

GUJARAT SMOKE-NUISANCES RULES, 1966

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GUJARAT SMOKE-NUISANCES RULES, 1966

In exercise of the powers conferred by section 13 of the Gujarat

Smoke-nuisances Act, 1963 (Guj. 3 of 1964) the Government of Gujarat hereby makes the following rules namely:

1. Short title, exteut and commencement :-

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(3) They shall come into force at once.

1. Substituted by Notice No. KH-SH-116/GSN-1073-114176-T, date February 4, 1976, Gujarat Government Gazzet Pt. I-L, date February 12, 1976, Page 628.

2. Definition :-

In these rules, unless the context otherwise requires,

(3) "President", in relation to a meeting means the president of the Commission or any other person for the time being presiding at the meeting.

3. Ordinary meetings :-

' The Commission shall meet for the transaction of business or ordinarily twice in every year in Ahmedabad upon such day and at such hour as the Commission may from time to time determine.

4. Special meetings :-

The President or the member of the Commission to whom in his absence the president may delegate his duties, may whenever he thinks fit, and shall, upon requisition made in writing by not less them two members of the Commission, call a special meeting of the Commission.

5. Notice of meetings :-

(2) The notice shall set forth the business to be transacted at the meeting and no business other than that so set forth shall be transacted, except with the consent of the President.

6. Quorum :-

At every meeting of the Commission two members shall constitute a quorum.

7. President at meetings :-

Every meeting shall be presided over by the President of the Commission or, in his absence, by such member as the members present at the meetings shall choose from amongst themselves to preside at such meeting.

8. Adjournment for completion of business :-

The president of any meeting of the Commission at which a quorum is present may adjourn such meeting from time to time and from place as he may determine.

9. Business to be transacted at meeting so adjourned :-

No business shall be transacted at any meeting held in pursuance of an adjournment under rule 8 other than that which was left unfinished at the original meeting, and it shall not be necessary to give fresh notice of such adjourned meeting.

10. Adjournment where no quorum :-

If at the time appointed for any meeting of the Commission a quorum is not present, the meeting shall stand- adjourned to some future date to be appointed by the President and at least five days' notice of such adjourned meeting shall be given. The members present at such adjourned meeting shall have power to dispose of all business before it which could have been disposed of at the original meeting had there been quorum there at, whether a quorum is present or not.

11. Motions and amendments :-

The President may, if he thinks fit require that every motion and amendment to be moved at a meeting duly put in writing and be proposed and seconded before it is considered by the Commission.

12. Votes on resolution :-

(2) The President shall have a second or casting vote in all cases of equality of votes.

13. Minutes of proceedings :-

Minutes of the proceeding of every meeting of the Commission shall be drawn up and ensured in a book to be kept for the purpose, and shall be submitted at the next ordinary meeting 'and, when approved, shall be signed by the president of such meeting.

14. Supply of minutes to the State Government :-

A copy of the minutes of every meeting of the Commission shall, as soon as possible, be transmitted to the State Government or to such Officer of the State Government as the State Government may direct.

15. Reconsideration of subject of business once disposed of :-

Except on a requisition in writing made and signed by not less than

three members in Ahmedabad and two members elsewhere of any sub-committee appointed under Rule 18, no subject of business which has once been disposed of at a meeting shall be reconsidered by the Commission within a period of six months from the date of its disposal.

16. Fees for attendance at meeting :-

A fee of thirty rupees shall be paid to each member of the Commission who attends any meeting of the Commission and to each member of the Sub-Committee appointed under rule 18, who attends any meeting of the Sub-Committee at which a quorum is present and business is transacted:

Provided always that no fee shall be paid in respect of any meeting at which is transacted such business only as has been adjourned from former meeting.

17. Effect of continued absence of elected member from meeting :-

When any elected member of the Commission has been absent from three consecutive meetings of the Commission he shall cease to be member of the Commission and the President shall report the fact to the State Government with a request that steps may be taken for filling up the vacancy.

18. Sub-Committees :-

(1) The Commission may from time to time in accordance with a resolution passed at a meeting appoint Sub-Committees of its members consisting of such number of members as it deems fit for the purpose of carrying into effect any of the provisions of the Act with the Commission is empowered to carry into effect, with such powers and under such instructions directions or limitations as by such resolutions may be defined, and may by a like resolution alter the constitution of, or dissolve, any such Sub-Committee.

(2) Such number of members of such Sub-Committee as may be specified in the resolution shall form quorum thereof.

19. Exercise of authority of the Commission :-

For the purpose of Section 12 of the Act, the authority of the Commission shall be, exercised by the President or by any of the members to whom the President may delegate his duties during his illness or his absence from Ahmedabad : Provided that any action taken by the President or by any member exercising authority

under this rule, shall be reported to the Commission at its next ordinary meeting.

20. Duties of Inspectors :-

Every Inspector appointed under section 5 of the Act shall

(c) keep records of his inspections of furnaces, and of his observations on the smoke omitted therefrom;

(d) submit his diaries for the information of the Commission;

(e) carry out the orders of the Commission as to the reporting of offences against the Act, and as to obtaining the authority of the Commission before prosecution and:

(f) carry out the orders of the Commission in respect of the inspection of any particular furnace, or class of furnaces, and in other respects generally for the purposes of the Act.

21. Method of dealing with reports and diaries :-

(1) The President or, in his absence, any member of the Commission named by him shall persue, the reports and diaries submitted by Inspectors, and shall issue necessary order in accordance with the provisions of the Act.

(2) Such reports and diaries shall be laid before the Commission at its next meeting.

22. Submission of Commissions recommendations to the State Government :-

Whenever the Commission is satisfied that it is expedient that any or all the trades and manufactures mentioned in sub-section (1) of Section 7 of the Act should be prohibited in any specified area, it may submit a recommendation to that effect to the State Government, stating reasons for making such recommendation, and giving a specification of the boundaries of such area.

23. Method of determining density of smoke :-

The density of smoke emitted from a furnace shall be determined by reference to Ringlemann's Smoke Gauge, according to the scales described below : Ringlemann's Smoke Gauge consists of six squares, corresponding to scales upon a white background :

Scale 1. Consist of a with square which has no black lines across it and which is all white.

Scale 2. Consists of a white square with black lines drawn across the white background, vertically and horizontally 1 mm. in width and 9 mm. apart.

Scale 3. Consists of a white square with black lines similarly drawn 2.3 mm. in width and 7.7 mm. apart.

Scale 4. Consist of a white square with black lines similarly drawn, 3.7 mm. in width and 6.3 mm apart.

Scale 5. Consists of a white square with black lines similarly drawn, 5.5 mm. in width and 4.5 mm. apart.

Scale 6. The square is entirely black.

The squares described in this scale, if held at a distance of from 30 to 40 paces from the observer, present the appearance of blacks and greys of varying density, with which the colour of the smoke emitted from a furnace may be compared.

24. Observation of density :-

The smoke emitted from a furnace or furnaces shall be held to be the smoke emitted from the chimney connected therewith and its density for the purpose of the rules shall be observed at its exit from the chimney.

25. Limits beyond which emission of smoke becomes an offence :-

(1) Smoke of the scales of density Nos. 1, 2 and 3 as determined in accordance with rule 23 may be emitted from furnaces for any time.

(2) Smoke of the scales of density Nos. 4 and 5, as determined in accordance with the said rule, may be emitted from furnaces for the times prescribed in respect of each such scale in the table appended to this rule.

(3) Smoke of density varying from the scale of density No. 4 to the scale of density No. 5 may be emitted for times rateably reduced in accordance with the explanation to this rules, and not in excess of the times entered in column 4 of the said table provided that smoke of the scale of density No. 5 shall in no case be emitted for times in excess of those entered in column 2, of the said table.

(4) Smoke of the scale of density No. 6 as determined in accordance with rule 23 is entirely prohibited and may not be

emitted from any furnace.

Explanation. For the purposes of sub-rule (3) the time during which smoke of the scales of densities Nos. 4 and 5 is emitted shall be reduced, in the case of smoke of the scale of density No. 4 in the ratio 0.37 to 1 in the case of smoke of the scale of density No. 5 in the ratio of 3.55 to 1.

Example - Smoke of density scale 5 may be emitted from a chimney serving ten furnaces for 6 minutes per hour, and of density scale 4 for 7 minutes, the total time during which smoke of these densities may therefore be emitted is, when rateably reduced, $6 \times 0.55 + 7 \times 0.37$ or 5.89 minutes per hour.

26. Extension of time in case of original lighting or smoking of furnaces :-

In lighting up fires furnaces, or in smoking furnaces to raise steam, for the purpose of commencing the work of the factory, double the time prescribed in the above table shall be allowed during the first two hours, once a day.

27. Furnaces of ocean-going steamers :-

The furnaces of the main boilers of ocean-going steamers when raising steam prior to leaving port or to moving from one port to another thereof shall be allowed, for half-an hour before moving, and for one hour after moving, thrice the times prescribed in the table in rule 25. Tugs while actually towing or assisting in the transportation of ocean-going steamers within the limits of the port shall also be allowed thrice the, times prescribed in the said table.

28. Altitude of chimneys from which smoke may be emitted :-

Smoke shall not be emitted from a furnace at a lower altitude than 30.5 metres from the firing-floor level :

29. Issue of warning by Inspectors :-

When it appears to an Inspector, that an offence has been committed under the Act in respect of any furnace, he may serve the owner of such furnace with a written warning by registered post. Such warning shall inform the owner of the furnace of the time and date of such offence, and shall be accompanied by a copy of the record of the observation taken, and it shall inform the owner that if the offence is again committed after the expiry of a period, which shall not be less than ten days, he will be liable to prosecution under the Act :

Provided that if in the opinion of the Inspector, material alterations in the furnace are necessary or appliances required to be fitted to the furnace, the period of warning may be extended to four months, or a longer period in the opinion of the Commission if it is necessary :

Provided also that no warning need be given in the case of any steamship, locomotive or portable engine, before a prosecution is instituted.

30. Record of observations :-

Record shall be kept by the Commission of the observations of the smoke from furnaces under the signature of the Inspector who has made the observations.

31. Numbering of chimneys :-

A number shall be given to each chimney, and the number of each chimney, from which smoke is emitted in greater density or for a longer period than is allowed by these rules, shall be reported to the Commission.

32. Procedure regarding the submission and approval of plans for the erection, alteration addition to of re-erection or furnuce, flue or chimney :-

(1) Every person intending to erect, re-erect, alter or add to a furnace, flue or chimney must make an application for the purpose to the Chief Inspector of Smoke-nuisances for obtaining the approval of the Commission to the plans of the furnace, flue or chimney intended to be erected, altered added to or re-erected. Such plans shall also show clearly the proposed alteration, addition or re-erection, as the case may be.

(2) Every such application must be accompanied by two copies of the said plans, one of which, on approval of the Commission, shall be retained in the office of the Chief Inspector of Smoke-nuisances, and the other shall be returned at the time of communicating such approval to the applicant.

(3) Full particulars as to the dimensions and material of the furnace, flue or chimney, intended to be erected, altered, added to, or re-erected, as well as of the proposed alteration addition, or re-erection, as the case may be, shall be shown on the plans submitted, and the plans as approved by the Commission shall be

adhered to.

(4) The plans shall comply with the following particulars:

(b) Notwithstanding anything contained in clause (a), in the case of the boilers of the marine, locomotive, vertical and other similar type; the flues and chimneys shall not be of less area than the corresponding smoke outlets of the smoke-box or up take forming an integral part of the structure,

(c) The flues and chimney shall be air-tight and of substantial design and material, and dampers, where required to be fitted, shall be of the same areas as the flue passages.

(d) All bends of the flues to the chimneys shall have the corners well rounded off so as to allow easy flow gases through the flues. Every flue shall have a minimum width of 280 millimeteres.

33. Repeal and Savings :-

The Bombay Smoke nuisance Rules, 1913 are hereby repealed :

Provided that anything done or any action taken under the provisions of the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.