THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

(Act No.14 of 1981)

(As amended to date)

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

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Cl.	…	*for* clause
Ins.	…	” Inserted
Rep.	…	” Repealed
S.	…	” Section
Subs.	…	” Substituted
w.e.f.		” Witheffect from

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

No. 14 of 1981

[29th March, 1981]

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

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution;

AND WHEREAS it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution;

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT. -

(1) This Act may be called the Air (Prevention and Control of Pollution) Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. DEFINITIONS. -

In this Act, unless the context otherwise requires,-

(a) "air pollutant" means any solid, liquid or gaseous substance [2][(including noise)] present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;

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[1] 16-5-1981 : vide notification No. G.S.R. 351 (E), dated 15-5-1981,Gazette of India, Extraordinary, Part II, Section 3(i) page 944.

[2]Ins. by Act 47 of 1987 (w..e.f. 1-4-1988)

(b) "air pollution" means the presence in the atmosphere of any air pollutant; (c) "approved appliances" means any equipment or gadget used for the bringing of any combustible material or for generating or consuming any fume, gas of particulate matter and approved by the State Board for the purpose of this Act;

(d) "approved fuel" means any fuel approved by the State Board for the purposes of this Act;

(e) "automobile" means any vehicle powered either by internal combustion engine or by any method of generating power to drive such vehicle by burning fuel; (f) "Board" means the Central Board or State Board;

(g) "Central Board" means the [1][Central Board for the Prevention and Control of Water Pollution] constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974;

(h) "chimney" includes any structure with an opening or outlet from or through which any air pollutant may be emitted,

(i) "control equipment" means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant;

(j) "emission" means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet;

(k) "industrial plant" means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;

(l) "member" means a member of the Central Board or a State Board, as the case may be, and includes the Chairman thereof,

2[(m) "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;]

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

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1 The words in brackets "Central Board for the Prevention and Control of Water Pollution" shall be subs. as "Central Pollution Control Board" by Act 47 of 1987, s. 2 (w.e.f. 1.4.1988).

2 Subs. by Act 47 of 1987, s. 2, for cl. (m) (w.e.t. 1-4-1988).

(o) "State Board" means,-

(i) in relation to a State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a 1[State Board for the Prevention and Control of Water Pollution] under section 4 of that Act, the said State Board; and

(ii) in relation to any other State, the State Board for the Prevention and Control of Air Pollution constituted by the State Government under section 5 of this Act.

CHAPTER II

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

2[3. CENTRAL BOARD FOR THE PREVENTION AND CONTROL OF AIR POLLUTION. -

The 2[Central Board for the Prevention and Control of Water Pollution] constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall, without prejudice to the exercise and performance of its powers and functions under this Act, exercise the powers and perform the functions of the Central Board for the Prevention and Control of Air Pollution under this Act.

3[4. STATE BOARDS FOR THE PREVENTION AND CONTROL OF WATER POLLUTION TO BE, STATE BOARDS FOR THE PREVENTION AND CONTROL OF AIR POLLUTION. -

In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is in force and the State Government has constituted for that State a State Board for the Prevention and Control of Water Pollution under section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of air Pollution constituted under section 5 of this Act and accordingly that State Board for the

1The words in brackets "State Board for the Prevention and Control of Water pollution" shall be subs. as "State Pollution Control Board" s. 2 *ibid.* (date to be notified).

2For sections 3 and 4, the following sections shall stand subs. by s.3 *ibid.,* (date to be notified) namely :- 3. Central Pollution Control Board-The Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the Central Pollution Control Board for the prevention and control of air pollution under this Act.

3 State Pollution Control Boards constituted under section 4 of Act 6 of 1974 to be State Boards under this Act.-In any State in which the Water (Prevention and Control of Pollution) Ai-t, 1974, is in force and the State Government has constituted for that State a State Pollution Control Board under section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of Air Pollution constituted under section 5 of this Act, and accordingly that State Pollution Control Board shall without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the prevention and control of air pollution under this Act.

Prevention and Control of Water Pollution shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the Prevention and Control of Air Pollution under this Act.]

5. CONSTITUTION OF STATE BOARDS. -

(1) In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is not in force, or that Act is in force but the State Government has not constituted a 1[State Board for the Prevention and Control of Water Pollution] under that Act, the State Government shall, with effect from such date as it may, by notification in the Official Gazette, appoint, constitute a State Board for the Prevention and Control of Air Pollution under such name as may be specified in the notification, to exercise the powers conferred on, and perform the functions assigned to, that Board under this Act.

(2) A State Board constituted under this Act shall consist of the following members, namely:-

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

Provided that the Chairman may be either whole-time or part-time as the State Government may think fit;

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

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

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

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

1The words in brackets "State Board for the Prevention and Control of Water Pollution" shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 4, (w.e.f.1.4.1988).

1[(f) a full-time member-secretary having such qualifications knowledge and experience of scientific, engineering or management aspects of pollution control as may be prescribed, to be appointed by the State Government.

Provided that the State Government shall ensure that not less than two of the members are persons having special knowledge or practical experience in, respect of

matters relating to the improvement of the quality of air or the prevention, control or abatement of air pollution.

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

6. CENTRAL BOARD TO EXERCISE THE POWERS AND PERFORM THE FUNCTIONS OF A STATE BOARD IN THE UNION TERRITORIES. -

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 under this Act for that Union territory:

Provided that in relation to any Union territory the Central Board may delegate all or any of its powers and functions under this section to such person or body of persons as the Central Government may specify.

7. TERMS AND CONDITIONS OF SERVICE OF MEMBERS. -

(1) Save as otherwise provided by or under this Act, a member of a State Board constituted under this Act, other than the member-secretary, shall hold office for a term of three years from the date on which his nomination is notified in the Official Gazette:

Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The terms of office of a member of a State Board constituted under this Act and nominated under clause (b) or clause *(e)* of sub-section (2) of section 5 shall come to an end as soon as he ceases to hold the office under the State Government as the case may be, the company or corporation owned, controlled or managed by the State Government, by virtue of which he was nominated.

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

1Subs. by Act 47 of 1987, Section 4 for cl. (f) w.e.f. 1-4-1988).

(a) in the case of the Chairman, to the State Government; and

(b)in any other case, to the Chairman of the State Board, and the seat of be Chairman or such other member shall thereupon become vacant.

(4) A member of a State Board constituted under this Act, 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 State Board, from three consecutive meetings of the State Board or where he is nominated under clause (c) of subsection (2) of section 5, he ceases to be a member of the local authority and such vacation of scat shall, in either case, take effect from such as the State Government may, by notification in the Official Gazette, specify.

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

(6) A member of a State Board constituted under this Act shall be eligible for re-nomination [1]*****

(7) The other terms and conditions of service of the Chairman and other members (except the member-secretary) of a State Board constituted under this Act shall be such as may be prescribed.

8. DISQUALIFICATIONS. -

(1) No person shall be a member of a State Board constituted under this Act, who-

(a) is, or at any time has been, adjudged insolvent, or

(b) is of unsound mind and has been so declared by a competent court,

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act,

(e) has directly or indirectly by himself on by any partner, any share or interest in any Firm or company carrying on the business of manufacture, sale, or hire of machinery, industrial plant, control equipment or any other apparatus for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or

1The words "but for more than two terms" omitted by Act 47 of 1987, s. 5 (w.e.f. 1.4.1988).

(f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of programmes for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or

(g) has so abused, in the opinion of the State Government, his position as a member, as to render his continuance on the State Board detrimental to the interest of the general public.

(2) The State Government shall, by order in writing, remove any member who is, or has become, subject to any disqualification mentioned in sub-section (1).

Provided that no order of removal shall be made by the State Government 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) or sub-section (6) of section 7, a member who has been removed under this section shall not be eligible to continue to hold office until his successor enters upon his office, or, as the case may be, for re-nomination as a member.

9. VACATION OF SEATS BY MEMBERS. -

If a member of a State Board constituted under this Act becomes subject to any of the disqualifications specified in section 8, his seat shall become vacant.

10. MEETING OF BOARD. -

(1) For the purposes of this Act, 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 it, 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.

(2) Copies of minutes of the meetings under sub-section (1) shall be forwarded to the Central Board and to the State Government concerned.

11. CONSTITUTION OF COMMITTEES. -

(1) A Board may constitute as many committees consisting wholly of members or partly of members and partly of other persons and for such purpose or purposes as it may think fit.

(2) A 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.

12. TEMPORARY ASSOCIATION OF PERSONS WITH BOARD FOR PARTICULAR PURPOSES. -

(1) A Board may associate with itself in such manner, and for such purposes, as may be prescribed, any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Board under 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 meetings of the Board and shall not be a member of the Board for any other purpose.

(3) A person associated with a Board under sub-section (1) shall be entitled to receive such fees and allowances as may be prescribed.

13. VACANCY IN BOARD NOT TO INVALIDATE ACTS OR PROCEEDINGS. -

No act or proceeding of a Board or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of, the Board or such committee, as the case may be.

14. MEMBER-SECRETARY AND OFFICERS AND OTHER EMPLOYEES OF STATE BOARDS. -

(1) The terms and conditions of service of the member-secretary of a State Board constituted under this Act shall be such as may be prescribed.

[1][(2) The member-secretary of a State Board, whether constituted under this Act or not, 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 State Board or its Chairman.]

(3) Subject to such rules as may be made by the State Government in this behalf, a State Board, whether constituted under this Act or not, may appoint such officers and other employees as It considers necessary for the efficient performance of its functions under this Act.

1Subs. by Act 47 of 1987, s.6, for sub-section (2) (w.e.f.1.4.1988)

(4) The method of appointment, the conditions of service and the scale of pay of the officers (other than the member-secretary) and other employees of a State Board appointed under sub-section (3) shall be such as may be determined by regulations made by the State Board under this Act.

(5) Subject to such conditions as may be prescribed, a State Board constituted under this Act may from time to time appoint any qualified person to be a consultant to the Board and pay him such salary and allowances or fees, as it thinks fit.

15. DELEGATION OF POWERS. -

A State Board may, by general or special order, delegate to the Chairman or the member-secretary or any other officer of the Board subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

CHAPTER III

POWERS AND FUNCTIONS OF BOARDS

16. FUNCTIONS OF CENTRAL BOARD. -

(1) Subject to the provisions of this Act, and without prejudice to the performance, of its functions under the Water (Prevention and Control of Pollution) Act, I974 (6 of 1974), the main functions of the Central Board shall be to improve the quality of air and to prevent, control or abate air pollution in the country.

(2) In particular and without prejudice to the generality of the foregoing functions, the Central Board may-

(a) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;

(b) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of air pollution;

(c) co-ordinate the activities of the State and resolve disputes among them;

(d) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution;

[1][(dd)perform such of the function of any State Board as may, be specified in and order made under sub-section (2) of section 18;]

(e) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of air pollution on such terms and conditions as the Central Board may specify;

(f) organise through mass media a comprehensive programme regarding the prevention, control or abatement of air pollution;

(g) collect, compile and publish technical and statistical data relating to air pollution and the measures devised for its effective prevention, control or abatement and prepare manuals, codes or guides relating to prevention, control or abatement of air pollution;

(h) lay down standards for the quality of air.,

(i) collect and disseminate information in respect of matters relating to air pollution;

(j) perform such other functions as may be prescribed.

(3) The Central Board may establish or recognise a laboratory or laboratories to enable the Central Board to perform its functions under this section efficiently.

(4) The Central Board may-

(a) delegate any of its functions under this Act generally or specially to any of the committees appointed by it;

(b) do such other things and perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

17. FUNCTIONS OF STATE BOARDS. -

(1) subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), the functions of a State Board shall be-

(a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof;

1Ins. by Act 47 of 1987, s. 7 (w.e.f. 1.4.1988)

(b)to advise the State Government on any matter concerning the prevention, control or abatement of air pollution;

(c) to collect and disseminate information relating to air pollution;

(d) 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 air pollution and to organise mass-education programme relating thereto;

(e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;

(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;

(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft:

Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

(h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;

(i) 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;

(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

18. POWER TO GIVE DIRECTIONS. -

1[(1) In the performance of its functions under this Act-

(a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and

(b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.]

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

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(4) For the removal of doubts, it is hereby declared that any directions to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.]

CHAPTER IV

PREVENTION AND CONTROL OF AIR POLLUTION

19. POWER TO DECLARE AIR POLLUTION CONTROL AREAS. -

(1) The State Government may, after consultation with the State Board, by notification in the Official Gazette declare in such manner as may be prescribed, any area or areas within the State as air pollution control area or areas for the purposes of this Act.

1S.18 renumbered as sub-section (1) thereof by Act of 1987, s.8 (w.e.f.1.4.1988) 2Ins. by S.8, ibid. (w.e.f.1.4.1988)

(a) alter any air pollution control area whether by way of extension or reduction ;

(b) declare a new air pollution control area in which may be merged one or more existing air pollution control areas or any part or parts thereof.

(3) If the State Government, after consultation with the State Board, is of opinion that the use of any fuel, other than an approved fuel, in any air pollution control area or part thereof, may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.

(4) The State Government may, after consultation with the Sate Board, by notification in the Official Gazette, direct that with effect from such date as may be specified therein, no appliance, other than an approved appliance, shall be used in the premises situated in an air pollution control area :

Provided that different dates may be specified for different parts of an air pollution control area or for the use of different appliances.

(5) If the State Government, after consultation with the State Board, is of opinion that the burning of any material (not being fuel) in any air pollution control area or part thereof may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the burning of such material in such area or part thereof.

20. POWERS TO GIVE INSTRUCTIONS FOR ENSURING STANDARDS FOR EMISSION FROM AUTOMOBILES. -

With a view to ensuring that the standards for emission of air pollutants from automobiles laid down by the State Board under clause (g) of sub-section (1) of section 17 are complied with, the State Government shall, in consultation with the State Board, give such instructions as may be deemed necessary to the concerned authority in charge of registration of motor vehicles under the Motor Vehicles Act, 1939 (Act 4 of 1939), and such authority shall, notwithstanding anything contained in that Act or the rules made thereunder be bound to comply with such instructions.

21. RESTRICTIONS ON USE OF CERTAIN INDUSTRIAL PLANTS. -

[1][(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area :

1Subs. by Act 47 of 1987, s. 9, for sub-section (1) (w.e.f. 1-4-1988).

Provided that a person operating any industrial plant in any air pollution control area, immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, (47 of 1987) for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.]

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

Provided that where any person, immediately before the declaration of any area as an air pollution control area, operates in such area any industrial plant, [1]*** such person shall make the application under this sub-section within such period (being not less than three months from the date of such declaration) as may be prescribed and where such person makes such application, he shall be deemed to be operating such industrial plant with the consent of the State Board until the consent applied for has been refused,

(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) Within a period of four months after the receipt of the application for consent referred to in sub-section (1), the State Board shall, by order in writing, [2][and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse consent:]

[3][Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled:

Provided further that before cancelling a consent or refusing a further consent under the first provision, a reasonable opportunity of being heard shall be given to the person concerned.]

(5) Every person to whom consent has been granted by the State Board under sub-section (4), shall comply with the following conditions, namely -

(i) the control equipment of such specifications as the State Board may approve in this behalf shall be installed and operated in the premises where the industry is carried on or proposed to be carried on;

1Certain words omitted by Act 47 of 1987, s. 9, (w.e.f. 1-4-1988).
2Subs. by Act 47 of 1987, s. 9, for certain words (w.e.f. 1 .4 1988).
3 Ins. by s.9, ibid., (w.e.f.1.4.1988)

(ii) the existing control equipment, if any, shall be altered or replaced in accordance with the directions of the State Board;

(iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;

(iv) chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected or re-erected in such premises;

(v)such other conditions as the State Board, may specify in this behalf; and

(vi) the conditions referred to in clauses (i), (ii) and (iv) shall be complied with within such period as the State Board may specify in this behalf:

Provided that in the case of a person operating any industrial plant 1*** in an air pollution control area immediately before the date of declaration of such area as an air pollution control area, the period so specified shall not be less than six months:

Provided further that-

(a) after the installation of any control equipment in accordance with the specifications under clause (i), or

(b) after the alteration or replacement of any control equipment in accordance with the directions of the State Board under clause (ii), or

(c) after the erection or re-erection of any chimney under clause (iv), no control equipment or chimney shall be altered or replaced or, as the case may be, erected or re-created except with the previous approval of the State Board.

(6) If due to any technological improvement or otherwise the State Board is of opinion that all or any of the conditions referred to in sub-section (5) require or requires variation (including the change of any control equipment, either in whole or in part), the State Board shall, after giving the person to whom consent has been granted an opportunity of being heard, vary all or any of such conditions and thereupon such person shall be bound to comply with the conditions as so varied.

(7) Where a person to whom consent has been granted by the State Board under sub-section (4) transfers his interest in the industry to any other person, such consent shall be deemed to have been granted to such other person and he shall be bound to comply with all the conditions subject to which it was granted as if the consent was granted to him originally.

1Certain words omitted by Act 47 of 1987, s. 9, (w.e.f.1.4.1988).

22. PERSONS CARRYING ON INDUSTRY, ETC., TO ALLOW EMISSION OF AIR POLLUTANTS IN EXCESS OF THE STANDARD LAID DOWN BY THE STATE BOARD. -

No person 1**** operating any industrial plant, in any air pollution control area shall discharge or cause or permit to be discharged the emission of any air pollutant in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17.

[2][22A. POWER OF BOARD TO MAKE APPLICATION TO COURT FOR RESTRAINING PERSONS FROM CAUSING AIR POLLUTION. -

(1) Where it is apprehended by a Board that emission of any air pollutant, in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17, is likely to occur by reason of any person operating an industrial plant or otherwise in any air pollution control area, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class for restraining such person from emitting such air pollutant.

(2) On receipt of the 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 discharging or causing or permitting to be discharged the emission of any air pollutant, it may, in that order,-

(a) direct such person to desist from taking such action as is likely to cause emission;

(b)authorise the Board, if the direction under clause (a) is not complied with by the person to whom such direction is issued, to implement the direction in such manner as may be specified by the court.

(4) All expenses incurred by the Board in implementing the directions of the court under clause (b)of sub-section (3) shall be recoverable from the person concerned as arrears of land revenue or of public demand.

1Certain words omitted by Act 47 of 1987, s.10. (w.e.f. 1.4.1988)
2Ins. by s.11, ibid., (w.e.f.1.4.1988).

23. FURNISHING OF INFORMATION TO STATE BOARD AND OTHER AGENCIES IN CERTAIN CASES. -

(1) Where in any [1]*** area the emission of any air pollutant into the atmosphere in excess of the standards laid down by the State Board occurs or is apprehended to occur due to accident or other unforeseen act or event, the person in charge of the premises from where which emission occurs or is apprehended to occur shall forthwith intimate the fact of such occurrence or the apprehension of such occurrence to the State Board and to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or the apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the State Board and the authorities or agencies shall, as early as practicable, cause such remedial measure to be taken as are necessary to mitigate the emission of such air pollutants.

(3) Expenses, if any, incurred by the State Board, authority or agency with respect to the remedial measures referred to in sub-section (2) together with interest (at such reasonable 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, authority or agency from the person concerned, as arrears of land revenue, or of public demand.

24. POWER OF ENTRY AND INSPECTION. -

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

(a) for the purpose of performing any of the functions of the State Board entrusted to him :

(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

(c) for the purpose of examining and testing any control equipment, industrial 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 has been or is being or is about to be committed and for seizing any such control equipment, industrial plant, record,

[1]The words " air pollution control" omitted by Act 47 of 1987, s.12, (w.e.f.1.4.1988)

register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Every person [1]*** operating any control equipment or any industrial plant, in an air pollution control area shall be bound to render all assistance to the person empowered by the State Board under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person willfully delays or obstructs any person empowered by the State Board under sub-section (1) in the discharge of his duties, he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), or, in relation to the State of Jammu and Kashmir, or any area, in which that Code is not in force, the provisions of any corresponding law in force in that State or area, 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 94 of the said Code or, as the case may be, under the corresponding provisions of the said law.

25. POWER TO OBTAIN INFORMATION. -

For the purposes of carrying out the functions entrusted to it, the State Board or any officer empowered by it in this behalf may call for any information (including information regarding the types of air pollutants emitted into the atmosphere and the level of the emission of such air pollutants) from the occupier or any other person carrying on any industry or operating any control equipment or industrial plant and for the purpose of verifying the correctness of such information, the State Board or such officer shall have the right to inspect the premises where such industry, control equipment or industrial plant is being carried on or operated.

26. POWER TO TAKE SAMPLES OF AIR OR EMISSION AND PROCEDURE TO BE FOLLOWED IN CONNECTION THEREWITH. -

(1) A State Board or any officer empowered by it in this behalf shall have power to take, for the purpose of analysis, samples of air or emission from any chimney, flue or duct or any other outlet in such manner as may be prescribed.

(2) The result of any analysis of a sample of emission taken under subsection (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.

[1]Certain words omitted by Act 47 of 1987, s

(3) Subject to the provisions of sub-section (4), when a sample of emission is taken for analysis under sub-section (1), the person taking the sample shall-

(a) serve on the occupier or his agent, 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, collect a sample of emission for analysis;

(c) cause the sample to be placed in a container or containers 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, without delay, the container to the laboratory established or recognised by the State Board under section 17 or, if a request in that behalf is made by the occupier or his agent when the notice is served on him under clause (a), to the laboratory established or specified under sub-section (1) of section 28.

(4) When a sample of emission 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), then,-

(a) in a case where the occupier or his agent willfully absents himself, the person taking the sample shall collect the sample of emission for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and

(b) in a case where the occupier or his agent is present at the time of taking the sample but refuses to sign the marked and sealed container or containers of the sample of emission as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the sample, and the container or containers shall be sent without delay by the person taking the sample for analysisto the laboratory established or specified under sub-section (1) of section 28 and such person shall inform the Government analyst appointed under sub-section (1) of section 29, in writing, about the wilfull absence of the occupier or his agent, or, as the case may be, his refusal to sign the container or containers.

27. REPORTS OF THE RESULT OF ANALYSIS ON SAMPLES TAKEN UNDER SECTION 26. -

(1) Where a sample of emission has been sent for analysis to the laboratory established or recognised by the State Board, the Board analyst appointed under sub-section (2) of section 29 shall analyse the sample and submit a report in the prescribed form of such analysis in triplicate to the State Board.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the State Board to the occupier or his agent referred to in section 26, 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 State Board.

(3) Where a sample has been sent for analysis under clause (d) of sub-section (3) or sub-section (4) of section 26 to any laboratory mentioned therein, the Government analyst referred to in the said sub-section (4) shall analyse the sample and submit a report in the prescribed form of the result of the analysis in triplicate to the State Board which shall comply with the provisions of sub-section (2).

(4) Any cost incurred in getting any sample analysed at the request of the occupier or his agent as provided in clause (d) of sub-section (3) of section 26 or when he wilfully absents himself or refuses to sign the marked and sealed container or containers of sample of emission under sub-section (4) of that section, 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.

28. STATE AIR LABORATORY. -

(a) establish one or more State Air Laboratories; or

(b) specify one or more laboratories or institutes as State Air Laboratories to carry out the functions entrusted to the State Air Laboratory under this Act.

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

(a) the functions of the State Air Laboratory;

(b) the procedure for the submission to the said Laboratory of samples of air or emission 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.

29. ANALYSIS. -

(1) 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 air or emission sent for analysis to any laboratory established or specified under sub-section (1) of section 28.

(2) Without prejudice to the provisions of section 14, the State Board may, by notification in the Official Gazette, and with the approval of the State Government, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or recognised under section 17.

30. REPORTS OF ANALYSTS. -

Any document purporting to be a report signed by a Government analyst or, as the case may be, a State Board analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

31. APPEALS. -

(1) Any person aggrieved by an order made by the State Board under this Act 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). The Appellate Authority shall consist of a single person or three persons as the State Government may think fit to be appointed by the State Government.

(3) The form and the 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.

[1][31A. POWER TO GIVE DIRECTIONS. -

Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.-For the avoidance of doubts, it is hereby declared that the power to issue directions under this section, includes the power to direct-

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.]

CHAPTER V

FUND, ACCOUNTS AND AUDIT

32. CONTRIBUTIONS BY CENTRAL GOVERNMENT. -

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

Provided that nothing in this section shall apply to any [2][State Board for the Prevention and Control of water Pollution] constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), which is empowered by that Act to expend money from its fund thereunder also for. performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

33. FUND OF BOARD. -

(1) Every State Board shall have its own fund for the purposes of this Act and all sums which may, from time to time, be paid to it by the Central Government and all other receipts (by way of contributions, if any, from the State Government, fees, 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.

1Ins. by Act 47 of 1987, s. 14 (w.e.f.1.4.1988).

2The Words in brackets "State Board for the Prevention and Control of Water Pollution" shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 15 (date to be notified).

(2) Every 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.

(3) Nothing in this section shall apply to any [1][State Board for the Prevention and Control of Water Pollution] constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974, which is empowered by that Act to expend money from its fund thereunder also for performing its functions under any law for the time being in force relating to the prevention., control or abatement of air pollution.

[2][33A. BORROWING POWERS OF BOARD. -

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

34. BUDGET. -

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

[3][35. ANNUAL REPORT. -

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

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

1The Words in brackets "State Board for the Prevention and Control of Water Pollution" shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 15 (date to be notified).

2Ins. by Act 47 of 1987, s. 16 (w.e.f. 1-4-1988).

3Subs. by Act 47 of 1987, s. 17, for s. 35 (w.e.f. 1-4-1988).

Government shall cause every such report to be laid before the State Legislature within a period of nine months from the date of the previous financial year.]

36. ACCOUNTS AND AUDIT. -

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

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

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

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

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

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

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

CHAPTER VI

PENALTIES AND PROCEDURE

[1][37. FAILURE TO COMPLY WITH THE PROVISIONS OF SECTION 21 OR SECTION 22 OR WITH THE DIRECTIONS ISSUED UNDER SECTION 31A. -

(1) whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each such failure, be punishable with imprisonment for a terms which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

[1]Subs. by Act 47 of 1987, s.18, for s .37(w.e.f.1.4.1988)

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.]

38. PENALTIES 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 the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act, or

(e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23, or

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

(g) for the purpose of obtaining any consent under section 21, makes a statement which is false in any material particular shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to [1][ten thousand rupees] or with both.

[2][39. PENALTY FOR CONTRAVENTION OF CERTAIN PROVISIONS OF THE ACT. -

Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of continuing

[1]Sub. by Act 47 of 1987, s.19, for "five hundred rupees" (w.e.f 1.4.1988). [2]Sub. by s.20 ibid., for s. 39 (w.e.f.1.4.1988)

contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention.]

40. OFFENCES BY COMPANIES. -

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

41. OFFENCES BY GOVERNMENT DEPARTMENTS. -

(1) 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.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government 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 officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

42. PROTECTION OF ACTION TAKEN IN GOOD FAITH. -

No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any member or any officer or other employee of the Board in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made thereunder.

[1][43. COGNIZANCE OF OFFENCES. -

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

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

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorised as aforesaid, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

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

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

44. MEMBERS, OFFICERS AND EMPLOYEES OF BOARD TO BE PUBLIC SERVANTS. -

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

1Sub. by Act 47 of 1987, s.21, for s.43 (w.e.f..1.4.1988)

45. REPORTS AND RETURNS. -

The Central Board shall, in relation to its functions under this Act, furnish to the Central Government, and a State Board shall, in relation to its functions under this Act, furnish to the State government and to the Central Board such reports, returns, statistics, accounts and other information as that Government, or, as the case may be, the Central Board may, from time to time, require.

46. BAR OF JURISDICTION. -

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

CHAPTER VII

MISCELLANEOUS

47. POWER OF CENTRAL GOVERNMENT TO SUPERSEDE STATE BOARD. -

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

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

(b) that circumstances exist which render it necessary in the public interest so to do, the State Government may, by notification in the Official Gazette, supersede the State Board for such period, not exceeding six months, 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,-

(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 oard shall, until the State Board is

reconstituted under sub-section (3), be exercised, performed or discharged by such person or persons as the State Government may direct.-,

(c) all property owned or controlled by the State Board shall, until the Board is reconstituted under sub-section (3), vest in the State Government.

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

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

(b)reconstitute the State Board by a 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 also be eligible for nomination or appointment.

Provided that the State 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.

48. SPECIAL PROVISION IN THE CASE OF SUPERSESSION OF THE CENTRAL BOARD OR THE STATE BOARDS CONSTITUTED UNDER THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974. -

Where the Central Board or any State Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), is superseded by the Central Government or the State Government, as the case may be, under that Act, all the powers, functions and duties of the Central Board or such State Board under this Act shall be exercised, performed or discharged during the period of such supersession by the person or persons, exercising, performing or discharging the powers, functions and duties of the Central Board or such State Board under the Water (Prevention and Control of Pollution) Act, 1974, during such period.

49. DISSOLUTION OF STATE BOARDS CONSTITUTED UNDER THE ACT. -

(1) As and when the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), comes into force in any State and the State Government constitutes a [1][State Board for the Prevention and Control of Water Pollution] under that Act, the State Board constituted by the State Government under this Act shall stand dissolved and the Board first-mentioned shall exercise the powers and perform the functions of the Board second-mentioned in that State.

1The Words in brackets "State Board for the Prevention and control of Water Pollution" shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 15 (date to be notified).

(2) On the dissolution of the State Board constituted under this Act,-

(a) all the members shall vacate their offices as such;

(b)all moneys and other property of whatever kind (including the fund of the State Board) owned by, or vested in, the State Board, immediately before such dissolution, shall stand transferred to and vest in the [1][State Board for the Prevention and Control of Water Pollution];

(c) every officer and other employee serving under the State, Board immediately before such dissolution shall be transferred to and become an officer or other employee of the [1][State Board for the Prevention and Control of Water Pollution] and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the State Board constituted under this Act had not been dissolved and shall continue to do so unless and until such tenure, remuneration and conditions of service are duly altered by the [1][State Board for the Prevention and Control of Water Pollution] :

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the State Government;

(d) all liabilities obligations of the State Board of whatever kind, immediately before such dissolution, shall be deemed to be the liabilities or obligations, as the case may be, of the [1][State Board for the Prevention and Control of Water Pollution] and any proceeding or cause of action, pending or existing immediately before such dissolution by or against the State Board constituted under this Act in relation to such liability or obligation may be continued and enforced by or against the [1][State Board for the Prevention and Control of Water Pollution.]

50. [POWER TO AMEND THE SCHEDULE.] Repealed by the Air (Prevention and Control of Pollution) Amendment Act, 1987 (47 of 1987), s. 22 (w.e.f. 1-4-1988).

51. MAINTENANCE OF REGISTER. -

(1) Every State Board shall maintain a register containing particulars of the persons to whom consent has been granted under section 21, the standard for emission laid down by it in relation to each such consent and such other particulars as may be prescribed.

[1]The Words in brackets "State Board for the Prevention and control of Water Pollution" shall be substituted as "State Pollution Control Board" by Act 47 of 1987, s. 15 (date to be notified).

(2) The register maintained under sub-section (1) shall be open to inspection at all reasonable hours by any person interested in or affected by such standards for emission or by any other person authorised by such person in this behalf.

52. EFFECT OF OTHER LAWS. -

Save as otherwise provided by or under the Atomic Energy Act, 1962 (33 of 1962), in relation to radioactive air pollution the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

53. POWER OF CENTRAL GOVERNMENT TO MAKE RULES. -

(1) The Central Government may, in consultation with the Central Board by notification in the Official Gazette, make rules in respect of the following matters namely: -

(a) the intervals and the time and place at which meetings of the Central Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of section 10 and under sub-section (2) of section 11;

(b) the fees and allowances to be paid to the members of a committee of the Central Board, not being members of the Board, under sub-section (3) of section 11;

(c) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of section 12;

(d) the fees and allowance to be paid under sub-section (3) of section 12 to persons associated with the Central Board under sub-section (1) of section 12;

(e) the functions to be performed by the Central Board under clause (j) of sub-section (2) of section 16;

[1][(f) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 34;

(ff) the form in which the annual report of the Central Board may be prepared under section 35;]

[1]Sub. by Act 47 of 1987, s. 23, for cl. (f) (w.e.f.1.4.1988)

(g) the form in which the accounts of the Central Board may be maintained under sub-section (1) of section 36.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

54. POWER OF STATE GOVERNMENT TO MAKE RULES. -

(1) Subject to the provisions of sub-section (3), the State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act in respect of matter not falling within the purview of section 53.

(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 --

[1][(a) the qualifications, knowledge and experience of scientific, engineering or management aspect of pollution control required for appointment as member-secretary of a State Board constituted under the Act;]

[2][(aa) the terms and conditions of service of the Chairman and other members (other than the member-secretary) of the State Board constituted under this Act under sub-section (7) of section 7;

(b) the intervals and the time and place at which meetings of the State Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of section 10 and under sub-section (2) of section 11;

(c) the fees and allowances to be paid to the members of a committee of the State Board, not being members of the Board under sub-section (3) of section 11;

(d) the manner in which and the purpose for which persons may be associated with the State Board under sub-section (1) of section 12;

1Ins. by Act 47 of 1987, s.24, (w.e.f.1.4.1988).

2Clause (a) renumbered as (aa) by s.24, ibid., (w.e.f. 1.4.1988).

(e) the fees and allowances to be paid under sub-section (3) of section 12 to persons associated with the State Board under sub-section (1) of section 12;

(f) the terms and conditions of service of the member-secretary of a State Board constituted under this Act under sub-section (1) of section 14;

(g) the powers and duties to be exercised and discharged by the member-secretary of a State Board under sub-section (2) of section 14;

(h) the conditions subject to which a State Board may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under sub-section (3) of section 14;

(i) the conditions subject to which a State Board may appoint a consultant under sub-section (5) of section 14;

(j) the functions to be performed by the State Board under clause (i) of sub-section (1) of section 17;

(k) the manner in which any area or areas may be declared as air pollution control area or areas under sub-section (1) of section 19;

(l) the form of application for the consent of the State Board, the fees payable therefore, the period within which such application shall be made and the particulars it may contain, under sub-section (2) of section 21;

(m) the procedure to be followed in respect of an inquiry under subsection (3) of section 21;

(n) the authorities or agencies to whom information under sub-section (1) of section 23 shall be furnished;

(o) the manner in which samples of air or emission may be taken under sub-section (1) of section 26;

(p) the form of the notice referred to in sub-section (3) of section 26;

(q) the form of the report of the State Board analyst under sub-section (1) of section 27;

(r) the form of the report of the Government analyst under sub-section (3) of section 27;

(s) the functions of the State Air Laboratory, the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of Laboratory's report thereon, the fees payable in respect of such report and other matters as may be necessary or expedient to enable that Laboratory to carry out its functions, under sub-section (2) of section 28;

(t) the qualifications required for Government analysts under sub-section (1) of section 29;

(u) the qualification required for State Board analysts under sub-section (2) of section 29;

(v) the form and the manner in which appeals may be preferred, the fees payable in respect ot such appeals and the procedure to be followed by the Appellate Authority in disposing of the appeals under sub-section (3) of section 31;

[1][(w) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under section 34;

(ww) the form in which the annual report of the State Board may be prepared under section 35,]

(x) the form in which the accounts of the State Board may be maintained under the sub-section (1) of section 36;

[2][(xx) the manner in which notice of intention to make a complaint shall be given under section 43;]

(y) the particulars which the register maintained under section 51 may contain;

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

(3) After the first constitution of the State Board, no rule with respect to any of the matters referred to in sub-section (2) other than those referred to [3][in clause (aa) thereof], shall be made, varied, amended or repealed without consulting that Board.

[The Schedule.] Omitted by the air (Prevention and Control of Pollution) Amendment Act, 1987, s. 25 (w.e.f. 1-4-1988)

1Sub. by Act 47 of 1987, s.24, for cl.(w) (w.e.f.1.4.1988).
2Ins. by Act 47 of 1987, s. 24 (w.e.f.1.4.1988).
3 Subs. by s.24, ibid, for "in clause (a)" (w.e.f.1.4.1988).

THE AIR (PREVENTION AND CONTROL OF POLLUTION) RULES, 1982

(As amended to date)

THE AIR (PREVENTION AND CONTROL OF POLLUTION) RULES, 1982

DEPARTMENT OF ENVIRONMENT

NOTIFICATION

New Delhi, the 18th November, 1982

G.S.R. 712(E):-In exercise of the powers conferred by section 53 of Air Prevention and Control of Pollution) Act, 1981 (14 of 1981) the Central Government in consultation with the Central Board for the Prevention and Control of Water Pollution hereby makes the following rules, namely :-

CHAPTER 1

PRELIMINARY

1. SHORT TITLE AND COMMENCEMENT.

(1) These rules may be called the Air (Prevention and Control of Pollution) Rules, 1982.

2. DEFINITIONS.

In these rules unless the context otherwise requires.-

(a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981;

(b) "Chairman" means the Chairman of the Central Board;

(c) "form" means a form set out in the Schedules;

(d) "meeting" means a meeting of the Central Board or a meeting of Committee constituted by the Central Board;

(e) "member Secretary" means the member secretary of the Central Board;

(f) "Schedule" means a Schedule appended to these rules;

(g) "section" means a section of the Act;

(h) "year" mean cing on the 1st day of April;

(i) words and expressions not defined in these rules but defined in the Act shall have the meaning assigned to them in the Act.

CHAPTER 2

PROCEDURE FOR TRANSACTION OF BUSINESS OF THE BOARD AND ITS COMMITTEES

3. NOTICE OF MEETINGS.

(1) Meeting of the Central Board shall be held on such dates as may be fixed by the Chairman.

(2) The Chairman shall, upon a written request of not less than five members of the Central Board or upon a direction of the Central Government, call a special meeting of the Central Board.

(3) Fifteen clear days' notice of an ordinary meeting and three days' notice of a special meeting specifying the time and the place at which such meeting is to be held and an agenda of business to be transacted thereat, shall be given by the member-secretary or Chairman to the members or any other officers of the Board.

(4) Notice of the meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or in such other manner as the Chairman may, in the circumstances of the case, think fit.

(5) No member shall be entitled to bring forward for the consideration of a meeting any matter of which he has not given ten clear-day's notice to the member Secretary unless the Chairman, in his discretion, permits him to do so.

(6) If the Chairman or presiding officer adjourns a meeting from day to day or any particular day he shall give reason thereof and no fresh notice shall be required for such an adjourned meeting;

4. PRESIDING OFFICER.

Every meeting shall be presided over by the Chairman and in his absence, by a presiding officer to be of elected by the members present from amongst themselves.

5. ALL QUESTIONS TO BE DECIDED BY MAJORITY.

(1) All questions at a meeting shall be decided by-a majority of votes of members present and voting shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the Chairman or presiding officer shall have a second or casting vote.

6. QUORUM.

(1) Five members shall form the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the Chairman or presiding member shall adjoin the meeting and if a quorum is not present after the expiration of fifteen minutes from such adjournment, the presiding officer shall adjourn the meeting to such time on the following or on such other future date as he may fix.

(3) If the meeting is adjourned to some future date due to lack of quorum, fresh notice will be given to the absentee members as to the date and time on which the next meeting will be held.

(4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned mee

7. MINUTES.

(1) Record of the proceedings of every meeting along with the names of members who attended the meeting shall be kept by the member-secretary in a book maintained by him exclusively for the purpose.

(2) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting and shall be confirmed and signed by the Chairman or presiding officer at such meeting,

(3) The proceedings shall be open to inspection by any member at the once of the Central Board during office hours.

8. MAINTAINING ORDER AT MEETINGS.

The Chairman or presiding officer shall preserve order at a meeting.

9. BUSINESS TO BE TRANSACTED AT A MEETING.

(1) No business shall be transacted in the meeting without quorum.

(2) Except with the permission of the chairman or presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of the rule 3, shall be transacted at any meeting.

10. ORDER OF BUSINESS.

(1) At any meeting business shall be transacted in the order in which it is entered in the agenda circulated to the members under sub-rule (3) of rule 3.

(2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the Chairman or presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the majority of the members present agree, the Chairman or presiding officer shall agree to such a change.

11. PROCEDURE FOR TRANSACTION OF BUSINESS OF COMMITTEES CONSTITUTED BY THE BOARD UNDER SUB-SECTION (1) OF SECTION 11.

(1) The time and place of the meting of a committee constituted by the Central Board under sub-section (I) of section 11 shall be as specified by the Chairman of the committee.

(2) Provision of Chapter-2 of these rules shall as far as practicable, apply to the meeting of the committee constituted under section 11.

CHAPTER 3

12. A member of a committee other than a member of the Board shall be paid an allowance of rupees fifty if he is a resident of Delhi and rupees seventy-five (inclusive of daily allowance) and also travelling allowance at such rate as is admissible to a grade I officer of the Central Government in the case of non resident, for each day of the actual meeting of the committee which he attends.

Provided that in case of a member of Parliament who is also a member of the Central Board, the said daily and travelling allowances will be admissible when the Parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.

CHAPTER 4

TEMPORARY ASSOCIATION OF PERSONS WITH THE CENTRAL BOARD

13. MANNER AND PURPOSE OF ASSOCIATION OF PERSONS WITH THE CENTRAL BOARD UNDER SUB-SECTION (1) OF SECTION 12.

The Central Board may invite any person whose assistance or advise is considered useful in performing any of its functions, to participate in the deliberations of any of its meetings or the meetings of a committee formed by it.

14. FEES AND ALLOWANCES TO BE PAID TO SUCH TEMPORARY ASSOCIATION OF PERSONS UNDER SUB-SECTION (3) OF SECTION 12.

(1) If the persons associated with the Board under rule 13 happens to be a non-official resident in Delhi, he shall be entitled to get an allowance of rupees fifty per day for each day of actual meeting of the Central Board in which he is so associated.

(2) If such person is non-resident of Delhi, he shall be entitled to get an allowance of rupees seventy-five per day (inclusive of daily allowance) for each day of actual meeting of the Central Board when he is so associated and also to travelling allowance at such as is admissible to a grade I officer of the Central Government.

(3) Notwithstanding anything in sub-rules (1) and (2) if such person is a Government servant or an employee in a Government undertaking, he shall be entitled to travelling and daily allowances only at the rates admissible under the relevant rules applicable to him :

Provided that in case of a member of Parliament who is also a member of the Central Board, the said daily for travelling allowances will be admissible when the Parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.

CHAPTER 5

BUDGET OF THE CENTRAL BOARD

15. FORM OF BUDGET ESTIMATES UNDER SECTION 34.

(1) The form in which and time within the budget may be prepared and provided and forwarded to the government be as provided in form I, II, III and IV of Schedule I.

(2) The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the current year.

(3) The budget shall, as far as may be, based on the account heads specified in Schedule II.

CHAPTER 6

ANNUAL REPORT OF THE CENTRAL BOARD

16. FORM OF ANNUAL REPORT UNDER SECTION 35.

The annual report in respect of the year last ended giving a true ad full account of the activities of the Central Board during the previous financial year shall contain the particulars specified in Schedule III and shall be submitted to the Central Government by 15th of May each year.

CHAPTER 7

ACCOUNT OF THE CENTRAL BOARD

17. FORM OF ANNUAL STATEMENT OF ACCOUNTS OF THE CENTRAL BOARD UNDER SECTION 36.

The annual statement of accounts of the Central Board shall be in forms V to IX.

[Q-16013/2/81/FPC]

N.D.JAYAL, Join Secretary
Department of Environment

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FORM I

CENTRAL POLLUTION CONTROL BOARD

Detailed Budget Estimates for the Year 19

(See rule 15)

ADMINISTRATION (Expenditure)

Heads of Accounts	Actuals of the past three years			Sanctioned estimate for the current year 19.....	Actuals of last six months i.e., 19.... 19….	Actuals of six months current year 19…..	Revised estimate for the current year 19.....	Budget Estimate for the next year 19….	Variations between columns 5&8	V be co 8&
	19	19	19							
1	2	3	4	5	6	7	8	9	10	

FORM II

CENTRAL POLLUTION CONTROL BOARD

ESTABLISHMENT

Statement details of provision for pay of officers/Establishment for the year 19...-19….

(See rule 15)

1	2	3			4	5		
Name and designation	Reference to page of estimate form	Sanctioned pay of the Post			Amount of provisions for the year at the rate in column	Increment falling due within the year		
		Minimum/Maximum of the person concerned	Actual pay due on 1st April next year	Date of		increment	Rate of increment	A o i f y
		(a)	(b)	(c)	3(c)	(a)	(b)	

FORM III
CENTRAL POLLUTION CONTROL BOARD
NOMINAL ROLLS
(See rule 15)

Name and designation	Pay	Dearness allowance	City compensatory allowance	House rent allowance	Over-time allowance	Children educational allowance	Leave travel concession	Ot allow
1	2	3	4	5	6	7	8	9

TOTAL
218

FORM IV

CENTRAL POLLUTION CONTROL BOARD

(Abstract of Nominal Rolls)

(See rule 15)

Actual sanctioned strength as on 1st March, 19…	Particulars of posts	Sanctioned budget grant 19... - 19...		Revised Estimates 19... - 19...		Budget estimates 19… - 19…		Expla differ sanct grant estim estim
		No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	
1	2	3	4	5	6	7	8	
	I. Officers							
	(a) Posts filled							
	(b) Posts vacant							
	Total I Officers							
	II. Establishment							
	(a) Posts filled							
	(b) Posts vacant							
	Total II Establishment							
	III. Class IX							
	(a) Posts filled							
	(b) Posts vacant							
	Total III-Class IV							
	GRAND TOTAL - I, II and III							

SCHEDULE II

BUDGET AND ACCOUNT HEADS

[See rule 15(3)]

ADMINISTRATION Heads of Accounts (Expenditure) 1. Salaries.

2. Wages.

3. Travel expenses.

4. Office expenses.

(a) Furniture.

(b) Postage.

(c) Office machines/equipment

(d) Liveries.

(e) Hot and cold weather charges.

(f) Telephones.

(g) Electricity and water charges

(h) Stationery.

(i) Printing.

(j) Staff car and other vehicles.

(k) Other items.

5. Fee and honoraria.

6. Payment for professional and special services.

7. Rents, rates and taxes/royalty.

8. Publications.

9. Advertising sales and publicity expenses.

10. Grants in aid/contributions/subsidies.

11. Hospitality expenses sumptuary allowances etc.

12. Pensions/gratuities.

13. Write off/losses.

14. Suspenses.

15. Expenses in connection with the setting up and maintenance of the Board laboratory.

16. Other charges (a residuary head, this will also include rewards and prizes).

Heads of Account (Receipts) 1. Payments by Central Government.

2. Fees.

3. Fines and other receipts.

[1][SCHEDULE III]

(See Rule 16)

CENTRA OL BOARD

ANNUAL REPORT FOR THE FINANCIAL YEAR
APRIL 1, 19... TO MARCH 31, 19...

CHAPTER-l	Introduction
CHAPTER-2	Constitution of the Board including changes therein.
CHAPTER-3	Meeting of the Board with major decisions taken therein.
CHAPTER-4	Committees constituted by the Board and their activities.
CHAPTER-5	Monitoring Network for air, water and soil quality.
CHAPTER-6	Present state of environment environmental problems and counter measures.
CHAPTER-7	Environmental Research.
CHAPTER-8	Environmental Training.
CHAPTER-9	Environmental Awareness and Public Participation.
CHAPTER-10	Environmental Standards including time schedule for their enforcement
CHAPTER-11.1	Prosecutions launched and convictions secured for environmental pollution control.
CHAPTER-11.2	Directions given for closure of polluting industrial units.
CHAPTER-12	Finance and accounts of the Board.
CHAPTER-13	Annual Plan of the following year.
CHAPTER-14	Any other important matter dealt with by the Central Board.

ANNEXURES

1. Members of the Board.
2. Organisation Chart.
3. Staff Strength including recruitment.
4. Publications.
5. Training Courses/Seminars/Workshops organised or attended.
6. Consents to establish industries, operations & processes-issued/refused.
7. Consents to operate industries operations & process-issued/refused.

[F.No. Z-20013/4/91-CPW]
MUKUL SANWAL, Jt. Secy.

1Substituted by Rule 2 of the Air (Prevention and Control of Pollution) Amendment Rules, 1992 vide G.S.R.108(E), dated 18.2.1992.

FORM V

CENTRAL POLLUTION CONTROL BOARD

Receipts and payments for the year ended

(See rule 17)

Previous year	Receipts	Previous year	Payments
1	2	3	4
Opening Balance _____		1. Capital Expenditure	
I. Grants received _____		(i) Works	
(a) from Government			
(b)from other agencies _____		(ii) Fixed Assets	
II. Fees _____		(iii) Other Assets	
		(a) Laboratory Equipment	
		(b) Vehicles	
		(c) Furnitures and Fixtures	
		(d) Scientific Instruments and office appliances	
		(e) Tools and Plant	
III. Fines and Forfeitures.		2. Revenue Expenditure	
IV. Interest of investments.		(A) Administrative	
V. Miscellaneous Receipts.		(i) Pay of Officers	
VI. Miscellaneous Advances.		(ii) Pay of Establishment	
VII. Deposits		(iii) Allowances and Honoraria	
		(iv)Leave Salary and Pension Contributions	
		(v) Contingent Expenditure	
		Deduct Recoveries	
TOTAL _____			

(B) (i) Board Laboratory.

(ii) Charges to be paid to the Central Water Laboratory.

(C) Running and Maintenance of vehicles

(D) Maintenance and Repairs

(i) Building and land Drainage including rents, if any

(ii) Works

(iii) Furniture and Fixtures

(iv)Scientific Instruments and Office Appliances

(v) Tools and Plants

(vi)Temporary works (including maintenance and repairs)

(E) Fees to Consultants and Specialists

(F) Law charges

(G) Miscellaneous

(H) Fees for Audit

3. Purchases _____
4. Miscellaneous _____
5. Advances _____
6. Deposits _____

Closing Balance _____

Total _____

Accounts Officer Member Secretary Chairman

The Air (Prevention and Control of Pollution) Rules, 1982

FORM VI
CENTRAL POLLUTION CONTROL BOARD
ANNUAL STATEMENT OF ACCOUNTS
Income and Expenditure Account for the year ended 31st March, 19__
(See rule 17)

EXPENDITURE				INCOME			
Previous year	Details	Total of sub-head	Total of major head	Previous year	Details	Total of sub-head	Total of major
1	2	3.	4	5	6	7	8
Rs.		Rs.	Rs.	Rs.		Rs.	Rs.
To				By			
REVENUE EXPENDITURE				(I) GRANTS RECEIVED			
(A) Administrative:				(a) From Government			
(i) Pay of Officers				(b) From other agencies.			
(ii) Pay of establishment				Total :			
(iii) Allowances & Honoraria				Less:			
(iv) Leave salary and Pension Contributions				Amount utilised for capital expenditure			
(v) Board's Contributions to the staff Provident Fund				net grant available for Revenue expendit			
(vi) Contigent expenditure Deduct Recoveries				(II) Fees:-			
(B) Running Expenses of Laboratories:				(III) Service Rental Charges.			
(i) Main Laboratory				(IV) Fines and Forfeitures.			
(ii) Payments to be made to Central Water Laboratory				(V) Interest on investments.			
(C) Running Water and Maintenance of Vehicles				(VI) Miscellaneous Receipts.			
(D) Maintenance and Repairs:				(VII) Excess of expenditure over income.			
(i) Building and Land Drainage				Total :			
(ii) Works							
(iii) Furniture & Fixtures							
(iv) Scientific instruments and office appliances.							
(v) Tools and Plants							

FORM VII

CENTRAL POLLUTION CONTROL BOARD ANNUAL STATEMENT OF ACCOUNTS

Balance Sheet as at 31st March, 19….

(See rule 17)

Capital and Liabilities

Previous year	Details	Total of sub-head	Total of major head	Previous
1	2	3	4	
	A. Capital Fund			
	(i) Grants received from Govt. for Capital expenditure.			
	(a) Amount utilised upto 31st March 19__ (b) Unutilised balance on 31st March 19__ (ii) Grant from other agencies for Capital expenditure			
	(a) Amount utilised upto 31st March 19__ (b) Unutilised balance on 31st March 19__			
	(iii) Value of land provided by Govt. (per contra)			
	B. Capital Receipts-			
	C. (i) Deposits received for works from Outside bodies-			
	(ii) Deposits- Less Expenditure-			
	(iii) Other deposits-			
	D. Amounts due-			
	(i) Purchases			
	(ii) Others _			
	E. Excess of income over expenditure-			
	(i) upto 31st March 19.. .			
	(ii) Add for the year			

(iii) Deduct-Excess of Expenditure over income

4. Sundry Debtors-

Total

Less :

Depreciation during the year
Furniture and Fixtures.
As per last Balance Sheet.
Additions during the year.
(d) S
Appliances-
As per last Balance Sheet.
Additions during the year
(e) Tools
As per last Balance Sheet
Additions during the year
Depreciation during the year.
(i) Amounts due from outside bod
for expenditure incurred-
Expenditure
Less amount received
(ii) Other Sundry Debtors
5. Advances
(a) Miscellaneous Advances.
(b) Cash at Bank
(c) Cash in hand
(d) Cash in transit

Accounts Officer

Member-Secretary

FORM VIII

CENTRAL POLLUTION CONTROL BOARI)

ANNUAL STATEMENT OF ACCOUNT

Expenditure on works as on 31st March, 19

(Item l- Assets of the Balance Sheet)

(See Rule 17)

Sl. No.	Name of work	Upto 3lst March 19			During the year 19			Upto 31st March 19	
		Direct Expenditure	Overhead Charges	Total Expenditure	Direct Expenditure	Overhead Charges	Total Expenditure	Direct Expenditure	Overhe Charge
TOTAL									

Accounts Officer Member-Secretary

FORM IX

CENTRAL POLLUTION CONTROL BOARD

ANNUAL STATEMENT OF ACCOUNTS

Fixed Assets as on 31st March, 19

Other Assets as on 31st March, 19

(Item 2 Assets to the Balance Sheet).

(Item 3 Assets to the Balance Sheet).

(See Rule 17)

Sl. No.	Particulars of Assets.	Balance as on 31st March 19	Additions during the years

Accounts Officer

Member-Secretary

THE AIR (PREVENTION AND CONTROL OF POLLUTION) (UNION TERRITORIES) RULES, 19

(As amended to date)

THE AIR (PREVENTION AND CONTROL OF POLLUTION) (UNION TERRITORIES) RULES, 1983

DEPARTMENT OF ENVIRONMENT

NOTIFICATION

New Delhi, the 21st December, 1983

G.S.R. 6(E).-In exercise of the powers conferred by section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the Central Government, in consultation with the Central Board for the Prevention and Control of Water Pollution, hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. SHORT TITLE, APPLICATION AND COMMENCEMENT. -

(1) These Rules may be called the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983.

(2) They shall apply to the Union Territories of Delhi, Pondicherry, Goa, Daman and Diu, Dadra and Nagar Haveli, Lakshadweep, Mizoram, Andaman and Nicobar Islands, Arunachal Pradesh and Chandigarh.

2. DEFINITIONS. -

In these rules, unless the context otherwise requires:-

(a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981);

(b) "appellant" means any person aggrieved by and appealing against an order made by the Board;

(c) "Appellate Authority" means an Appellate Authority constituted by the Central Government under sub-section (I) of section 31 of the Act;

(d) "Board" means the Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(e) "Chairman" means a Chairman of the Board;

(f) "consultant" means any person appointed as such under sub-section (5) of section 14;

(g) "Form" means a form appended to these rules;

(h) "premises" means any building structure or load used for industrial or commercial purposes where pollution occurs;

(i) "State Air Laboratory", in relation to a Union Territory, means a laboratory established or specified as such by the Central Government under sub-section (1) of section 28;

(j) "section" means any section of the Act;

(k) "Board Laboratory" means a laboratory established or recognised as such under sub-section (2) of section 17;

words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.

CHAPTER II

CONSULTANTS

3. APPOINTMENT OF CONSULTANTS. -

For the purpose of assisting the Board in the performance of its functions, the Chairman may appoint any qualified person to be consultant for a specific period not exceeding six months:

Provided that the Chairman may, with the prior approval of the Board extend the period of the appointment from time to time upto one year:

Provided further that the Chairman may, with the prior approval of the Board and the Central Government, appoint a consultant for a period beyond one year.

4. POWER TO TERMINATE APPOINTMENT. -

Notwithstanding anything contained in rule 3, the Board shall have the right to terminate the appointment of the consultant before the expiry of the specific period for which he is appointed, if in the opinion of the Board, the consultant is not discharging his duties properly or to the satisfaction of the Board, or such a course of action is necessary in the public interest:

Provided that in cases where a consultant has been appointed with the prior approval of the Central Government, the termination of his appointment will be made only with the approval of the Central Government.

5. EMOLUMENTS OF CONSULTANT. -

The Board may pay the consultants suitable emoluments or fees depending on the nature of work and the qualification and experience of the Consultant:

[1][Provided, that the Chairman shall not appoint any person as Consultant without the prior approval of the Central Government if the Board recommends that the total emoluments or fee payable exceeds rupees five thousand per month:

Provided further that if a retired Government Officer is appointed as Consultant his emoluments or fee shall be regulated in accordance with the instructions/orders issued by the Central Government in the Ministry of Personnel, Public Grievances and pensions (Department of Personnel and Training) from time to time].

6. TOURS BY CONSULTANT. -

The consultant may with the prior approval of the Chairman undertake tours within the country for the performance of the duties entrusted to him by the Board and in respect of such tours he shall be entitled to travelling and daily allowances at the rate payable to a Grade I officer of the Central Government.

7. CONSULTANT NOT TO DISCLOSE INFORMATION. -

The consultant shall not, without the written permission of the Board, disclose any information either given by the Board or obtained during the performance of the duties assigned to him either by the Board or otherwise to any person other than the Board.

CHAPTER III

NOTIFICATION OF AIR POLLUTION CONTROL AREA

8. MANNER OF DECLARATION OF AIR POLLUTION CONTROL AREA. -

(1) Every notification under sub-section (I) of section 19, declaring any area within any Union territory as air pollution control areas, shall specify:-

(a) the boundaries of the Area if the area is not a whole district or the whole Union territory;

1Substituted by Rule 2 of the Air (Prevention and Control of Pollution)) (Union Territories) Amendment Rules, 1994, vide G.S.R.569(E), dated 05.07.1994.

(b) the date on which such declaration shall come into force.

(2) A notification referred to in sub-rule (1) shall be published in the Official Gazette and at least in one English and one vernacular daily newspapers having a circulation not less than five thousand in the Union territories.

CHAPTER IV

APPLICATION FOR CONSENT

9. FORM OF APPLICATION FOR CONSENT AND FEES. -

(1) Every application for consent under sub-section (2) of section 21 shall be made in Form I and shall be accompanied by fees as specified below:-

	Industries having paid up capital	Fees Rs.
(I)	Not exceeding Rs. 5,00,000	250
(ii)	exceeding Rs. 5,00,00 but not exceeding Rs. 20,00,000	500
(iii)	exceeding Rs. 20,00,000 but not exceeding Rs. 1 crore	1000
(iv)	exceeding Rs. 1 crore	2000

(2) Every application for consent under the provision to sub-section (2) of section 21 shall be made within four months from the date of declaration of any area as air pollution control area.

10. PROCEDURE FOR MAKING ENQUIRY ON APPLICATION SEEKING CONSENT. -

(1) On receipt of an application for consent, the Board may depute any of its officers, accompanied by as many assistants as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential. Such officer, for that purpose, may inspect any place or premises where solid, liquid or gaseous emission from the chimney or fugitive emissio the premises are discharged, such

officer may require the applicant or the occupier to furnish to him any plans, specifications or other data relating to control equipment or systems or any part thereof that he considers necessary.

(2) The officer referred to in sub-rule (1) shall, before visiting any of the premises of the applicant, give notice to the applicant of his intention to do so in

Form II. The applicant shall furnish to such officer all information and provide all facilities for inspection.

(3) The officer may, before or after carrying out the inspection under sub-rule (1), require the applicant to furnish him orally or in writing such additional information or clarification or to produce before him such document as he may consider necessary for the purpose of investigation of the application and may for that purpose summon the applicant or his authorised agent to the office of the Board.

CHAPTER V

AUTHORITY TO WHOM INFORMATION IS TO BE FURNISHED

11. FURNISHING OF INFORMATION BY THE OCCUPIER. -

The authorities referred to in sub-section (1) of section 23 shall be the Collector of the District, the Revenue Divisional Officer, the Health Officer, the Executive Authority of the municipal or local body concerned and the nearest police station.

CHAPTER VI

MANNER OF TAKING SAMPLES

12. MANNER OF TAKING SAMPLES. -

(1) The person in-charge of the premises shall provide port-holes, platforms conveniently located, for easy access and all other facilities required for taking sample of air or emission from any chimney, flue or duct, plant or vessel or any other sources and outlets, stationary or mobile as may be required by the Board or any officer empowered by the Board in this behalf.

(2) The procedure for taking samples shall be such as may be felt necessary by the Board or any officer empowered by the Board in this behalf to suit the situation.

13. FORM OF NOTICE. -

Every notice under sub-section (3) of section 26 shall be in Form III.

CHAPTER VII

REPORT OF ANALYSIS

14. FORM OF REPORT OF THE BOARD ANALYST AND GOVERNMENT ANALYST. -

(1) When a sample of any air or emission has been sent for analysis to the Board laboratory, the Board analyst shall analyse such sample and submit to the Board a report of the result of such analysis in

(2) When a sample of any air or emission has been sent for analysis to the State air Laboratory, the Government analyst shall analyse such samples and submit to the Board a report of the result of such analysis in

Form V in triplicate.

CHAPTER VIII

STATE AIR LABORATORY

15. FUNCTIONS OF THE STATE AIR LABORATORY AND FEE FOR REPORT. -

The State Air Laboratory established by the Central Government for a Union territory shall cause to be analysed by the Government analyst any sample of air or emission received by it from any officer authorised by the Board for the purpose and shall be entitled to collect a fee for Rs. 200 for each of the report.

16. QUALIFICATION OF THE GOVERNMENT ANALYST OR BOARD ANALYST. -

A person to be appointed as Government analyst or Board Analyst shall hold at least a Second Class Masters Degree in Basic Science or Life Science and 3 years experience in environmental quality management.

17. FORM OF APPEAL AND MANNER OF PREFERENCE. -

(1) Every appeal under section 31 against an order passed by the Board shall be filled by the-appellant in

form VII.

(2) Every appellant shall prefer appeal separately in his own name and no joint appeal made on behalf of more than one appellant shall be entertained by the Appellate Authority.

(3) (a) Every appeal shall-

(i) be in writing,

(ii) specify the name and address of the appellant and the date of the order appealed against,

(iii) specify the date on which the order appealed against was communicated to the appellant,

(iv) contain a statement of facts of the case and grounds relied upon by the appellant in support of the appeal,

(v) State the relief prayed for, and

(vi) be signed and verified by the appellant or an agent duly authorised by him in writing in this behalf,

(b) Every appeal shall be accompanied by:-

(i) an authenticated copy of the order against which appeal is made,

(ii) a copy of the application made under section 21,

(iii) any document relating to the appeal, and

(iv) a satisfactory proof of the payment of fees specified in clause (c).

(c) A fee of Rs. 50 shall be deposited by every appellant in the office of the Appellate Authority and an authenticated copy of the receipt obtained thereof shall be annexed to every appeal.

(d) Every appeal shall be submitted in quadruplicate to the Appellate Authority by the appellant or his authorised agent in person or sent to such Authority by registered post. When the Appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such an agent.

(e) On receipt of the appeal, the Appellate Authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

18. PROCEDURE TO BE FOLLOWED BY THE APPELLATE AUTHORITY IN DEALING WITH AND DISPOSAL OF THE APPEAL.-

(1) The Appellate Authority shall, as soon as may be after the appeal is filed before it, fix a date for hearing of the appeal and give notice of the same to the applicant and the Board in

Form VIII; While giving such notice to the Board, a copy of the appeal, together with its enclosures, shall also be sent to the Board and he shall be called upon to send to the Appellate Authority, all the relevant records connected with the Appeal.

(2) Where the material on record is insufficient to enable the Appellate Authority to come to a definite decision, it may take additional evidence and call for such further material from the appellant or the Board as it deems fit. Such material shall form part of the record only after the party other than that form whom such record has been received, has been given an opportunity to pursue the same.

(3) Where on the date fixed for hearing or any date to which the hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed.

(4) Where an appeal is dismissed under sub-rule (3), the applicant may, within thirty days from the dismissal, apply to the Appellate Authority for the restoration of the appeal and if it is shown to the satisfaction of the Appellate Authority that the appellant had not received intimation of the date of hearing appeal or was prevented by any cause, sufficient in the opinion of the Appellate Authority, from appearing when the appeal was called for hearing, the Appellate Authority may restore the appeal on such terms as it thinks fit.

(5) The order passed by the Appellate Authority on the appeal shall be in writing bearing the seal of the Appellate Authority and shall state the points before it for determination, the decision thereon, and the reasons for the decision.

(6) A copy of the order passed in appeal shall be supplied by the Appellate Authority free of cost to the appellant and a copy thereof shall also be sent to the Board.

19. CONSENT REGISTER. -

Form VI containing particulars of industrial plants to which consent have been granted under section 21.

20. FUNCTIONS TO BE PERFORMED BY THE BOARD. -

In addition to the functions specified in sub-section (1) of section 17, the Board shall conduct-

(a) research and development work on the effect of air pollution on the environment, living and non-living,

(b) performance studies on pollution control equipment to improve their efficiency for the purpose of enhancement of air quality, and

(c) studies to determine the effect of air pollutant on the health of the people.

[1][CHAPTER IX 20A.

DIRECTIONS.-

(1) Any direction issued under section 31A shall be in writing.

(2) The direction shall specify the nature of action to betaken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.

(3) The person, officer or an authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction, and shall be given an opportunity of not less than 15 days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

(4) Where the proposed direction is for the stoppage or regulation of electricity or water or any other service affecting the carrying on of any industry, operation or process and is sought to be issued to an officer or an authority, a copy of proposed direction shall also be endorsed to the occupier of the industry, operation or process as the case may be, and objections if any, filed by the occupier with an officer designated now in this behalf shall be dealt with in accordance with the procedure under sub-rule (3) and (5) of this rule.

(5) The Central Pollution Control Board shall within a period of 45 days from the date of receipt of the objections, if any, or from the date up to which an opportunity is given to the person, officer or authority to file objections, whichever is earlier, after considering the objections, if any received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

[1]Insertedby Rule 2 of the Air (Prevention and Control of Pollution) (Union Territories) Amendment Rules, 1989, published in Gazette Notification G.S.R.350(E), dated 9.3.1989.

(6) In a case where the Central Pollution Control Board is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may for reasons to be recorded in writing, issue directions without providing such an opportunity.

(7) Every notice or direction required to be issued under this rule shall be deemed to be duly served-

(a) Where the person to be served is a Company, if the document is addressed in the name of the Company at its registered office or at its principal office or place of business and is either-

(i) sent by registered post or

(ii) delivered at its registered office or at the principal office or place of business;

(b) where the person to be served is an officer serving Government, if the document is addressed to the person and a copy thereof is endorsed to the Head of the Department and also to the Secretary to the Government, as the case may be, in-charge of the Department in which, for the time being, the business relating to the Department in which the officer is employed is transacted, and is either-

(i) sent by registered post or

(ii) is given or tendered to him;

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

(i) is given or tendered to him, or

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

(iii) is sent by registered post to that person.

Explanation: For the purpose of this sub-rule-

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "a servant" is not a member of the family.

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20B. MANNER OF GIVING NOTICE.-

The manner of giving notice under clause (b) of sub-section (1) of section 48 shall be as follow. namely:-

Form IX.

(ii) The person giving notice may send it to-

(a) Board and

(b) Ministry of Environment and Forests (represented by the Secretary, Government of India).

(iii) Notice shall be sent by registered post acknowledgement due; and

(iv) Period of sixty days mentioned in clause (b) of sub-section (I) of section 43 shall be reckoned from the date of its first receipt by one of the authorities mentioned above.]

21. REPEAL AND SAVING.-

All rules corresponding to these rules and in force in a Union territory immediately before the commencement of these rules are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

[No. Q-16011/1/83-EPC (II)]
G. SUBA RAO, Jt. Secy.

[1]**[FORM I**

(See rule 9)

Application for Consent for emission/continuation of emission under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

From

_____
_____
_____

To

The Member Secretary,

Central Pollution Control Board,

_____
_____
_____

Sir,

I/We hereby apply for CONSENT/RENEWAL OF CONSENT under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) to bring into use a new/altered *stack for the discharge of emission/to begin to make new discharge of emission/to continue to discharge emission* from stack in industry owned by .....

FOR OFFICE USE ONLY

1. Code No. :
2. Whether the unit is situated in a critically polluted area as identified by Ministry of Environment & Forests :

TO BE FILLED IN BY APPLICANT

PART A – GENERAL

3. (a) Name of Owner/Occupier :

(b) Name and address of the unit and location :

1Substituted by Rule 2 of the Air (Prevention and Control of Pollution) (Union Territories) Amendment Rules, 1992 published in the Gazette Notification No.G.S.R.379(E), dated 31.03.1992.

4. (a) Whether the unit is generating hazardous waste as defined in the Hazardous Wastes (Management and Handling) Rules, 1989

(b) If so the category No.

5. (a) Total capital invested on the project :

(b) Year of commencement of production :

(c) Whether the industry works general/2 shifts/round the clock :

6. (a) List and quantum of products and by-products :

(b) List and quantum of raw materials used :

7. Furnish a flow diagram of manufacturing process showing input and output in terms of products and waste generated including for captive power generation and demineralised water :

PART B-PERTAINING TO SEWAGE AND TRADE EFFLUENT

8. Quantity and source of water for :

(a) Cooling m^3/d :

(b) Process m^3/d :

(c) Domestic use m^3/d :

(d) Others m^3/d :

9. Sewage and trade effluent discharge

(a) quantum of discharge m^3/d :

(b) Is there any effluent treatment plant :

(c) If yes, a brief description of unit operations with capacity :

(d) Characteristics of final effluent pH :

Suspended solids

Dissolved solids

Chemical Oxygen Demand (COD)

Biochemical Oxygen Demand (BOD)

Oil and grease 20° C

(Additional parameters as specified by the concerned Pollution Control Board)

(e) Mode of disposal and final discharge point (enclose map showing discharge point) :

(f) Parameters and Frequency of self-monitoring :

PART C-PERTAINING TO STACK AND VENT EMISSIONS

10. (a) Number of stacks and vents with height and dia (m) :

(b) Quality and quantity of stack emission from each of the above stacks-particulate matter and Sulphur Dioxide ($S0_2$) (Additional parameters as specified by the concerned Pollution Control Board) :

(c) A brief account of the air pollution control unit to deal with the emission :

(d) Parameters and Frequency of self monitoring :

PART D-PERTAINING TO HAZARDOUS WASTE AND HAZARDOUS CHEMICALS

11. Solid wastes:

(a) Total quantum of generation :

(b) Quantum of hazardous waste generated and its nature, as defined under the Environment (Protection) Act, 1986. (See the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008). :

(c) Mode of storage within the plant, method of disposal and any other information sought by the concerned Pollution Control Board :

12. (a) Hazardous Chemicals as defined under Environment (Protection) Act, 1986 (See the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989) :

(b) Whether any isolated storage is involved if yes, attach details Yes/No

(c) Whether emergency plans are prepared for taking :

-on-site measures Yes/No

-off-site measures Yes/No

I/We enclose herewith Receipt No.……..... …….Bank Draft No ……. Dated …..... for Rs (Rupees……. ….....) in favour of the Central Pollution Control Board, New Delhi towards the fees payable under Section 25 of the Act.

Yours faithfully,

Name and Signature of applicant

[F.No. Q.-15011/1/91 -CPW]
T. GEORGE JOSEPH, Jt. Secy.

Note: 1. Any applicant knowingly giving incorrect information or suppressing any information pertaining thereto shall be liable to be punished under the Act.

2. * Strike out which is not relevant.]

FOOTNOTE: The principal rules were published in the Gazette of India vide Notification No. G.S.R. 6(E) dated the 21st December, 1983 and subsequently amended vide Notification (1) G.S.R. 350(E) dated the 9lh March 1989.

CENTRAL POLLUTION CONTROL BOARD

FORM II

[See rule 10(2)]

NOTICE OF INSPECTION

Chairman

Member Secretary .....….
Shri ……..……
No. ……..……
Dated ……..…….
……..……
……..……....

To

Take Notice that for the purpose of enquiry under section 21 the following officers of the Central Board namely;-

(i) Shri ……..……

(ii) Shri ……..……

(iii) Shri ……..……

and the persons authorised by the Board to assist them shall inspect-

Any systems of your Industrial Plant.

Any other parts thereof or pertaining thereto under management/control of date (a) ..... between ..... Hours when all facilities requested by them for such inspection should be made available to them on the site. Take Notice that refusal or denial to above stated demand made under the functions of the Central Board shall amount to obstruction punishable under section 37(1) of the Act.

By order of the Board
Member Secretary
Copy to :

1. .....

2. .....

3. .....

CENTRAL POLLUTION CONTROL BOARD
FORM III
NOTICE OF INTENTION TO HAVE SAMPLE ANALYSED
(See rule 13)

To

Take notice that it is intended to have analysed the sample of Air emission from your promises which is being taken today the ..... day of ..... l9..... from (i)/

Name and designation of the person
who takes the sample

(i) Here specify the stack, Chimney or any other emission outlets.

To

.....
.....

.....

…….

……

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CENTRAL POLLUTION CONTROL BOARD

FORM IV

REPORT BY THE CENTRAL BOARD ANALYST

(See rule 14)

Report No. …..…..

Dated the …...…..

I hereby certify that I, (I) ……..... Central Board analyst duly appointed under sub-section 3 of section 26 of the Air (Prevention and Control of Pollution) Act 1981, received on the (II) ……..... day of …….....19..... from (III) .....……..... a sample of ..... for analysis. The sample was in a condition fit for analysis reported below.

I further certify that I have analysed the aforementioned sample on (IV) .... and declare the result of the analysis to be as follows:-

(V)…….....……..…….....……..…….....……

…….....……..…….....……..…….....……

The condition of the seals, fastening and container on receipt was as follows:-

…….....……..…….....……..…….....……..

…….....……..…….....……..…….....……..……

…..... Signed this …….....day of …….....19…….....

(Signature)

Central Board Analyst

Address……

…….

…….

…….

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To

…….

…….

…….

…….

…….

I.Here write the full name of the Central Board analyst.

II.Here write the date of receipt of the sample.

III.Here write the name of the Board or person or body or persons or officer from whom the sample was received.

IV.Here write the date of analysis.

V.Here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM V
REPORT BY THE GOVERNMENT ANALYST
[See rule 14(2)]

Report No.....
Dated the.....

I hereby certify that I, (I) ..... … Government analyst duly appointed under sub-section 1 of section 27 of the Air (Prevention and Control of Pollution) Act 1981, received on the (II) ……..... day of 19…….....from (III)…….a sample

of …….....for analysis. The sample was in a condition fit for analysis reported below.

I further certify that I have analysed the aforementioned sample on (IV) .....

..... and declare the result of the analysis to be as follows:-

…….....……..…….....……..…….....……..……
…….....……..…….....……..…….....……..…….....
..... Signed this …….....day of …….....19…….....

(Signalure)
(Government Analyst)

Address……
…….

…….

…….

…….

…….

To
…….

…….

…….

I.Here write the full name of the Government analyst

II.Here write the date of receipt of the sample.

III.Here write the name of the Board or person or body or persons or officer from whom the sample was received.

IV.Here write the date of analysis.

V.Here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

CENTRAL POLLUTION CONTROL BOARD
FORM VI
(Form of consent register)
(See rule 19)

I. General:
(a) Consent is issued to:

……..……..……..……..……..……..

(Corporation, Company, Government Agency, Firm etc.)

(b) Postal Address ……..……..……..……..
……..

II. Location of plant or facilities: (Latitude and longitude must be to the nearest of 15 seconds)

(a) Nearest City …… District ……

(b) Latitude …… Longitude ……

(c) Is it located in air pollution control area-Yes/No.

If yes, Identification of air pollution control area.

III. Type of operation or process:

(a) Name of operation or process

(b) Schedule identification number

IV. Consent classification:

	Yes	No
(a) Proposed-	☐	☐
(b) Now operating	☐	☐
(c) Modification of existing emission source.	☐	☐
(d) Location change-	☐	☐
(e) Ownership change- .	☐	☐

(f) Present-consent order Number if any .....

V. Implementation Dates:

(a)	In the case of proposed industries Operation expected to begin	_____ (day)	_____ (month)	_____ (year)
(b)	air pollution control equipment and emission to be installed standards achieved by	_____ (day)	_____ (month)	_____ (year)

VI. Emission Standards:

Emission source Number (from plot plan)	Air Pollutant emitted	Emission rate kg/hour or standard /sec
1	2	3

VII. Consent conditions if any:

FORM VII

(Form of appeal)

[See sub-rule (1) of rule 17]

*(Here mention the name & designation of the authority)

Before* .....
Appellate Authority constituted under section 31 of the Air (Prevention & Control of Pollution) Act, 1981(14 of 1981).

Memorandum of appeal of Shri .....

(Appellant)
Vs.

The Central Pollution Control Board …….. (Respondent) The appeal of Shri …… Resident of ..... District ..... against the order ..... dated ..... passed by the Central Pollution Control Board under section 21/22 of the Air (Prevention and Control of Pollution) Act, 1981 as showeth follows:

(1) Under Section 21/22 of the Air (Prevention & Control of Pollution) Act 1981 (14 of 1981) the appellant has been granted consent subject to the conditions mentioned in the consent order in respect of the .....

company/corporation/municipality/notified area committee etc., noted below:

(a) Name of the plant/company/corporation/municipality/notified area committee: (b) Place:
(c) Card No.
(d) Name of the street; and
(e) District

A copy of the consent order in question is attached here to.

(2) The facts of the case are as under:
(here briefly mention the facts of the case)

(3) The grounds on which the appellant relies the purpose of this appeal are as below:-

(here mention the grounds on which appeal is made)
1.
2.
3.

(4) In the light of what is stated above, the appellant respectfully prayed that

(a) the unreasonable condition(s) ……..... imposed should be treated as annulled or it/they should be constituted for such other conditions is it appears to be reasonable

or

(b) the unreasonable condition(s) ……..... should be varied in the following manner (Here mention the manner in which the condition(s) objected). An amount of Rs …….. as fee for this appeal has been paid vide receipt No ……..... dated ……..... an authorised copy of which is attached in proof of payment.

Signature of the Applicant
Name …….
(in Block letters)
Occupation .....……
Address…..……
…… Date:

……..……

Verification

I ……..... (appellant's name) in the above Memorandum of appeal/or/duly authorised agent do/does hereby declare that what it stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature .....
Name .....
(in Block letters)
Occupation .....……
Address ……..……
……
Dated :

 Strike out what is not applicable.

FORM VIII

Form of Notice

[See rule 18(1)]

* (Here mention name & designation of the Authority)

Before* .....……

Appellate Authority as constituted under Section 31(1) of the Air (Prevention & Control of Pollution) Act, 1981 (14 of 1981).

In the matter of appeal No …….....…… 19 …. filed under section 31 of the Air (Prevention & Control of Pollution) Act, 1981 (14 of 1981) by Shri .....…… …… (here mention the name and address of the appellant)

Whereas Shri ……..... (here mention the name and address of the appellant) has filed before this Authority a Memorandum of appeal against the order ..... dated ..... passed by the Central Pollution Control Board under Section 20/21/22 of the Act.

And whereas under sub-section (4) or Section 31 of the Act, this authority is required to give to the parties an opportunity of being heard. Now, Therefore, please take notice that this authority has fixed ..... as date of hearing of the aforesaid appeal. The hearing shall take place at ..... AM/PM on that date in the office of the Board at New Delhi. You are hereby called upon to appear before this Authority at the appointed time and date and place, either in person or through a duly authorised agent, and explain your case. Please take notice that failure on your part to appear on the day of hearing either in person or through authorised agent, without showing sufficient cause to the satisfaction of this Authority will make your appeal liable to be dismissed or decided ex-parte.

Given under the hand and seal of the Appellate Authority at ..... This ..... day .....

[1][FORM IX

(See rule 20B)

FORM OF NOTICE

By regd. post AD

From (1)
Shri .....
.....……..
.....……..

To
.....……..
.....……..
.....……..

Notice under Section 43 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981.

Whereas an offence under the Air (Prevention & Control of Pollution) Act, 1981 has been committed/is being committed by (2) .....

I/we hereby give notice of 60 days under Section 43(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 of my/our intention to file a complaint in the court against (2) ..... for violation of secti & Control of Pollution) Act, 1981.

In support of my/our notice, I am/we are enclosing the following documents (3) as evidence of proof of violations of the Air (Prevention & Control of Pollution) Act, 1981.

……

……

Signature(s)

Place …….

Date …….

1Inserted by Rule 3(b) of the Air (Prevention and Control of Pollution) (Union Territories) Amendment Rules, 1989, published in the Gazette Notification No.G.S.R.350(E), dated 9.3.1989

Explanation:

(1) In case the notice is given in the name of a Company, documentary evidence authorising the person to sign the notice on behalf of the Company shall be enclosed to this notice. Company for this means a Company defined in explanation to Section 40 of the Air (Prevention & Control of Pollution) Act, 1981.

(2) Here give the name and address of the alleged offender. In case of a manufacturing/ processing/operating unit, indicate the name/location/nature of activity etc.

(3) Documentary evidence shall include photographs/technical reports/health reports of the area etc. for enabling enquiry into the alleged violation/offence.]

[No. Q. 15017/4/88-CPA]

K.P. GEETHAKRISHNAN, Secy.

Principal rules published vide G.S.R. 6(E) dated 21-12-1983.

NOTIFICATIONS

UNDER

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

NATIONAL AMBIENT AIR QUALITY STANDARDS

CENTRAL POLLUTION CONTROL BOARD

NOTIFICATION

Delhi, the 18th November, 2009

No.B-29016/20/90/PCI-I.— In exercise of the powers conferred by Sub-section (2) (h) of section 16 of the Air (Preventio ct, 1981 (Act No.14 of 1981), and

in supersession of the Notification No(s). S.O. 384(E), dated 11th April, 1994 and S.O. 935(E), dated 14th October, 1998, the Central Pollution Control Board hereby notify the National Ambient Air Quality Standards with immediate effect, namely:-

NATIONAL AMBIENT AIR QUALITY STANDARDS

S. No.	Pollutant	Time Weighted Average	Concentration in Ambient Air		
			Industrial, Residential, Rural and Other Area	Ecologically Sensitive Area (notified by Central Government)	Methods of Measurement
(1)	(2)	(3)	(4)	(5)	(6)
1	Sulphur Dioxide (SO_2), µg/m^3	Annual* 24 hours**	50 80	20 80	- Improved West and Gaeke -Ultraviolet fluorescence
2	Nitrogen Dioxide (NO_2), µg/m^3	Annual* 24 hours**	40 80	30 80	- Modified Jacob & Hochheiser (Na-Arsenite) - Chemiluminescence
3	Particulate Matter (size less than 10µm) or PM_{10} µg/m^3	Annual* 24 hours**	60 100	60 100	-Gravimetric - TOEM -Beta attenuation
4	Particulate Matter (size less than 2.5µm) or $PM_{2.5}$ µg/m^3	Annual* 24 hours**	40 60	40 60	-Gravimetric - TOEM -Beta attenuation
5	Ozone (O_3) µg/m^3	8 hours** 1 hour**	100 180	100 180	- UV photometric - Chemilminescence - Chemical Method
6	Lead (Pb) µg/m^3	Annual* 24 hours**	0.50 1.0	0.50 1.0	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper - ED-XRF using Teflon filter
7	Carbon Monoxide (CO) mg/m^3	8 hours** 1 hour**	02 04	02 04	- Non Dispersive Infra Red (NDIR) spectroscopy

(1)	(2)	(3)	(4)	(5)	(6)
8	Ammonia (NH_3) µg/m^3	Annual* 24 hours**	100 400	100 400	-Chemiluminescence - Indophenol blue method
9	Benzene (C_6H_6) µg/m^3	Annual*	05	05	- Gas chromatography based continuous analyzer - Adsorption and Desorption followed by GC analysis
10	Benzo(a)Pyrene (BaP) - particulate phase only, ng/m^3	Annual*	01	01	- Solvent extraction followed by HPLC/GC analysis
11	Arsenic (As), ng/m^3	Annual*	06	06	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper

12	Nickel (Ni), ng/m3	Annual*	20	20	- AAS /ICP method after sampling on EPM 2000 or equivalent filter paper

 Annual arithmetic mean of minimum 104 measurements in a year at a particula site taken twice a week 24 hourly at uniform intervals.

** 24 hourly or 08 hourly or 01 hourly monitored values, as applicable, shall be complied with 98% of the time in a year. 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

Note. — Whenever and wherever monitoring results on two consecutive days of monitoring exceed the limits specified above for the respective category, it shall be considered adequate reason to institute regular or continuous monitoring and further investigation.

SANT PRASAD GAUTAM, Chairman

[Advt-III/4/184/09/Exty.]

Note: The notifications on National Ambient Air Quality Standards were published by the Central Pollution Control Board in the Gazette of India, Extraordinary vide notification No(s). S.O. 384(E), dated 11th April, 1994 and S.O. 935(E), dated 14th October, 1998.

MINISTRY OF WORKS & HOUSING

NOTIFICATION

New Delhi the 15th May, 1981

G.S.R. 351 (E). - In exercise of the powers conferred by sub-section (3) of section I of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the Central Government hereby appoints the 16th day of May, 1981,as the day on which the said Act shall come into force as the day on which the said Act shall come into force.

[Q-10012/4/78-EPC (Vol. IV)]

S.R. ADIGE, Jt. Secy.

MINISTRY OF ENVIRONMENT AND FORESTS

Department of Environment, Forests and Wildlife

New Delhi the 28th March, 1988

NOTIFICATION

G.S.R. 382 (E). - In exercise of the powers conferred by sub-section (2) of section 1 of the Air (Prevention & Control of Pollution) Amendment Act, 1987 (47 of 1987), the Central Government hereby appoints the 1st day of April, 1988 as the date on which all the provisions of the said Act excepting the provisions contained in clauses (ii) and (iv) of section 2, section 3, clause (i) of section 4 and section 15 shall come into force in the whole of India.

No. Q 16012/2/85-PL

(T.N. SESHAN)

Secretary to the Government of India

AIR POLLUTION CONTROL AREAS IN VARIOUS UT(s)

MINISTRY OF ENVIRONMENT & FORESTS

(Department of Environment, Forests & Wildlife)

NOTIFICATION

New Delhi, the 20th February, 1987

DELHI

G.S.R. 106(E).-In exercise of the powers conferred by sub-section (I) of section 19 of the Air (Prevention and Control of Pollution) (Union Territories) Act, 1981 (14 of 1981), read with section 6 of that Act and rule 8 of the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983, the Central Government after consultation with the Central Board for the Prevention and Control of Water Pollution, hereby declares, with effect from the date of publication of this notification in the Official Gazette, the whole of the Union territory of Delhi, as air pollution control area.

[NO. Q-14012/4/84-CPA]
A.C. RAY, Addl. Secy.

MINISTRY OF ENVIRONMENT & FORESTS

(Department of Environment, Forests & Wildlife)

NOTIFICATION

New Delhi, the 1st February, 1988

CHANDIGARH

G.S.R. 71(E).-In exercise of the powers conferred by sub-section (I) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), read with section 6 of that Act, the Central Government after consultation with the Central Board for the prevention and Control of Water Pollution, hereby declares, with effect from the date of publication of this notification in the official Gazette, the whole of the Union territory of Chandigarh, as air pollution control area.

[NO. Q-14012/4/87-CPA]
A.C. RAY, Addl. Secy.

MINISTRY OF ENVIRONMENT & FORESTS

(Department of Environment, Forests & Wildlife)

NOTIFICATION

New Delhi, the 10th February, 1989

DADRA AND NAGAR HAVELI

G.SR. 429(E).-In exercise of the powers conferred by sub-section (1) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), read with section 6 of that Act and rule 8 of the Air (Prevention & Control of Pollution) (Union Territories) Rule, 1983, the Central Government after consultation with the Central Pollution Control Board, hereby declares, with effect from the date of publication of this notification in the Official Gazette, the whole of the Union territory of Dadra and Nagar Haveli as air pollution control area.

[NO. Q-14012/4t84-CPA]
G. SUNDARAM, lt. Secy.

MINISTRY OF ENVIRONMENT &-FORESTS

(Department of Environment, Forests & Wildlife)

NOTIFICATION

New Delhi, the 25th January, 1988

PONDICHERRY

G.S.R. 54(E).-In exercise of the powers conferred by sub-section (1) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), read with section 6 of that Act, the Central Government after consultation with the Central Board for the Prevention and Control of Water Pollution, hereby declares, with effect from the date of publication of this notification in the Official Gazette, the whole of the Union territory of Pondicherry as air pollution control area.

[NO. Q-14012/42/87-CPA]
A. C. RAY, Addl. Secy.

APPELLATE AUTHORITY UNDER

THE AIR(PREVENTION AND CONTROL OF POLLUTION)ACT, 1981

MINISTRY OF ENVIRONMENT & FORESTS

(Department of Environment, Forests & Wildlife)

NOTIFICATION

New Delhi, the 12th December, 1989

S.O. 1032(E).-In exercise of the powers conferred by sub-section (I) of section 31 read with sub-section (2) of the said section of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), and in supersession of the notification of the Government of India in the Ministry of Environment and Forests (Department Or Environment, Forests and Wildlife) No. S.O. 117(E) dated the 8th February, 1988, the Central Government hereby constitutes the Appellate Authority- for the Union Territories and appoints the Joint Secretary in-charge of pollution control in the Ministry of Environment and Forests as the said authority.

2. The headquarters of the Appellate Authority shall be at New Delhi.

[NO. Q-18011/7/89-CPA]
S. S. HASURKAR, Jt. Secy.

FORM 12 PAGE 2

Verification

I……..S/o…… do hereby solemnly verify that to the best of my knowledge and belief the information given above and the annexure and statements any accompanying it are correct and complete.

I further declare that I am submitting and verifying the information given above in my capacity as ……. and that I am competent to do so.

Place …….. Signature *2……

Date ……. with seal

Notes:

Form including the verification portion must be signed in case of an individual by the individual himself or a person duly authorized by him, in case of Hindu undivided family, by the Karta: in case of the partnership firm, by the managing partner, in case of a company, by a person duly authorized in that behalf by the Board of Directors and in any case, by a person in-charge of or responsible for the conduct of the business.

****

1188 *The Ozone Depleting Substances(Regulation and Control)Rules, 2000*

FORM 13 - PAGE 1

FORM FOR REGISTRATION OF ENTERPRISES MANUFACTURING, IMPORTING OR EXPORTING COMPRESSORS

(rule 12)

1. Name of the enterprise/firm :

2. Address of Registered office :
(including Tehsil, District, State)

3. Particulars of factories manufacturing :
Compressors (for manufacturers)

S.No.	Address of factory where compressors are produced (including Tehsil, District, State)	Date of incorporation of registration	Date of commencement of commercial production
1	2	3	4
1.			
2.			

4. Particular regarding imports :
(for importers)

Sr. No.	Address of companies from whom importing	Date of start of imports
1	2	3
1.		
2		

Form 13 – Page 2

5. Particular of sales outlet :
(for exporters and/or tranders)

Sr. No.	Address of sales outlets	Date of start of sales	Date of start of exports
1	2	3	4
1.			
2.			

6. Name of business house/group to which the enterprises belongs :

7. Please give name of Managing Director or Chief Executive :

8. Please enclose a copy each of the latest Annual Report, Audited Balance Sheet and Profit & Loss Account or Income Tax Assessment Order of the enterprises/firm.

Signature of the applicant *1
with Seal

Verification

I declare that the enterprise/ firm mentioned in Sr. 1 above has not applied for registration under sub-rule (1) of rule 6 of the Ozone Depleting Substances (Regulation and Control) Rules, 2000 with any other registering authority.

I……..S/o…… do hereby solemnly verify that to the best of my knowledge and belief the information given above and the annexure and statements any accompanying it are correct and complete.

I further declare that I am submitting and verifying the information given above in my capacity as ……. and that I am competent to do so.

Place …….. Signature *1…… Date …… with seal

1190 *The Ozone Depleting Substances(Regulation and Control)Rules, 2000*

Form 13 - Page 3

Notes:

Form including the verification portion must be signed in case of an individual by the individual himself or a person duly authorized by him, in case of Hindu undivided family, by the Karta: in case of the partnership firm, by the managing partner, in case of a company, by a person duly authorized in that behalf by the Board of Directors and in any case, by a person in-charge of or responsible for the conduct of the business.

****

FORM 14

FORM FOR REGISTRATION *2 OF ENTERPRISES RECLAIMING/ DESTROYING OZONE DEPLETING SUBSTANCES

(rule 11)

1. Name of the enterprise:
2. Address of Registered office (including Tehsil, District, State):
3. Particulars of factories :

S.No.	Name of Ozone Depleting Substance *3	Address of factory where Ozone Depleting Substances is being reclaimed/ destroyed (including Tehsil,	Date of incorporation of registration	Date of commencement of commercial reclamation destruction
1.				
2.				
3.				
4.				

4. Name of business house/group to which the enterprise belongs :

5. Please give name of Managing Director or Chief Executive :

6. Please enclose a copy of the latest Annual Report, Audited Balance Sheet and Profit & Loss Account of the enterprise.

Signature of the applicant *1
with seal

Verification

I declare that the enterprise/ firm mentioned in Sr. 1 above has not applied for registration under sub-rule (1) of rule 6 of the Ozone Depleting Substances (Regulation and Control) Rules, 2000 with any other registering authority.

I……S/o …… do hereby solemnly verify that to the best of my knowledge and belief the information given above and the annexure and statements any accompanying it are correct and complete.

I further declare that I am submitting and verifying the information given above in my capacity as ……. and that I am competent to do so.

Place ……..

Date …….

Signature *1……

with seal

Notes:

Form including the verification portion must be signed in case of an individual by the individual himself or a person duly authorized by him, in case of Hindu undivided family, by the Karta: in case of the partnership firm, by the managing partner, in case of a company, by a person duly authorized in that behalf by the Board of Directors and in any case, by a person in-charge of or responsible for the conduct of the business.

*2 Please use separate form for reclamation and destruction.

*3 Please see Schedule I for list of all ozone depleting substances.

SCHEDULE - XII

[See rule 6(1), 7]

Part - I

End-use declaration

1. Information regarding seller of ozone depleting substances :
   Name of supplier :
   Address :

---

2. Information regarding purchaser of ozone depleting substances
   Name of recipient : Address :
   Fax :
   Telephone No.:

3. Registration No.:

4. Name and address of Registering Authority :

5.	Name of Ozone Depleting Substance	Purpose * for which Ozone Depleting Substance is purchased	Quantity of Ozone Depleting Substance purchased
			Kg.
			Kg.
			Kg.
			Kg.
			Kg.
			Kg.

6. Has the purchaser ever been convicted of an offence under Indian law applicable in respect of ozone depleting substances ?

_____ _____ Yes

No

Signature of the Purchaser of the
Ozone Depleting Substances with seal *2

Verification

I…….S/o…… do hereby solemnly verify that to the best of my knowledge and belief the information given above and the annexure and statements any accompanying it are correct and complete.

I further declare that I am submitting and verifying the information given above in my capacity as ……. and that I am competent to do so.

Place …….. Signature *3…… Date ……. with seal

Note:

*1 Purposes are:

(i) Manufacture of aerosols (excluding metered dose inhalers for medicinal purposes).

(ii)Manufacture of Foam products.

(iii)Manufacture of Fire extinguishers & fire extinguishing systems.

(iv)Manufacture of Mobile Air conditions.

(v)Manufacturing of other Refrigeration & Air conditioning products (excluding compressors).

(vi)Solvent use.

(vii)Exempted use.

(viii)Selling.

(ix)Servicing of fire extinguishers or fire extinguishing system (applicable for Group II ODS)

(x)Manufacture of metered dose inhalers for medicinal purposes.

(xi)Manufacture of Compressors.

(xii)Others - specify (excluding servicing)

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*2 Use a separate form for quantities of ozone depleting substances for which the Central Government has granted exemption from these rules.

Form including the verification portion must be signed in case of an individual by the individual himself or a person duly authorized by him, in case of Hindu undivided family, by the Karta: in case of the partnership firm, by the managing partner, in case of a company, by a person duly authorized in that behalf by the Board of Directors and in any case, by a person in-charge of or responsible for the conduct of the business.

PART - II

A person purchasing ozone depleting substances will produce a copy of certificate of registration issued under sub-rule (1) of rule 8 before the person selling such ozone depleting substances along with the declaration specified in part I above. The copy of such certificate of registration should have been duly attested in case of a company by the Company Secretary or a full time Director of the company, in case of a partnership firm by the Managing partner and in any other case by Public Notary or a Gazetted Government Officer. The person selling ozone depleting substances shall verity particulars given in serial numbers 2, 3 and 4 of declaration specified in part I above with the corresponding particulars mentioned in the certificate of registration.

[F.No. 16/1/96-OC]
A.K. KUNDRA, Spl. Secy.