

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

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CHAPTER 1 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.

(3) They shall come into force on the date of their publication in the Official Gazette.

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 (1) 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 land 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; (1) 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 2 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 a 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 up to 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 consultant suitable emoluments or fees depending on the nature of work and the qualification and experience of the consultant :

Provided however, that the Central Board shall not appoint any person as consultant without the prior approval of the Central Government if the emoluments or fees payable to him exceed Rs. 2,000 per month.

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 3

NOTIFICATION OF AIR POLLUTION CONTROL AREA

8. Manner of declaration of air pollution control area :-

(1) Every notification under sub-section (1) of Section" 19, declaring any area within any Union Territory as air pollution control area, shall specify

(a) the boundaries of the area if the area is not a whole district or the whole Union Territory

(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 -vetnacvlat daily newspapers having a circulation not less than five thousand in the Union territories.

CHAPTER 4

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. 5,00,000 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 proviso 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 emissions from the chimney or fugitive emissions from any location within 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 of 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 5

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 6

MANNER OF TAKING SAMPLES

12. Manner of taking samples :-

(1) The person incharge of the premises shall provide port-holes, platforms conveniently located, for easy access and all other facilities required for taking samples 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 7

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 Form IV in triplicate.

(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 8

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 of Rs. 200 for each of the report.

16. Qualifications of Government analyst or Board analyst :-

A person to be appointed as Government analyst or Board analyst shall hold at least a second class Master's degree in Basic Science or Life Science and three 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 filed 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 appellant and the Board in Form Vin. 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 from 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 appellant 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 :-

The Board shall maintain a register in Form VI containing particulars of industrial plants to which consent has 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.

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 provisions of these rules.