

Shri A. P. Pandey, Assistant Legislative Counsel.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE).
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Amar Nandi, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESSES

Shri S. Y. Gore of M/s. W. S. Atkins Pvt. Ltd., Calcutta.

2. The Committee heard the evidence of the above-mentioned witness. A verbatim record of the evidence was kept.
3. The Committee decided that after completing its sitting on the 7th October, 1972 the next sitting would be held at 3.00 P.M. on Wednesday, the 11th October, 1972.
4. The Committee then adjourned at 3.35 P.M. to meet again at 10.30 A.M. on the 7th October, 1972.

XXVIII

TWENTY-EIGHTH MEETING

The Committee met at 10.50 P.M. on Saturday, the 7th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Shri Balram Das
6. Dr. Rajat Kumar Chakrabarti
7. Shri Kalyan Chand
8. Shri Jagdish Prasad Mathur
9. Shri U. N. Mahida

Lok Sabha

10. Shri Chakleshwar Singh
11. Shri G. C. Dixit
12. Shri T. H. Gavit
13. Shri Mani Ram Godara
14. Shri K. Gopal
15. Hazi Lutfal Haque
16. Shri Yamuna Prasad Mandal
17. Shri Rajaram Dadasaheb Nimbalkar
18. Shri Ramji Ram
19. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

Shri A. P. Pandey, Assistant Legislative Counsel.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave Adviser (PHE).
2. Shri B. B. Rau, Dy. Adviser (PHE).
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri Sudarshan Agarwal, Deputy Secretary.
2. Shri Amar Nandi, Deputy Secretary.
3. Shri Kashmiri Lal, Under Secretary.

WITNESS

Shri S. Rajagopalan,
Adviser (PHE) (Retd.).

2. The Committee heard the evidence tendered by the above mentioned witness.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 12.30 P.M. to meet again at 4.00 P.M. on Wednesday, the 11th October, 1972.

XXIX

TWENTY-NINTH MEETING

The Committee met at 4.05 p.m. on Wednesday, the 11th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

MEMBERS

Rajya Sabha

1. Shri Krishan Kant—*Chairman*
2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Shri Balram Das
6. Dr. Rajat Kumar Chakrabarti
7. Shri Kalyan Chand
8. Shri Jagdish Prasad Mathur
9. Shri G. A. Appan
10. Shri Salil Kumar Ganguli
11. Shri U. N. Mahida

Lok Sabha

12. Shri Kondajji Basappa
13. Shri G. S. Dixit
14. Shri T. H. Gavit
15. Shri Mani Ram Godara
16. Shri M. M. Hashim
17. Shri A. K. Kisku
18. Hazi Lutfal Haque
19. Shri Yamuna Prasad Mandal
20. Shri Nanubhai N. Patel
21. Shri Mohan Swarup
22. Shri Rajaram Dadasaheb Nimbalkar
23. Shri Ramji Ram
24. Shri P. Ganga Reddy
25. Shri Ramavatar Shastri
26. Shri S. D. Singh.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Addl. Legislative Counsel.
2. Shri A. P. Pandey, Assistant Legislative Counsel.
3. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE).

SECRETARIAT

1. Shri M. S. Panigrahi, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESS

Dr. B. D. Nag Choudhury, Scientific Adviser to the Minister of Defence.

2. The Committee heard the evidence tendered by the above-mentioned witness.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 4.35 P.M. to meet again at 11.00 P.M. on Thursday, the 12th October, 1972.

XXX

THIRTIETH MEETING

The Committee met at 11.05 A.M. on Thursday, the 12th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

MEMBERS

Rajya Sabha

Shri Krishan Kant—*Chairman.*

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Shri Balram Das
6. Dr. Rajat Kumar Chakrabarti
7. Shri Kalyan Chand
8. Shri Jagdish Prasad Mathur
9. Shri U. N. Mahida

Lok Sabha

10. Shri Maganti Ankineedu
11. Shri Kondajji Basappa
12. Shri Onkar Lal Berwa
13. Shri Chakleshwar Singh
14. Shri G. C. Dixit
15. Shri T. H. Gavit
16. Shri Samar Guha
17. Shri M. M. Hashim
18. Hazi Lutfal Haque
19. Shri Nanubhai N. Patel
20. Shri Mohan Swarup
21. Shri Rajaram Dadasaheb Nimbalkar
22. Shri P. Ganga Reddy
23. Shri Ramavatar Shastri
24. Shri S. D. Singh
25. Shri R. P. Ulganambi

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Addl. Legislative Counsel.
2. Shri A. P. Pandey, Assistant Legislative Counsel.
3. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Dy. Adviser (PHE).

SECRETARIAT

1. Shri Amar Nandi, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESSES

Shri U. N. Mahida, M.P.

2. The Committee heard the evidence tendered by the above-mentioned witness.

A verbatim record of the evidence was kept.

3. The Committee adjourned at 12.45 P.M. to meet again at 10.00 A.M. on Friday, the 13th October, 1972.

XXXI

THIRTY-FIRST MEETING

The Committee met at 10.15 A.M. on Friday, the 13th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Nuthalapati Joseph
5. Dr. Rajat Kumar Chakrabarti
6. Shri Kalyan Chand
7. Shri Jagdish Prasad Mathur
8. Shri U. N. Mahida

Lok Sabha

9. Shri Maganti Ankineedu
10. Shri Kondajji Basappa
11. Shri Onkar Lal Berwa
12. Shri Chakleshwar Singh
13. Shri G. C. Dixit
14. Shri T. H. Gavit
15. Shri Mani Ram Godara
16. Shri K. Gopal
17. Shri Samar Guha
18. Shri M. M. Hashim
19. Shri Nanubhai N. Patel
20. Shri Mohan Swarup
21. Shri Rajaram Dadasaheb Nimbalkar
22. Shri Ramji Ram
23. Shri P. Ganga Reddy
24. Shri Ramavatar Shastri
25. Shri R. P. Ulganambi

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Addl. Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri B. B. Rau, Deputy Adviser (PHE).
3. Shri T. K. Vedaraman, Assistant Adviser (PHE).

SECRETARIAT

1. Shri M. S. Panigrahi, Deputy Secretary.
2. Shri Amar Nandi, Deputy Secretary.
3. Shri Kashmiri Lal, Under Secretary.

WITNESSES

1. Mr. Walter M. Schirra Jr., Chairman and Chief Executive Officer, Environmental Control Corporation, U.S.A.
2. Shri S. Nagarajan, Superintending Engineer, Arunachal Pradesh Government.
3. Shri A. C. Chaturvedi, Chief Engineer, L.S.G.E.D. Government of Uttar Pradesh, Lucknow.

2. The Committee heard the evidence tendered by the above mentioned witnesses.

A verbatim record of the evidence was kept.

3. The Chairman requested the representative of the Ministry of Health and Family Planning to circulate Ministry's amendments, if any, on the evening of the 13th October, 1972 or by the morning of the next day.

4. The Committee then adjourned at 11.55 A.M. to meet again at 10.00 A.M. on Wednesday, the 18th October, 1972.

XXXII

THIRTY-SECOND MEETING

The Committee met at 10.25 A.M. on Wednesday, the 18th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

Shri Krishan Kant—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Dr. Rajat Kumar Chakrabarti
5. Shri Kalyan Chand
6. Shri Jagdish Prasad Mathur
7. Shri U. K. Lakshmana Gowda
8. Shri U. N. Mahida

Lok Sabha

9. Shri Kondajji Basappa
10. Shri Chakleshwar Singh
11. Shri T. H. Gavit
12. Shri Mani Ram Godara
13. Shri K. Gopal
14. Shri A. K. Kisku
15. Shri Rajaram Dadasaheb Nimbalkar
16. Shri Ramji Ram
17. Shri Ramavatar Shastri.
18. Shri R. P. Ulganambi

Shri Umashankar Dikshit, Minister of Works and Housing and Health and Family Planning.

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.
2. Shri A. P. Pande, Asstt. Legislative Counsel.

Ministry of Health and Family Planning (Deptt. of Health)

1. Shri A. B. Malik, Joint Secretary.
2. Shri J. M. Dave, Adviser (PHE).
3. Shri B. B. Rau, Deputy Adviser (PHE).
4. Shri T. K. Vedaraman, Asstt. Adviser (PHE).

SECRETARIAT

1. Shri Amar Nandi, Deputy Secretary.
2. Shri Kashmiri Lal, Under Secretary.

WITNESSES

- (1) Shri A. N. Banerjee, Addl Secretary, and Director General, Bureau of Public Enterprises.
- (2) Dr. S. K. Mukherjee, Director (Production), F.C.I. Ltd., New Delhi.
- (3) Shri R. K. Ray, Adviser Production Division, Bureau of Public Enterprises.
- (4) Shri V. R. Vaish, Adviser, Construction Division, Bureau of Public Enterprises.
- (5) Dr. B. K. Paul, Adviser (Technical), Hindustan Steel Ltd., Ranchi.
- (6) Shri P. Seshadri, General Manager (Project) Fertilizer Corporation of India Ltd.,

2. At the outset, Chairman made a reference to the passing away of Shri Shiva Chandika a sitting member of Lok Sabha on the 15th October, 1972. The Committee observed one minute's silence, all members standing as a mark of respect to the deceased. The Committee directed that a message of condolence and sympathy be sent to the bereaved family.

3. The Chairman announced that the clause-by-clause consideration of the Bill would commence from the 27th October, onwards.

4. The Committee heard the evidence tendered by the witnesses mentioned above.

A verbatim record of the evidence was kept.

5. The Committee adjourned at 12.20 P.M. to meet again at 11.00 A.M. on Friday, the 27th October, 1972.

XXXIII

THIRTY-THIRD MEETING

The Committee met from 11.00 A.M. to 1.05 P.M. and from 3.00 P.M. to 5.45 P.M. on Friday, the 27th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

Shri Krishan Kant—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Kalyan Chand
4. Shri U. N. Mahida

Lok Sabha

5. Shri Kondajji Basappa
6. Shri Chakleshwar Singh
7. Shri Chhuttan Lal
8. Shri G. C. Dixit
9. Shri T. H. Gavit
10. Shri Mani Ram Godara
11. Shri K. Gopal
12. Shri Samar Guha
13. Shri M. M. Hashim
14. Shri A. K. Kisku
15. Hazi Lutfal Haque
16. Shri Yamuna Prasad Mandal
17. Shri Rajaram Dadasaheb Nimbalkar
18. Shri Ramji Ram
19. Shri P. Ganga Reddy
20. Shri Ramavatar Shastri
21. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.
2. Shri A. P. Pande, Asstt. Legislative Counsel.
3. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri A. B. Malik, Joint Secretary.
2. Shri J. M. Dave, Adviser (PHE).

3. Shri B. B. Rau, Deputy Adviser (PHE).
4. Shri T. K. Vedaraman, Asstt. Adviser (PHE).
5. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. At the outset the Committee had a general discussion on the various provisions of the Bill.

3. The Committee, thereafter, took up clause by clause consideration of the Bill:—

Clause 2

After some discussion further consideration of the clause was held over.

Clause 3

Sub-clause (1).—The sub-clause was adopted in the following amended form—

“The Central Government shall, with effect from such date (not later than six months of the date of passing of this Act) as it may, by notification in the Official Gazette appoint, constitute a Central Board to be called the Central Board for Prevention and Control of Water Pollution to exercise the powers and perform the functions assigned to that Board under this Act.”

Sub-clause (2), paragraph (a).—The paragraph was adopted in the following amended form:—

“(a) A full time Chairman having special knowledge or experience of matters relating to use, conservation, control and prevention of pollution of water and water resources, to be nominated by the Central Government”.

Sub-clause (2), paragraph (b).—The paragraph was adopted without any change.

Sub-clause (2), paragraph (c).—After some discussion, further consideration of the paragraph was held over.

Sub-clause (2), paragraph (d).—The paragraph was adopted in the following amended form:—

“(d) Three non-officials to be nominated by the Central Government to represent the interests of agriculture, fisheries or industry or trade or any other interest which, in the opinion of the Central Government, ought to be represented.”

Sub-clause (2), paragraph (e).—The paragraph was adopted in the following amended form:—

“(e) A full time member-secretary qualified in respect of water supply, sewerage, treatment and disposal of sewage and trade effluents and having administrative experience”.

Sub-clause (3).—The sub-clause was adopted without any change.

4. The Committee then adjourned at 5.45 P.M. to meet again at 11.00 A.M. on Saturday, the 28th October, 1972

XXXIV

THIRTY-FOURTH MEETING

The Committee met from 11.15 A.M. to 1.10 P.M. and from 3.00 P.M. to 5.25 P.M. on Saturday, the 28th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman.*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Kalyan Chand
4. Shri Jagdish Prasad Mathur
5. Shri U. N. Mahida

Lok Sabha

6. Shri Kondajji Basappa
7. Shri Chakleshwar Singh
8. Shri Chhuttan Lal
9. Shri G. C. Dixit
10. Shri T. H. Gavit
11. Shri Mani Ram Godara
12. Shri K. Gopal
13. Shri Samar Guha
14. Hazi Lutfal Haque
15. Shri Rajaram Dadasaheb Nimbalkar
16. Shri P. Ganga Reddy
17. Shri S. A. Shamim
18. Shri Ramavatar Shastri
19. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.
2. Shri A. P. Pande, Asstt. Legislative Counsel.
3. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning
(Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri Satish Kumar, Deputy Secretary.
3. Shri R. N. Tiwari, Deputy Director (CMD).
4. Shri B. B. Rau, Deputy Adviser (PHE).
5. Shri T. K. Vedaraman, Asstt. Adviser (PHE).
6. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee resumed clause-by-clause consideration of the Bill.

Clause 4

Sub-clause (1).—After some discussion further consideration of the sub-clause was held over and the Legislative Counsel was asked to re-draft the sub-clause in the light of the discussion held.

Sub-clause (2), paragraph (a).—The paragraph was adopted in the following amended form:—

“(a) A full time Chairman having special knowledge or experience of matters relating to use, conservation, control and prevention of pollution of water and water resources, to be nominated by the State Government.”

Sub-clause (2), paragraph (b).—The paragraph was adopted without any change.

Sub-clause ABQ, paragraph (c).—The paragraph was adopted without any change.

Clause 3

Sub-clause (2), paragraph (c).—The paragraph was adopted without any change.

Clause 4 (contd.)

Sub-clause (2), paragraph (d).—The paragraph was adopted in the following amended form:—

“(d) Three non-officials to be nominated by the State Government to represent the interests of agriculture, fisheries or industry or trade or any other interest which, in the opinion of the State Government ought to be represented.”

Sub-clause (2), paragraph (e).—The paragraph was adopted in the following amended form:—

“(e) a full time member-Secretary qualified in respect of water supply, sewerage, treatment and disposal of sewage and trade effluents and having administrative experience.”

Sub-clauses (3) and (4).—The sub-clauses were adopted without any change.

Clause 5

Sub-clause (1).—The following amendment was accepted:—

Page 5, line 3, for the word “five” substitute “three”.

The sub-clause, as amended, was adopted.

Sub-clause (2).—The following amendment was accepted:—

Page 5, lines 9—11, for the words “ceases to be an officer of the Central Government or, as the case may be, of the State Government” substitute “ceases to hold the office under the Central Government, or as the case may be, the State Government, by virtue of which he was nominated.”

The sub-clause as amended was adopted.

Sub-clauses (3) and (4).—The sub-clauses were adopted without any change.

Sub-clause (5).—The following amendment was accepted:—

Page 5, line 26, for the word “excuse” substitute “reason”.

The sub-clause, as amended, was adopted.

Sub-clause (6).—The sub-clause was adopted without any change.

Sub-clause (7).—After some discussion further consideration of the sub-clause was held over. The Legislative Counsel was asked to re-draft the sub-clause in the light of the discussion held.

Sub-clause (8).—The sub-clause was adopted without any change.

Clause 6

After some discussion, further consideration of the clause was held over and the Legislative Counsel was asked to re-draft the clause in the light of the discussion held.

Clause 7

The clause was adopted without any change.

Clause 8

After some discussion further consideration of the clause was held over and the Legislative Counsel was asked to re-draft the clause in the light of the discussion held.

Clauses 9, 10 and 11

The clauses were adopted without any change.

Clause 12

Sub-clause (1).—The sub-clause was adopted in the following amended form:—

“(1) The terms and condition of service of the Member-Secretary will be such as may be prescribed”.

Sub-clause (2).—The sub-clause was adopted without any change”.

Sub-clause (3).—After some discussion further consideration of the sub-clause was held over.

New Chapter 11A—Joint State Boards.

The Committee considered amendment No. 80 of the Consolidated List of Amendments relating to new Chapter IIA moved by Shri A. K. Kisku and after some discussion, decided to hold over further consideration of the Chapter.

Clause 13

Sub-clause (1).—The following amendment was accepted:—

Page 7, line 16, after the word “States” add “and the Union Territories.”

The sub-clause, as amended, was adopted.

Sub-clause (2), paragraph (a).—The following amendment was accepted:—

Page 7, line 21, after the word “prevention” add “and control”.

The paragraph, as amended, was adopted.

Sub-clause (2), paragraph (b).—After some discussion further consideration of the paragraph was held over.

Sub-clause (2), paragraph (c).—The following amendment was accepted:—

Page 7, line 25, for the word “special” substitute “and sponsor”.

The paragraph, as amended was adopted.

Sub-clause (2), paragraph (d).—The paragraph was adopted without any change.

New Paragraph (dd)

The following new paragraph was adopted:—

“(dd) to make a mass education programme in Water Pollution and Prevention through mass media”.

Sub-clause (2), paragraph (e).—The following amendments were accepted:—

(i) Page 7, line 34, after the word “prevention” add “and control”.

(ii) Page 7, line 35, after the words “relating to” add “treatment and disposal of”.

(iii) Page 7, line 35, after the word “effluent” add “and to disseminate information”.

The paragraph, as amended, was adopted.

Sub-clause (2), paragraph (f).—The paragraph was deleted.

Sub-clause (2), paragraph (g).—After some discussion further consideration of the paragraph was held over and the Legislative Counsel was asked to re-draft the paragraph in the light of the discussion held.

Sub-clause (2), paragraph (h).—The paragraph was adopted without any change.

New sub-clause (3) to clause 13

The following new sub-clause (3) to clause 13 was adopted:—

“(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 samples of any sewage or trade effluent.”

The Committee then adjourned at 5.25 P.M. to meet again at 10.00 A.M. on Monday, the 30th October, 1972.

XXXV

THIRTY-FIFTH MEETING

The Committee met from 10.00 A.M. to 11.10 A.M. and from 3.00 P.M. to 5.45 P.M. on Monday, the 30th October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Kalyan Chand
3. Shri Jagdish Prasad Mathur
4. Shri U. K. Lakshmana Gowda
5. Shri G. A. Appan
6. Shri Salil Kumar Ganguli
7. Shri U. N. Mahida

Lok Sabha

8. Shri Kondajji Basappa
9. Shri Onkar Lal Berwa
10. Shri Chakleshwar Singh
11. Shri G. C. Dixit
12. Shri T. H. Gavit
13. Shri K. Gopal
14. Shri Samar Guha
15. Shri A. K. Kisku
16. Hazi Lutfal Haque
17. Shri Rajaram Dadasaheb Nimbalkar
18. Shri S. A. Shamim
19. Shri S. D. Singh
20. Shri Ramavatar Shastri

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning
(Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri Satish Kumar, Deputy Secretary.
3. Shri R. N. Tewari, Deputy Director (CMD).
4. Shri B. B. Rau, Deputy Adviser (PHE).
5. Shri T. K. Vedaraman, Asstt. Adviser (PHE).
6. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

Shri M. K. Jain, Under Secretary.

2. The Committee resumed clause by clause consideration of the Bill.

Clause 14

Paragraph (a).—The paragraph was adopted without any change.

Paragraph (b).—The following amendments were accepted:—

(i) Page 8, lines 7 and 8, *delete* the words “local bodies or industrial undertakings”.

(ii) Page 8, lines 9 to 11, *delete* the words “and in particular to co-ordinate the activities of the local bodies or industrial undertakings and resolve disputes among them in respect thereof”.

3. Shri Mahida, a member of the Committee, wanted to bring to the notice of the Committee a question of likely breach of privilege in connection with a document or documents supplied to the Committee.

After the afternoon recess the Committee recorded the oral evidence* of Shri N. A. Lentin, Member-Secretary, Maharashtra Prevention of Water Pollution Board, Bombay, on the point as to how he came into the possession of the cyclostyled copy prepared by the Rajya Sabha Secretariat of the report written and sent by Shri G. B. Modak, Chairman of the Maharashtra Prevention of Water Pollution Board to Dr. R. Zakaria, Minister for Urban Development and Public Health, Government of Maharashtra, which had been circulated by the Rajya Sabha Secretariat to the members of the Committee.

A verbatim record of the evidence was kept.

4. The Committee then adjourned at 5.45 P.M. to meet again at 10.30 A.M. on Tuesday, the 31st October, 1972.

*The evidence of Shri N. A. Lentin was recorded *in camera*. All officials of the Ministries of Law and Health were asked to withdraw during the evidence. The officers of the Rajya Sabha Secretariat were also asked to withdraw.

XXXVI

THIRTY-SIXTH MEETING

The Committee met from 10.30 A.M. to 11.00 P.M. and from 3.00 P.M. to 6.28 P.M. on Tuesday, the 31st October, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Balram Das
4. Shri Kalyan Chand
5. Shri Jagdish Prasad Mathur
6. Shri U. K. Lakshmana Gowda
7. Shri Salil Kumar Ganguli
8. Shri U. N. Mahida

Lok Sabha

9. Shri Kondajji Basappa
10. Shri Chakleshwar Singh
11. Shri G. C. Dixit
12. Shri T. H. Gavit
13. Shri Mani Ram Godara
14. Shri K. Gopal
15. Shri Samar Guha
16. Shri M. M. Hashim
17. Shri A. K. Kisku
18. Hazi Lutfal Haque
19. Shri Mohan Swarup
20. Shri Rajaram Dadasaheb Nimbalkar
21. Shri S. A. Shamim
22. Shri Ramavatar Shastri
23. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.
2. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE)
2. Shri R. N. Tewari, Deputy Director (CMD)
3. Shri B. B. Rau, Deputy Adviser (PHE)
4. Shri T. K. Vedaraman, Asstt. Adviser (PHE)
5. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist)

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri M. K. Jain, Under Secretary.

2. The Committee discussed the points arising out of the evidence tendered before the Committee by Shri N. A. Lentin on the 30th October, 1972. After some discussion the Committee decided as follows:—

(i) that Shri A. K. Kisku, Deputy Minister in the Ministry of Health and Family Planning and also a member of the Committee, be directed to enquire whether the cyclostyled copy prepared by the Rajya Sabha Secretariat of the report written and sent by Shri G. B. Modak, Chairman of the Maharashtra Prevention of Water Pollution Board to Dr. R. Zakaria, Minister for Urban Development and Public Health, Government of Maharashtra, which had been circulated by the Rajya Sabha Secretariat to the members of the Committee, was sent to the Government of Maharashtra by any official of his Ministry and if so, when and under what circumstances it was so sent. The Committee also desired that the report in the matter should be submitted to the Committee by the next day.

(ii) that the Rajya Sabha Secretariat may address a communication to the Chief Secretary to the Government of Maharashtra requesting him to enquire as to when, through whom and under what circumstances the document referred to in part (i) above came into the possession of the Government of Maharashtra. The Committee also decided that the Chief Secretary may be requested to send the results of the enquiry by the 2nd of November, 1972.

3. Thereafter the Committee considered the communication, dated the 29th October, 1972 addressed by Shri Umashankar Dikshit, Minister of Works and Housing and Health and Family Planning, to the Chairman of the Joint Committee, expressing certain views on the various provisions of the Prevention of Water Pollution Bill and also the communication, dated the 30th October, 1972 received from Shri Samar Guha, a member of the Committee in connection with the communication received from the Minister. After a thorough discussion on these two communications, the Committee decided that the verbatim record of the discussions so held may be placed before Shri Umashankar Dikshit, Minister of Works and Housing and Health and Family Planning by Shri A. K. Kisku, Deputy Minister in the Ministry of Health so that Shri Dikshit would know the views expressed by the members on his communication.

4. The Committee then resumed clause by clause consideration of the Bill.

Clause 14

Paragraph (c).—The paragraph was adopted without any change. The following new paragraph was adopted:—

“to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters resulting from the discharge of effluents and classifying waters of the State”.

Paragraph (d).—The paragraph was adopted without any change. The following new paragraphs were adopted:—

(i) “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 streams and wells which render it impossible to attain even the minimum degree of dilution.”

(ii) “to ensure, wherever possible, adoption of—

(a) methods of utilisation of sewage and suitable trade effluents in agriculture; and

(b) 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.”

(iii) “to prescribe standards of treatment of sewage and trade effluents to be discharged into particular stream taking into account the minimum fair weather dilution available in the stream and the tolerance limits of pollution permissible in the water of the streams, after discharge of such effluents.”

After some discussion, the Legislative Counsel was asked to arrange the paragraph suitably in the light of the discussion held.

Paragraph (e).—The following amendment was accepted:—

Page 8, line 19, for the words “abatement of water pollution” substitute “abatement and mass education programme eof water pollution.”

The following new paragraph was adopted:—

“to inspect sewage effluent and treatment plant and disposal systems or any part thereof in connection with the issue of consent as required by or under this Act;”

Paragraph (f).—The paragraph was adopted without any change.

The clause was renumbered as sub-clause (1) of clause 14 and the following new sub-clause was added after line 22:—

“(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 samples of any sewage or trade effluent.”

Clause 15

After some discussion further consideration of the clause was held over.

Clause 16

Sub-clause (1).—The following amendment was accepted:—

Page 8, lines 35—38, for sub-clause (1) substitute the following:

“16. 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, 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.”

The sub-clause, as amended, was adopted.

Sub-clauses (2) and (3).—The following amendments were accepted:

(i) Page 9, line 1, for the words, “water pollution prevention area may be defined” substitute the words, “water pollution prevention and control area may be declared”.

(ii) Page 9, line 7, for the words, “water pollution prevention area” substitute the words, “water pollution prevention and control area”.

(iii) Page 9, line 9, for the words, “water pollution prevention area” substitute the words, “water pollution prevention and control area”.

(iv) Page 9, line 10, for the words, “water pollution prevention areas” substitute the words, “water pollution prevention and control areas”.

The sub-clauses, as amended, were adopted.

Clause 17

Sub-clause (1).—The following amendments were accepted:—

(i) Page 9, line 15, delete the words, “Water pollution prevention”.

(ii) Page 9, line 16, for the word, “that” substitute “such”.

(iii) Page 9, line 18, for the word, “that” substitute “such”.

(iv) Page 9, line 20, after the word “therewith” add “and carry out stream surveys”.

The sub-clause, as amended, was adopted.

Sub-clause (2).—The sub-clause was adopted without any change.

Sub-clause (3).—The following new sub-clause (3) was adopted.

(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 or trade 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.”

Clause 18

Sub-clause (1).—The following amendments were accepted:—

Page 9, lines 34-35, delete the words, “in a water pollution prevention area”.

The sub-clause, as amended, was adopted.

Sub-clause (2).—The sub-clause was adopted without any change.

Sub-clauses (3) and (4) —The following amendment was accepted:—

Page 10, for lines 1—25, substitute the following:—

“(3) Subject to the provisions of sub-sections (4) and (5), when a sample 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 incharge 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 13; and

(ii) in any other case, to the laboratory established or recognised by the State Board under section 14;

(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 41; and

(ii) in any other case, to the laboratory established or specified under sub-section (1) of section 42.

(4) 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 wilfully absents himself, 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 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 shall inform the Government analyst in writing about the wilful absence of the occupier or his agent.

(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 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 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).

The Sub-clauses as amended were adopted.

New Clause 18A

The following new clause was adopted.

Page 10, after line 25, insert the new clause 18A as follows:—

18A. *Report of the result of analysis on samples taken under section 18.*—(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 Board analyst shall analyse the samples 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 18, 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.

(3) Where a sample has been sent for analysis under clause (e) of sub-section (3) or sub-section (4) of section 18 to any laboratory mentioned therein, the Government analyst 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 41 or section 42, 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."

Clause 19

Sub-clause (1).—Page 10, lines 27-28, for the words "all reasonable hours" substitute "any time".

The sub-clause, as amended, was adopted.

Sub-clause (1) paragraph (a).—After some discussion further consideration of the clause was held over. The Legislative Counsel was asked to redraft the paragraph in the light of the discussion held.

Paragraph (b).—The following amendment was accepted:—

Page 10, line 35, for the word "under" substitute "order".
The paragraph, as amended, was adopted.

Paragraph (c).—The paragraph was adopted without any change.

Sub-clause (2).—The sub-clause was adopted without any change.

Clause 20

Sub-clause (1), paragraph (a).—The following amendments were accepted:—

(i) Page 11, line 15, for the word “prescribed” substitute “laid down by the State Board.”

(ii) Page 11, line 15, after the word “enter” add “(whether directly or indirectly).”

The paragraph, as amended, was adopted.

Sub-clause (1), paragraph (b).—The paragraph was adopted without any change.

Sub-clause (2), paragraphs (a), (b), (c) and (d).—The paragraphs were adopted without any change.

Sub-clause (2), paragraph (e).—The following amendment was accepted:—

Page 11, delete lines 40—42.

Sub-clause (3).—The following amendment was accepted:—

Page 12, for lines 1—10 substitute the following:—

“(3) The State Government may, 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.”

The sub-clause, as amended, was adopted.

Clause 21

Sub-clause (1).—The sub-clause, as amended, was adopted.

Sub-clause (2).—The following amendment was accepted:—

Page 12, line 20 before the word “disposal” add “treatment and”.

The sub-clause, as amended, was adopted.

Sub-clauses (3), (4) and (5).—The sub-clauses were adopted without any change.

Sub-clause (6).—After some discussion, further consideration of the sub-clause was held over. The Legislative Counsel was asked to redraft the sub-clause in the light of the discussion held.

Sub-clause (7).—The following amendment was accepted:—

Page 13, line 17, for the words, “ninety days of making an application in this behalf” substitute the words “a period of four months of the making of an application in this behalf complete in all respects.”

Sub-clause (8), paragraphs (a) and (b).—The paragraphs were adopted without any change.

The following amendments were considered:—

SHRI A. K. Kisku:

(1) Page 13, after line 33, insert a new clause 21-A as follows:—

"21A. Power of State Board to issue direction to persons discharging trade or sewage effluent immediately before the commencement of the Act.—Where immediately before the commencement of this Act, any person was discharging any trade or sewage effluent into a stream or well, it shall be lawful for the State Board to direct such persons to take such steps as are necessary either for the prevention or for the controlling of the pollution of water in such stream or well and thereupon such person shall be bound to comply with such direction."

SHRI U. N. MAHIDA:

"21A. Whether immediately before the commencement of this act any person so discharged any trade or sewage effluent into a stream or well, it shall be incumbent upon such person to notify such discharges and furnish such particulars as required in an application for consent of the Board as required under clause 21 as if for a new discharge, it shall be lawful for the State Board to direct such person to take such steps as are necessary either for the prevention or for the controlling of the pollution of water in such stream or well and thereupon such person shall be bound to comply with such direction. Failure to notify and apply will be an offence and be punishable as in appropriate penalty clauses."

After some discussion, the Legislative Counsel was asked to finalise the clause.

5. The Committee then adjourned at 6.28 P.M. to meet again at 10.30 A.M. on Wednesday, the 1st November, 1972.

XXXVII

THIRTY-SEVENTH MEETING

The Committee met from 10.30 A.M. to 1.28 P.M. and from 3.30 P.M. to 7.30 P.M. on Wednesday, the 1st November, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Shri Kalyan Chand
4. Shri Jagdish Prasad Mathur
5. Shri U. K. Lakshmana Gowda
6. Shri Salil Kumar Ganguli
7. Shri U. N. Mahida

Lok Sabha

8. Shri Kondajji Basappa
9. Shri Chakleshwar Singh
10. Shri G. C. Dixit
11. Shri T. H. Gavit
12. Shri Mani Ram Godara
13. Shri Samar Guha
14. Hazi Lutfal Haque
15. Shri Nanubhai N. Patel
16. Shri Rajaram Dadasaheb Nimbalkar
17. Shri S. A. Shamim
18. Shri Ramavatar Shastri
19. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.
2. Shri A. P. Pande, Asstt. Legislative Counsel.
3. Shri Des Raj Goel, Attache.

*Ministry of Health and Family Planning
(Department of Health)*

1. Shri J. M. Dave, Adviser (PHE).
2. Shri R. N. Tewari, Deputy Director (CMD).
3. Shri B. B. Rau, Deputy Adviser (PHE).
4. Shri T. K. Vedaraman, Asstt. Adviser (PHE).
5. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

1. Shri S. S. Bhalerao, Joint Secretary.
 2. Shri M. K. Jain, Deputy Secretary.
2. The Committee resumed clause by clause consideration of the Bill.

Clause 22

Sub-clauses (1) and (2).—The sub-clauses were adopted without any change, subject to the reference to the new clause 21A being inserted in this clause at the appropriate places. The Legislative Counsel was authorised to do so.

Clause 23

Sub-clause (1).—The sub-clause was adopted without any change subject to the reference to the new clause 21A being inserted in this sub-clause at the appropriate place. The Legislative Counsel was authorised to do so.

Sub-clause (2).—The sub-clause was adopted in the following form:—

“An appellate authority which may be constituted as soon as possible after the formation of the Board for a period to be specified in the order constituting the authority shall consist of three persons.”

After some discussion the Committee, however, decided that any aggrieved party might go in for appeal to the High Court and the Supreme Court but not to any civil court. The Legislative Counsel was asked to re-draft the clause in the light of the discussion held.

Sub-clauses (3) to (5).—The sub-clauses were adopted without any change.

3. At this stage, the Chairman read out a note from Shri A. B. Malik, Joint Secretary in the Ministry of Health and Family Planning, explaining the circumstances in which a copy of the cyclostyled note prepared by the Rajya Sabha Secretariat, written and sent by Shri G. B. Modak, Chairman of the Maharashtra Prevention of Water Pollution Board to Dr. Zakaria, Minister of Health and Urban Development, Government of Maharashtra which had been circulated to the Members of the Joint Committee by the Rajya Sabha Secretariat was sent to the Government of Maharashtra by the Ministry of Health.

The Chairman directed that a copy of this note be circulated to the Members and this matter may be considered after receipt of a reply from the Government of Maharashtra.

4. The Committee, thereafter, resumed clause by clause consideration of the Bill.

Clause 24

Sub-clauses (1) and (2).—After some discussion, the Committee accepted the following in principle:

(i) That the Government of its own can refer to the Board and get the decision revised;

(ii) the Government will not under any circumstances entertain any body unless he has gone to the appellate body.

Further consideration of the sub-clauses was held over and the Legislative Counsel was asked to frame a suitable draft for the sub-clauses in the light of the discussion held.

Clause 25

Sub-clause (1).—The following amendment was accepted:

Page 15, line 17, after the word "altered" add "or old".

Page 15, line 21, after the word "altered" add "or old".

The sub-clause, as amended, was adopted.

Sub-clause (2).—The sub-clause was adopted without any change.

Sub-clause (3).—The following amendment was accepted:

Page 15, line 35, after the word "revenue" add "or as arrears of public demand".

New Clause 25A

The following new clause was adopted:—

Page 15, after line 35 insert a new clause 25A as follows:

"25A. *Furnishing of information to State Boards and other agencies in certain cases.*—(1) If at any place where any industry or trade 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 and as a result of such discharge the water in such 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 to 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."

Clause 26

The clause was adopted without any change.

New Clause 26A

The following amendments were considered:—
By Shri U. N. Mahida:

(1) *Prevention of apprehended pollution.*—Where a board apprehends that a contravention of this Act as respects any stream in water pollution prevention area (whether a new contravention or a repetition or continuation of one already occurred or occurring) is likely to occur—

(a) by reason of any use or proposed use of the stream or well for disposal of any matter;

then, subject to this Act, the Board may apply to a court, not inferior to that of a Presidency Magistrate or a Magistrate of the First class, and the court if satisfied of the matters complained of by the application may make an order prohibiting the use complained of or permitting it only on the terms designed to remove the grounds of complaint, or such other order as the court thinks fit.

(2) For the purposes of this Act an order made against a person under sub-section (1) of this section shall be treated as a conviction of an offence punishable under that section, and any contravention by him of sub-section (1) of that section shown to have been, or to have been wholly or partly due to, a contravention of or failure to comply with the order shall be treated as a repetition or continuation of that offence by him.

(3) The court to which an application is made for an order under sub-section (1) of this section with respect to the disposal or storage of any matter, or which has made such an order, may at the instance of the Board make an order—

(a) directing the removal from the stream of any matter which, before the giving of the direction, has been dealt with in the way complained of by the application or prohibited by the first mentioned order, as the case may be; and

(b) authorising the board, if the direction is not complied with, to undertake the removal and to dispose of the matter removed in any manner authorised by the court.

(4) Any expenses reasonably incurred by a board in removing any matter under the authority of an order under sub-section (3) of this section, or in disposing of any matter so removed, may be defrayed out of any money obtained by the board from the disposal of it and, in so far as they are not so defrayed, shall be recoverable from the person in default as arrears of land revenue.

out of any money obtained by the board from the disposal of it and, in so far as they are not so defrayed, shall be recoverable from the person in default as arrears of land revenue.

Clauses 27 to 31

The clauses were adopted without any change.

Clause 32

The following amendments were accepted:

Page 17, line 9, after the word "Parliament" add "within six months from the time it is received by the Central Government".

Page 17, line 14, after the word "Government" add "and that Government shall cause every such report to be laid on the Tables of the State Legislature, within six months from the time it is received by State Government".

The clause, as amended, was adopted.

Clause 33

Sub-clauses (1) to (6).—The sub-clauses were adopted without any change.

A new sub-clause (7) was proposed for State Assemblies similar to sub-clause (6).

Clause 34

The following amendments were considered:—

Shri A. K. Kisku:

Page 17 for existing clause 34 (lines 37—43) substitute the following:—

"34. *Failure to comply with directions under sub-section (2) or sub-section (3) of section 17.*—Whoever fails to comply with any directions given under sub-section (2) of sub-section (3) of section 17 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 five thousand rupees or with both and in case the failure continues, with an additional fine which may extend to one thousand rupees for every day during which such failure continues after the conviction for first such failure".

Shri U. N. Mahida:

(1) Any person who—

(a) in giving any information which he is required to give under this Act, knowingly or recklessly makes a statement which is false in a material particular or

(b) for the purpose of obtaining a consent under Section 20 or 21 of this Act, knowingly makes a statement which is false in a material particular, shall be guilty of an offence under this section.

After some discussion, the Legislative Counsel was asked to redraft the clause suitably.

Clauses 35—38

The following amendments were accepted. However, the Legislative Counsel was asked to suitably redraft paragraph (f) of clause 35 to fit in with the other paragraphs (a) to (e):—

Page 18, line 1—38 for the existing clauses 35 to 38 substitute the following:—

“35. Penalty for certain acts.—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 employees 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 even under section 25A to the Board and other authorities or agencies as required by that section,

(f) where the provisions contained in a consent under this Act in pursuance of.....require the use of a meter gauge or other measuring or monitoring device, and such a device is used for the purposes of those provisions, any person, who wilfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly, shall be guilty of an offence under this section.

shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

36. Penalty for contravention of provisions of section 20.—Whoever contravenes the provisions of sections 20, 21 and 21A shall be punishable with imprisonment for a term which shall not be less than 6 months but which may extend to six years and with fine.

37. Penalty for contravention of section 21 or section 21A.—Whoever contravenes the provisions of section 21 or section 21A shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to six years and with fine.

38. Enhanced penalty after previous conviction.—If any person who has been convicted of any offence under section 20 or section 21 or section 21A is again found guilty of an offence involving 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 one year 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.

New Clause 38A

The following new clause was adopted:—

“38A. 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 of attending the conviction and shall be recoverable in the same manner as a fine."

Clause 39

After some discussion, further consideration of the clause was held over.

New Clause 39A

The following amendments were considered:

By Shri A. K. Kisku:

Page 19 after line 27 insert a new clause 39A as follows:—

"39A. *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."

After some discussion, further consideration of the new clause was held over.

Clause 40

The clause was adopted without any change and numbered as 40(1).

New Sub-clause 40(2)

The following new sub-clause 40(2) was adopted—

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (5 of 1895) it shall be lawful for any Magistrate of the first class or for any Presidency 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.

New Clause 40(3)

The following new sub-clause was adopted:

Page 19, line 32, after clause 40, add new clause 40(3):—

"40(3) 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."

Clauses 41-42

The clauses were adopted without any change.

Clauses 43-44

The following amendment was accepted:—

Page 20 for existing clauses 43 and 44 (lines 25—37) *substitute* the following:—

43. *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 41.

(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 42.

(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 13, or, as the case may be, under section 14.

44. *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.

The clauses, as amended, were adopted.

Clause 45

The clause was adopted without any change.

New Clause 45-A

The following new clause 45-A was adopted:

Page 20 after line 42 insert a new clause 45A as follows:—

“45-A. *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, or under any other corresponding law for the time being in force.”

Clauses 46—48

The clauses were adopted without any change.

New Clauses 48A and 48B

The following new clauses were adopted.

Page 21 *after* line 13 add two new clauses 48A and 48B as follows:—

48A. *Power of Central Government to supersede the Central Board and Joint State Boards.*—(1) If at any time the Central Government is of opinion—(a) that the Central Board or any Joint 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 Central Government may, by notification in the Official Gazette, supersede the Central Board or such Joint State Board as the case may be for such period 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 State Board as the case may be, to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Central Board or such Joint State Board as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Central Board or any Joint State 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 State Board shall, until the Central Board or the Joint State 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 State Board shall, until the Central Board or the Joint State 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, as it may consider necessary; or (b) reconstitute the Central Board or the Joint State 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.

48B. *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 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-section (2) and (3) of section 48A 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 State Board by the Central Government."

Clause 49

The following amendment was accepted:—

Page 21, line 16, after the word "sub-section (2)" add "simultaneously with the constitution of the Board."

The Legislative Counsel was however, asked to draft the sub-clause suitably.

Sub-clause (2), paragraphs (a) and (b).—The paragraphs were adopted without any change.

Sub-clause (2), paragraphs (c) and (d).—The paragraphs were adopted without any change.

Sub-clause (2), paragraph (e).—The following amendment was accepted:—

Page 21, line 34, after the words "Service of the" add the words "Chairman and".

The paragraph as amended was adopted.

Sub-clause (2), paragraph (f).—The paragraphs were adopted without any change.

Sub-clause (2), paragraph (g).—The paragraph was deleted.

Sub-clause (2), paragraphs (h) to (l).—The paragraphs were adopted without any change.

Sub-clause (2), paragraph (11).—The following new paragraph (11) was adopted:—

(11) the form of the report of the Board analyst referred to in section 44.

Sub-clause (2), paragraphs (m) and (n).—The paragraphs were adopted without any change.

Sub-clause (3).—The sub-clause was adopted without any change.

Clause 50

Sub-clause (1).—The following amendment was accepted:—

Page 22, line 36-37, after the words "Section 49" add "Simultaneously with the constitution of the Board."

The sub-clause, as amended, was adopted.

Sub-clause (2), paragraph (a).—The paragraph was adopted without any change.

Sub-clause (2), paragraph (b).—The following amendment was accepted:

Page 23, line 6, add the words "intervals and" before the word "the time".

The paragraph, as amended, was adopted.

Sub-clause (2), paragraphs (c) and (d).—The paragraphs were adopted without any change.

Sub-clause (2), paragraph (e).—The following amendment was accepted:—

Page 23, line 15, after words "of the" add "Chairman and".

The paragraph, as amended, was adopted.

Sub-clause (2), paragraph (f).—The paragraph was adopted without any change.

Sub-clause (B), paragraph (ff).—The following new paragraph was adopted:

"(ff) the form of notice under clause (a) of sub-section (3) of section 18."

Sub-clause (2), paragraphs (g) to (l).—The paragraphs were adopted without any change.

Sub-clause (2), paragraph (11).—The following new paragraph was adopted:

(11) the form of the report of the Board analyst referred to in section 44.

Sub-clause (2), paragraph (m).—The paragraph was adopted without any change.

5. The Committee then adjourned at 7.20 P.M. to meet again at 10.00 A.M. on Thursday, the 2nd November, 1972.

XXXVIII

THIRTY-EIGHTH MEETING

The Committee met from 10.10 A.M. to 12.30 P.M. and from 3.00 P.M. to 6.10 P.M. on Thursday, the 2nd November, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

PRESENT

1. Shri Krishan Kant—*Chairman*.

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Chaudhary A. Mohammad
4. Shri Kalyan Chand
5. Shri Jagdish Prasad Mathur
6. Shri Salil Kumar Ganguli
7. Shri U. N. Mahida

Lok Sabha

8. Shri Maganti Ankineedu
9. Shri Kondajji Basappa
10. Shri Chakleshwar Singh
11. Shri G. C. Dixit
12. Shri T. H. Gavit
13. Shri Mani Ram Godara
14. Shri Samar Guha
15. Shri A. K. Kisku
16. Hazi Lutfal Haque
17. Shri Yamuna Prasad Mandal
18. Shri Nanubhai N. Patel
19. Shri Rajaram Dadasaheb Nimbalkar
20. Shri S. A. Shamim
21. Shri Ramavatar Shastri

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law and Justice

1. Shri Hari Har Iyer, Joint Secretary.
2. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.
3. Shri A. P. Pandey, Assistant Legislative Counsel.
4. Shri Des Raj Goel, Attache.

*Ministry of Health and Family Planning
(Department of Health)*

1. Shri J. M. Dave, Adviser (PHE)
2. Shri R. N. Tewari, Deputy Director (CMD)
3. Shri B. B. Rau, Deputy Adviser (PHE)
4. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist)

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.

Shri M. K. Jain, Deputy Secretary.

2. The Committee resumed clause by clause consideration of the Bill.

New Chapter II-A—Joint Boards

The New Chapter II-A was considered further and was adopted in the following form.

Chapter II-A—Joint Boards

12A. *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—

(i) for the constitution of a Joint Board, 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—

(2) 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 apportionment 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 Gazettes of the participating States and in a case referred to in clause (b) of that sub-section, in the Official Gazettes of the participating Union territory or Union territories and the participating State or States.

12B. *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 12A shall consist of the following members, namely:—

(a) a full-time Chairman having special knowledge or experience of matters relating to use, conservation, control and prevention of pollution of water and water resources, 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 person to be nominated by each of the participating State Governments to represent the interests of agriculture, fisheries or industry or trade or any other interest which in the opinion of the participating State Government is to be represented;

(e) a full-time member-Secretary qualified in respect of water supply, sewerage, treatment and disposal of sewage and trade effluents and having administrative experience.

(2) A Joint State Board constituted in pursuance of an agreement entered into under clause (b) of sub-section (1) of section 12A shall consist of the following members, namely:—

(a) a full-time Chairman having special knowledge or experience of matters relating to use, conservation, control and prevention of pollution of water and water resources, 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 person to be nominated by the Central Government and one person to be nominated by the participating State Government or State Governments to represent the interests of agriculture, fisheries 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) a full-time member-Secretary qualified in respect of water supply, sewerage, treatment and disposal of sewage and trade effluents and having administrative experience 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 12A, the provisions of sub-section (4) of section 4 shall cease to apply in relation to the Union territory for which the Joint State 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.

12C. *Special provision relating to giving of directions.*—Notwithstanding anything contained in this Act where any Joint Board is constituted under section 12A,—

(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 shall alone 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.”

Clause 48A

The new clause 48A was considered further and was adopted with the following amendments:—

(i) For the words “Joint State Boards” read “Joint Boards”, wherever they occur.

(ii) Paragraph (b) of clause 48-A (1).—After the words “for such period” add “not exceeding six months.”

(iii) *Paragraph (a) of clause 48A (3).*—After the words “for such further term” add “not exceeding three months”.

Clause 48B

The new clause 48B was considered further and was adopted with the following amendment:—

Paragraph (b) of clause 48B (1).—After the words “for such period” add “not exceeding six months”.

Clause 2

Paragraph (b).—The following amendment was accepted:

Page 2, lines 24-25, for “Central Prevention of Water Pollution Board” substitute “Central Board for the Prevention and Control of Water Pollution”.

The paragraph, as amended, was adopted.

Paragraph (bb).—The following new paragraph was adopted:—

Page 2, after line 25, add a new paragraph (bb) namely:—

“(bb) ‘occupier’ in relation to any factory or premises means the person who has control over the affairs of the factory or the premises and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory or the premises.”

Paragraph (c).—The following amendments were accepted:—

(i) Page 2, line 30, after the word “water” add “(whether directly or indirectly)”.

(ii) Page 2, lines 32-33, for the words “animal life and health” substitute “the life and health of animals or plants or of aquatic organisms”.

The paragraph, as amended, was adopted.

Paragraph (d).—The paragraph was adopted without any change.

Paragraph (e).—The following amendment was accepted:—

Page 2, for lines 37-38, substitute the following, namely:—

“(e) ‘sewage effluent’ means effluent from any sewerage system or sewage treatment works and includes sullage from open drains”.

The paragraph, as amended, was adopted.

Paragraph (f).—The following amendment was accepted:—

Page 3, lines 1-2, for “State Prevention of Water Pollution Board” substitute “State Board for the Prevention and Control of Water Pollution”.

The paragraph, as amended, was adopted.

Paragraph (g).—The paragraph was adopted without any change.

Paragraph (h).—The following amendment was accepted:—

Page 3, for lines 5-6, substitute the following, namely:—

“(h) ‘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."

The paragraph, as amended, was adopted.

Paragraph (i).—The following amendment was accepted:—

Page 3, lines 7-8, for "liquid (either with or without particles of matter in suspension therein)" substitute "liquid, gaseous or solid substance".

The paragraph, as amended, was adopted.

Paragraph (j).—The paragraph was deleted.

Clause 2, as amended, was adopted.

Clause 1

Sub-clause (1).—The following amendment was accepted:—

"Page 2, lines 8-9, for the words "Prevention of Water Pollution Act, 1969", substitute the words "Water (Prevention and Control of Pollution) Act, 1972"

The sub-clause, as amended, was adopted.

Sub-clause (2).—The sub-clause was adopted without any change.

Sub-clause (3).—The following amendments were accepted:—

(i) Page 2, line 15, after the words "into force" add "at once".

(ii) Page 2, line 18, after the words "Constitution on" add "on the date of adoption".

(iii) Page 2, lines 18—21, delete the words "on such date....."

The sub-clause, as amended, was adopted.

The clause 1, as amended, was adopted.

Long Title

The long title was adopted in the following amended form:—

"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 such boards powers and for assigning functions relating thereto and for matters connected therewith."

Preamble

Paragraph (1).—The consequential amendments adopted in the long title to be incorporated in this paragraph.

Paragraph (4).—The following amendment was adopted.

Page 2, line 4, for the word "Twentieth" substitute "Twenty-third".

The preamble, as amended, was adopted.

At this point of time, Shri A. K. Kisku, Deputy Minister in the Ministry of Health and Family Planning made a submission to clarify Government's view point with regard to clause 3 regarding the Composition of the Central Board. He stated that while the Committee's mind is that the Chairman should be a technical person, the Government thought that the five officials to be nominated on the Board should be specifically technical persons whether coming from the Ministries or from the Public undertakings. He desired that the Government's hand may be kept free in nominating a person as Chairman. He accordingly desired that the Committee may reconsider the clause and agree that a person of good public image could be nominated by the Government as Chairman.

After some discussion, the Committee decided against reopening clause 3 for discussion.

Clause 5

Sub-clause (7).—The sub-clause was adopted in the following form:—

“A Chairman or a member of a Board shall be eligible for renomination for not more than two terms”. Clause (5), as amended, was adopted.

Clause 6

The existing clause 6 was adopted with the following additions:—

“(cc) is, or at any time has been, convicted of an offence under this Act, or

(ccc) 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

(cccc) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contact with the Board for the carrying out of sewerage schemes or for the installation of plants for the treatment of sewage or trade effluents; or

(ccccc) 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 interests 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 the sub-section (1) of Section 5, a member who has been removed under this Section shall not be eligible for re-nomination as a member.”

Clause 8

The following redraft of the clause was adopted:—

“8. 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."

Clause 12

Sub-clause (3).—The sub-clause was adopted without any change.

New Sub-clause (4).—The following new sub-clause (4) was adopted:—

"(4) subject to such conditions as may be prescribed, the Board may from time to time appoint any qualified person to be a consulting engineer to the Board and pay him such remuneration as it thinks fit."

The clause, as amended, was adopted.

Clause 13

Sub-clause (1).—The sub-clause was considered further and adopted in the following form:

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

Sub-clause (2).—The sub-clause was adopted in the following form:—

"(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 to 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;

(dd) organise through mass media a comprehensive programme regarding the prevention and control of water pollution;

(e) collect, compile and publish the 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 effluent and disseminate information connected therewith;

(f) deleted;

(g) lay down, modify or annul, in consultation with the State Government concerned, the standards for a stream or well.

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 its use, present or likely in the near future from that section or section down stream of it.

(gg) plan and cause to be executed a nation wide programme for the prevention, control or abatement of water pollution;

(h) perform such other functions as may be prescribed."

Clause 14

The clause was considered further in the light of the redraft of the Legislative Counsel and was adopted in the following form:—

"14. 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, abatement and mass education programme of water pollution;

(ee) to inspect trade or sewage effluent, 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 disposal system relating to sewage or trade effluent, in connection with the grant of any consent as required by the Act.

(eee) (i) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters resulting from the discharge of effluents and classifying waters of the State.

(ii) 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, streams and wells which render it impossible to attain even the minimum degree of dilution.

(iii) to ensure, wherever possible, adoption of—

(a) methods of utilisation of sewage and suitable trade effluents in agriculture and

(b) 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.

(iv) to prescribe standards of treatment of sewage and trade effluents to be discharged into particular stream taking into account the minimum fair weather dilution available in the stream and the tolerance limits of pollution permissible in the water of the streams, after discharge of such effluents.

(eeee) to make, vary or revoke any order—

(i) for the prevention, control or abatement of discharges of wastes into streams or wells;

(ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluent 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;

(eeeeee) to lay down, modify or annul standards for stream waters;

(eeeeee) to lay down effluent standards to be compiled with by the local authorities and others for causing discharge of sewage or sullage or both; and to lay down, modify or annul effluent standards for the sewage and trade effluents;

(f) 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.

(g) to advise the State Government for location of any industry which is likely to pollute a stream or well”.

Clause 15

The clause was further considered. The Chairman read out a note from the Ministry of Law. The clause was adopted without any change.

Clause 18

Sub-clause (i)—The sub-clause was considered further and was adopted in the following amended form:

18. *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, composite or otherwise as may be warranted by the process used, 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.

Clause 19

Sub-clause (1) paragraph (a).—The paragraph was adopted without any change.

Proviso to clause 19

The following proviso to clause 19, was adopted:

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.

Clause 21

Sub-clause (6).—The sub-clause was adopted in the following form:—

Clause 21(6), *add* the following at the end:—

“and the conditions so contained in such register shall be conclusive proof that the consent was granted subject to such conditions.”

New clause 21-A

The clause was adopted in the following form:

21A. *Provision regarding existing discharge of trade or sewage effluent.*—Where immediately before the commencement of this Act any person was discharging any trade or sewage effluent into a stream or well, the provisions of section 21 shall so far as may be 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 within ninety days of the constitution of the State Board.

Clause 24

The clause was adopted in the following form:—

(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 State Board under section 21, section 21A or section 22 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 without affording the State Board and any person who may be affected by such order a reasonable opportunity of being heard.

(2) The State Government shall not revise any order passed under section 21, section 21A or section 22 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.

New clause 26-A

The following new clause 26A was adopted:—

26A. *Prevention of apprehended pollution.*—(1) Where a board apprehends that a contravention of this Act as respects any stream in water pollution prevention area (whether a few contravention or a repetition or continuation of one already occurred or occurring) is likely to occur—

(a) by reason of any use or proposed use of the stream or well for disposal of any matter; then, subject to this Act, the board may apply to a court, not inferior to that of a Presidency Magistrate's or

a Magistrate of the First Class, and the court if satisfied of the matters complained of by the application may make an order prohibiting the use complained of or permitting it only on the terms designed to remove the grounds of complaint, or such other order as the court thinks fit.

(2) For the purposes of this Act an order made against a person under sub-section (1) of this section shall be treated as a conviction of an offence punishable under the section, and any contravention by him of sub-section (1) of that section shown to have been, or to have been wholly or partly due to, a contravention of or failure to comply with the order shall be treated as a repetition or continuation of that offence by him.

(3) The court to which an application is made for an order under sub-section (1) of this section with respect to the disposal or storage of any matter, or which has made such an order, may at the instance of the board make an order—

(a) directing the removal from the stream of any matter which, before the giving of the direction, has been dealt with in the way complained of by the application or prohibited by the first mentioned order, as the case may be; and

(b) authorising the board, if the direction is not complied with, to undertake the removal and to dispose of the matter removed in any manner authorised by the court.

(4) Any expenses reasonably incurred by a board in removing any matter under the authority of an order under sub-section (3) of this section, or in disposing of any matter so removed, may be defrayed out of any money obtained by the board from the disposal of it and, in so far as they are not so defrayed, shall be recoverable from the person in default as arrears of land revenue, or as arrears of public demand.

Clause 34

The clause was adopted in the following form:—

34. *Failure to comply with directions under sub-section (2) or sub-section (3) of section 17.*—(1) Whoever fails to comply with any directions given under sub-section (2) or sub-section (3) of section 17 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 five thousand rupees or with both and in case the failure continues, with an additional fine which may extend to one thousand rupees for every day during which such failure continues after the conviction for the first such failure.

Clause 35

The clause was adopted in the following form:—

“35. *Penalty for certain acts.*—(1) Whoever—

(a) destroys, pulls down, removes, injures or refaces 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 employees 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 even under section 25A 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 a material particular, or

(g) for the purpose of obtaining any consent under section 21 or section 21A, knowingly or wilfully makes a statement which is false in a material particular;

shall be punishable with imprisonment or a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

Sub-section (2) of section 35

(2) Where for the grant of a consent in pursuance of the provisions of section 21 or section 21A the use of a meter or gauge or other measure or monitoring device is required and such a device is used for the purposes of these 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 of a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

Clause 39

The clause was adopted without any change.

New clause 39A

The new clause 39A was adopted in the following form:—

“39A. *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.”

Clause 46A

The following clause 46A was adopted.

46A. *Bar of Jurisdiction.*—Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction to entertain any suit or

proceeding in respect of any matters which an appellate authority constituted under the 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.

Clause 49

Sub-clause (1) The sub-clause was adopted in the following form:—

49. *Power of Central Government to make rules.*—(1) The Central Government may, simultaneously with the constitution of the Central Board and subject to the condition of previous publication, 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 without consulting the Board.

3. The Chairman read out a D.O. letter No. GS-99/72, dated the 1st November, 1972 from Shri L. G. Rajwade, Chief Secretary, General Administration Department, Bombay, addressed to Shri S. S. Bhalerao, Joint Secretary, Rajya Sabha Secretariat and directed that copies of the letter be circulated to the members.

4. The Committee decided to hold its next sitting at 3.00 P.M. on Friday, the 10th November, 1972, to consider the draft Report and the Bill as amended.

The Committee then adjourned at 6.10 P.M.

XXXIX

THIRTY-NINTH MEETING

The Committee met at 3.00 p.m. on Friday, the 10th November, 1972, in Committee Room No. 63, First Floor, Parliament House, New Delhi.

Present

1. Shri Krishan Kant—*Chairman*

MEMBERS

Rajya Sabha

2. Shri Nawal Kishore
3. Dr. Rajat Kumar Chakrabarti
4. Shri Kalyan Chand
5. Shri Jagdish Prasad Mathur
6. Shri Salil Kumar Ganguli
7. Shri U. N. Mahida

Lok Sabha

8. Shri Maganti Ankineedu
9. Shri Chakleshwar Singh
10. Shri T. H. Gavit
11. Shri Mani Ram Godara
12. Shri K. Gopal
13. Shri Samar Guha
14. Shri A. K. Kisku
15. Shri Mohan Swarup
16. Shri Rajaram Dada Saheb Nimbalkar
17. Shri Ramji Ram
18. Shri S. D. Singh

REPRESENTATIVES OF THE MINISTRIES

Shri Umashankar Dikshit, Minister of Works and Housing and Health & Family Planning.

Ministry of Law and Justice

1. Shri Hari Har Iyer, Joint Secretary and Legislative Counsel.
2. Shri A. K. Srinivasamurthy, Additional Legislative Counsel.
3. Shri A. P. Pande, Asstt. Legislative Counsel.
4. Shri Des Raj Goel, Attache.

Ministry of Health and Family Planning (Department of Health)

1. Shri J. M. Dave, Adviser (PHE).
2. Shri R. N. Tewari, Deputy Director (CMD).
3. Dr. I. Radhakrishnan, Sanitary Chemist (Biologist).

SECRETARIAT

Shri S. S. Bhalerao, Joint Secretary.
 Shri M. S. Panigrahi, Deputy Secretary.
 Shri M. K. Jain, Deputy Secretary.

2. The Committee took up consideration of the Bill, as amended. After some discussion, the Committee decided that two persons to represent the Companies or Corporations owned, controlled or managed by the Central Government should be nominated by the Central Government on the Central Boards and similar provision should be made so far as State and Joint Boards were concerned. A draft in the matter submitted by the Legislative Counsel was adopted by the Committee and changes were accordingly made in clauses 3, 4 and 14 of the Bill.

The Committee also decided:

- (i) in paragraph (m) of sub-clause (1) of clause 17 of the Bill, for the words "the local authorities" substitute the word "persons";
- (ii) in sub-clause (2) of Clause 29, the words "within the period prescribed therefor" be deleted.

The Committee also considered clauses 47 and 48 of the Bill. A doubt was expressed whether the term 'company' would include local authorities like municipal corporations and so on and if "company" includes local authorities then who should be the officials etc. of the local authorities who would be brought within the mischief of the penal clauses of the Bill. Shri Umashankar Dikshit, Minister of Works & Housing and Health & Family Planning stated that he would consult the Minister of Law in the matter and if any change was required therein, he would place his proposal for the consideration of the Chairman of the Committee. The Committee, thereafter, authorised the Chairman of the Committee to make necessary changes in the Bill, if so required, so as to bring local authorities within the definition of the term 'company' in clause 47 of the Bill.

Thereafter the Bill, as further amended, was adopted.

3. The Committee then took up consideration of the draft report and adopted the same with minor changes.

4. The Committee decided that the whole of the evidence tendered before them, except the evidence given by Shri N. A. Lentin, Member-Secretary, Maharashtra Prevention of Water Pollution Board, Bombay, before the Committee on the 30th October, 1972, be laid on the Table of both the Houses.

5. The Committee decided that the Minutes of Dissent, if any, may be sent so as to reach the Rajya Sabha Secretariat, by 10.00 A.M. on Monday, the 13th November, 1972.

6. The Committee authorised the Chairman or in his absence, Shri U. N. Mahida to present the Report on their behalf and to lay the evidence on the Table of the Rajya Sabha after the presentation of the Report.

7. The Chairman announced that the Report would be presented to the Rajya Sabha, on Monday, the 13th November, 1972 and that the evidence would be laid on the Table the same day.

8. The Committee authorised Shri Samar Guha or, in his absence, Shri K. Gopal to lay the Report of the Committee and the evidence on the Table of the Lok Sabha on Monday, the 13th November, 1972.

9. The Committee then considered the communication dated the 1st November, 1972 received from the Chief Secretary to the Government of Maharashtra and the report dated the 1st November, 1972 and the subsequent letter of apology dated the 2nd November, 1972 received from an official of the Ministry of Health in connection with the question as to how the cyclostyled copy prepared by the Rajya Sabha Secretariat of the report written and sent by Shri G. B. Modak, Chairman Maharashtra Prevention of Water Pollution Board, Bombay, to Dr. R. Zakaria, Minister for Urban Development and Public Health, Government of Maharashtra, which had been circulated by the Rajya Sabha Secretariat to the Members of the Committee came into the possession of the Government of Maharashtra. In view of the unqualified apology expressed by the official of the Ministry of Health and Family Planning, the Committee decided not to proceed further in the matter.

10. The Committee then adjourned at 5.15 P.M.