

THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

ARRANGEMENT OF SECTIONS

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CHAPTER I

PRELIMINARY

SECTIONS

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

CHAPTER II

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

3. Constitution of Central Boards.
4. Constitution of State Board.
5. Terms and conditions of service of members.
6. Disqualifications.
7. Vacation of seats by members.
8. Meetings of Board.
9. Constitution of committees.
10. Temporary association of persons with Board for particular purposes.
11. Vacancy in Board not to invalidate acts or proceedings.
- 11A. Delegation of powers to Chairman.
12. Member-secretary and officers and other employees of Board.

CHAPTER III

JOINT BOARDS

13. Constitution of Joint Board.
14. Composition of Joint Boards.
15. Special provision relating to giving of directions.

CHAPTER IV

POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board.
17. Functions of State Board.
18. Powers to give directions.

CHAPTER V

PREVENTION AND CONTROL OF WATER POLLUTION

19. Power of State Government to restrict the application of the Act to certain areas.
20. Power to obtain information.
21. Power to take samples of effluents and procedure to be followed in connection therewith.

SECTIONS

22. Reports of the result of analysis on samples taken under section 21.
23. Power of entry and inspection.
24. Prohibition on use of stream or well for disposal of polluting matter, etc.
25. Restrictions on new outlets and new discharges.
26. Provision regarding existing discharge of sewage or trade effluent.
27. Refusal or withdrawal of consent by State Board.
28. Appeals.
29. Revision.
30. Power of State Board to carry out certain works.
31. Furnishing of information to State Board and other agencies in certain cases.
32. Emergency measures in case of pollution of stream or well.
33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells.
- 33A. Power to give directions.
- 33B. Appeal to National Green Tribunal.

CHAPTER VI

FUNDS, ACCOUNTS AND AUDIT

34. Contributions by Central Government.
35. Contributions by State Government.
36. Fund of Central Board.
37. Fund of State Board.
- 37A. Borrowing powers of Board.
38. Budget.
39. Annual report.
40. Accounts and audit.

CHAPTER VII

PENALTIES AND PROCEDURE

41. Failure to comply with directions under sub-section (2) or sub-section (3) of section 20, or orders issued under clause (c) of sub-section (1) of section 32.
42. Penalty for certain acts.
43. Penalty for contravention of provisions of section 24.
44. Penalty for contravention of section 25 or section 26.
45. Enhanced penalty after previous conviction.
- 45A. Penalty for contravention of certain provisions of the Act.
46. Publication of names of offenders.
47. Offences by companies.
48. Offences by Government Departments.

SECTIONS

- 49. Cognizance of offences.
- 50. Members, officers and servants of Board to be public servants.

CHAPTER VIII

MISCELLANEOUS

- 51. Central Water Laboratory.
- 52. State Water Laboratory.
- 53. Analysts.
- 54. Reports of analysts.
- 55. Local authorities to assist.
- 56. Compulsory acquisition of land for the State Board.
- 57. Returns and reports.
- 58. Bar of jurisdiction.
- 59. Protection of action taken in good faith.
- 60. Overriding effect.
- 61. Power of Central Government to supersede the Central Board and Joint Boards.
- 62. Power of State Government to supersede State Board.
- 63. Power of Central Government to make rules.
- 64. Power of State Government to make rules.

THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

ACT NO. 6 OF 1974

[23rd March, 1974.]

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

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

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

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

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

CHAPTER I

PRELIMINARY

1. Short title, application and commencement.—(1) This Act may be called the Water (Prevention and Control of Pollution) Act, 1974.

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

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

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

(a) “Board” means the Central Board or a State Board;

¹[(b) “Central Board” means the Central Pollution Control Board constituted under section 3;]

(c) “member” means a member of a Board and includes the chairman thereof;

²[(d) “occupier”, in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;]

1. Subs. by Act 53 of 1988, s. 2, for clause (b) (w.e.f. 29-9-1988).

2. Subs. by s. 2, *ibid.*, for clause (d) (w.e.f. 29-9-1988).

¹[(*dd*) “outlet” includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes, or is likely to cause, pollution;]

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

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

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

¹[(*gg*) “sewer” means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;]

²[(*h*) “State Board” means a State Pollution Control Board constituted under section 4;]

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

(j) “stream” includes—

(i) river;

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

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

(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;

(k) “trade effluent” includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any ³[industry, operation or process, or treatment and disposal system], other than domestic sewage.

CHAPTER II

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

3. Constitution of Central Boards.—(1) The Central Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union territories) as it may, by notification in the Official Gazette, appoint, constitute a Central Board to be called the ⁴[Central Pollution Control Board] to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

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

(a) a full-time chairman, being a person having special knowledge or practical experience in respect of ⁵[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

1. Ins. by Act 44 of 1978, s. 2 (w.e.f. 12-12-1978).

2. Subs. by Act 53 of 1988, s. 2, for clause (*h*) (w.e.f. 29-9-1988).

3. Subs. by s. 2, *ibid.*, for “trade or industry” (w.e.f. 29-9-1988).

4. Subs. by s. 3, *ibid.*, for “Central Board for the Prevention and Control of Water Pollution” (w.e.f. 29-9-1988).

5. Subs. by Act 44 of 1978, s. 3, for “matters relating to the use and conservation of water resources or the prevention and control of water pollution” (w.e.f. 12-12-1978).