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## **The Rajasthan Water (Prevention And Control Of Pollution) Rules, 1975**

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**The Rajasthan Water (Prevention And Control Of Pollution)  
Rules, 1975**

[Notification No. G.S.R. 48/F.27(5) PH./75/Gr.III, dated 27.8.1975, published in Rajasthan Gazette, Part IV-C, Sub-Part (I), Extraordinary, dated 11-9-1975.] In exercise of the powers conferred by section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) the state government after consultation with the State Board for the Prevention and Control of Water Pollution, hereby makes the following rules, namely:-

CHAPTER 1

**1. Short title and commencement :-**

(1) These Rules, may be called the Rajasthan Water (Prevention and Control of Pollution) Rules, 1975. (2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions :-**

(a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974). (b) 1["Board or State Board"] means the Rajasthan State Board for the Prevention and Control of Water Pollution". (c) "Chairman" chairman of the State Board. (d) "State Board Laboratory" means a Laboratory established or recognized under sub-section (2) of section 17. (e) "State Water Laboratory" means a laboratory established or specified as such under sub-section (1) of section 52. (f) "Form" means a Form set out in Schedule I. (g) "Member" means a Member-Secretary of the State Board. (i) "Schedule" means a schedule appended to these rules. (j) "Section" mans a section of the Act. (k) "Year" means a Financial Year commencing on the first day of April.

**CHAPTER 2**

Terms and Conditions of Service of the members of the Board and of its Committees

**3. Salary, allowances & other conditions of the service of the Chairman :-**

Salary, allowances & other terms and conditions of the service of the Chairman shall be such as may be specified by the Government of Rajasthan from time to time.

**4. Salary, allowances & other conditions of the service of Member-Secretary :-**

Salary, allowances & other conditions of the service of Member-Secretary shall be such as may be specified by the Government of Rajasthan from time to time.

**5. Terms and Conditions of Service of the members of the Board and its Committees :-**

(1) Non-official members of the board or any of its Committee residing in Jaipur shall be paid sitting allowance (Fee) of Rs. 50/- and conveyance charges of 1[Rs. 15/-] for each day of the actual meeting of the Board or any of its Committees. (2) Non-official Members of the board or any of its Committees not resident in Jaipur shall be paid Travelling Allowance as admissible to an Officer

of the category "A" under Travelling Allowance Rules of the state Government subject to the modification that the daily allowance will be Rs. 30/- per day. Such a member shall also be paid in addition, a sitting allowance of Rs. 50/- for each day of the meeting: Provided that in case of a member of the Rajasthan Legislative Assembly who is also a member of the board or any of its committees, the said daily and travelling allowance will be admissible 2[x x x] on production of certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source. (3) The official members who are residing in Jaipur shall be paid fixed conveyance charges of Rs. 15/- for each meeting. Official members who are not resident in Jaipur shall be paid travelling allowance admissible to them as per the T.A. Rules of the Government concerned

#### CHAPTER 3

Power and Duties of the Chairman and Member -- Secretary and Appointments of officers and Employees.

#### **6. Powers and Duties of the Chairman :-**

(1) The chairman shall have over all control over the day-to-day activities of the board. (2) (i) The Chairman may undertake tours within Rajasthan for carrying out the functions of the Board. (ii) The Chairman may, with the approval of the Board visit any State outside Rajasthan. (3) Subject to rules, if any, made under sub-section (3) of section 12, the Chairman shall have full powers in matters of promotion, confirmation, transfer and termination of services of the officers and employees of the Board. (4) In matters of acceptance to tenders, the Chairman shall have full powers of acceptance upto Rs. 15000/- in emergent cases and in all other cases the acceptance will be subject to the concurrence of the board. (5) Subject to over-all sanctioned budget provisions, the Chairman shall have full powers to administratively approve and sanction all estimates.

#### **7. Creation and Abolition of Posts :-**

(i) The Board may [within the sanctioned budget] create such posts as it considers necessary for the efficient performance of its functions and may abolish any post, so created: Provided that for the creation of and appointment to, posts, the maximum scale of which is above \*[Rs. 3900/-p.m.] the Board shall obtain prior sanction of the State Government. (ii) In emergency, the Chairman may create posts upto the level of Engineering Subordinate for a short period not exceeding three months subject to subsequent

ratification by the Board.

### **8. Powers and duties of the Member-Secretary :-**

The Member-Secretary shall be subordinate to the chairman and shall subject to the control of the Chairman exercise the following powers, namely:- (1) The Member-Secretary shall be incharge of all the confidential papers of the Board and shall be responsible for preserving them. (2) The Member-Secretary shall produce such papers whenever so directed by the Chairman or by the Board. (3) The Member-Secretary shall make available to any member of the Board for his perusal, any record of the Board, with the prior approval of the Chairman. (4) The Member-Secretary shall be entitled to call for the services of any officer or employee of the Board, and files, papers and documents for study from any department of the Board, as also to carry out inspection of any department at any time including checking of accounts, vouchers bills and other records and stores pertaining to the Board or regional Offices thereunder. (5) The Member-Secretary may withhold any payment: Provided that as soon as may be after such withholding of payment the matter shall be placed before the Board for its approval. (6) The Member-Secretary shall make all arrangements for holding meetings of the Board and meetings of the Committees constituted by the Board. (7) All orders, or instructions to be issued by the Board shall be under the signatures of the Member-Secretary or of any other officer authorized in this behalf by the Chairman. (8) The Member-Secretary shall authorize, sanction or pass all payments against allotments made or estimates sanctioned. (9) The Member-Secretary shall write and maintain confidential reports of all Officers of the Board and shall get them countersigned by the Chairman. (10) The Member-Secretary shall countersign the Confidential Reports of all the Subordinate Ministerial and Class IV Employees of the Board. (11) (i) The Member-Secretary sanction the Annual Increments of all Officers of the Board, provided that the increments of Officers shall be withheld only with the approval of the Chairman. 1[(ii) The Annual Increments of other employees of the Board not referred to in clause(i) shall be sanctioned by the Officers authorized in this behalf by the Member-Secretary provided that the increments shall be withheld only with the approval of the Member-Secretary. (2) The Member-Secretary shall exercise such other powers and perform other functions as may be delegated to him from time to time either by Board or by the Chairman.

## CHAPTER 4

### Temporary Association of Persons with State Board

#### **9. Manager and purpose of association of persons with State Board :-**

The State Board may invite any person, whose assistance or advice it considers useful to obtain in performing any of its functions to participate in the deliberations of any of its meetings. The traveling allowance to the person associated will be allowed as per Board Rules provided in Rule 5.

## CHAPTER 5

### Chapter V

#### **10. Appointment of Consulting Engineer :-**

For the purpose of assisting the board in the performance of its functions the Board may appoint a Consulting Engineer to the Board for a specified period not exceeding four months: Provided that the Board, may with the prior approval of the State Government extend the period of the appointment from time to time: Provided further that if at the time of the initial appointment the Board had reason to believe that the services of the Consulting Engineer would be required for a period of more than four months, the State Board shall not make the appointment without the prior approval of the State Government.

#### **11. Power to terminate appointment :-**

Notwithstanding the appointment of a Consulting Engineer for a specified period under Rule-10 the State Board shall have the right to terminate the services of the Consulting Engineer before the expiry of the specified period, if in the opinion of the Board the Consulting Engineer 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.

#### **12. Emoluments of the Consulting Engineer :-**

The Board may pay the Consulting Engineer suitable emoluments or fees depending on the nature of work and qualifications and experience of the Consulting Engineer Provided that the Board shall not appoint any person as Consulting Engineer without the prior approval of the State Government, if the emoluments or fees payable to him exceed Rupees two thousand per month.

#### **13. Tours by Consulting Engineer :-**

The Consulting Engineer may 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 as may be 1[specified] by the State Board. He shall, however, get the prior approval of the Member-Secretary to his tour programme.

**14. Consulting Engineer not to disclose information :-**

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

**15. Duties & Functions of the Consulting Engineer :-**

The Consulting Engineer shall discharge such duties and perform such functions as assigned to him by the Board and it will be his duty to advice the Board on all technical matters referred to him by the Board.

**CHAPTER 6**

**Budget of the State Board**

**16. Form of Budget Estimates :-**

- (1) The Budget in respect of the year next ensuing showing the estimated receipts and expenditure of the Board shall be prepared in Forms I, II, III and IV and forwarded to the State Government. (2) The estimated receipts and expenditure shall be accompanied by the budget, estimates for the current year. (3) The Budget shall as far as may be based on the account heards specified in Schedule -- II.

**17. Submission of Budget Estimates to the Board :-**

- (1) The Budget Estimate as compiled in accordance with rule 16 shall be placed by the Member-Secretary before the Board in month of October of each year for approval. (2) After approval of the Budget Estimates by the Board, four copies of the final Budget proposals incorporating therein such modifications as have been decided upon by the board with copies of the schedules shall be furnished to Government by the end of October.

**18. Estimates of Establishment expenditure & Fixed Recurring Expenditure :-**

- (1) The estimates of expenditure on fixed establishment as fixed monthly recurring charges on account of rent, allowance, etc., shall provide for the gross sanctioned pay without deductions of any

kind. (2) To the estimates referred to in sub-rule (1) shall be added a suitable provision for leave salary based on past experience with due regard to the intention of the member of the staff in regard to leave so far as the same can be ascertained. (3) If experience indicates that the total provision for fixed charges referred to in sub-rules (1) and (2) are not likely to be fully utilized, a suitable lump sum deduction shall be made from the total amount estimated.

**19. Re-appropriation & Emergent Expenditure :-**

No expenditure which is not covered by a provision in sanctioned budget estimates, or which is likely to be in excess over the amount provided under any head shall be incurred by the Board without provision being made by re-appropriation from some other head under which savings are firmly established and available.

**20. Power to incur Expenditure :-**

Till the Board frames its own rules, the State Board shall incur expenditure out of the funds received by it in accordance with the General Financial and Accounts Rules of the State Government and other instructions issued by the Government from time to time.

**21. Operation of Fund of the State Board :-**

The fund of the Board shall be operated by the Member-Secretary of the Board 1[ x x x ] or in his absence by any other Officer of the Board who may, subject to the approval of the 2[State Government] be so empowered by the State Board: Provided that for transactions involving a sum of Rs. 10000/- or upwards, the power will be exercised jointly by the Chairman.

**CHAPTER 7**

Annual Report of the State Board

**22. Form of Annual Report :-**

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

**CHAPTER 8**

Account of the State board

**23. Form & Annual Statement of Accounts of the State Board :-**

The annual Statement of Accounts of the State Board shall be in

Forms V to IX.

#### CHAPTER 9

Report of State Board Analyst

#### **24. Form of Report of State Board Analyst :-**

When a sample of any water, sewage or trade effluent has been sent for analysis to a Laboratory established or recognized by the Board, the board analyst appointed under sub-section (3) of Section 53 shall analyse the sample and submit to the Board a report in triplicate in Form X of the result of such analysis.

#### CHAPTER 10

Chapter 10

#### **25. Functions of the State Water Laboratory :-**

The State Water Laboratory shall cause to be analysed any samples of water, sewage or trade effluent received by it from any Officer authorized by the Board for the purpose, and the findings shall be recorded in triplicate in Form XI.

#### **26. Fees for Report :-**

The fees for each such report shall be such as may be notified by the State Government from time to time.

#### CHAPTER 11

Powers and Functions of the Board

#### **27. Power to take samples :-**

The Board or any Officer empowered by it in this behalf shall have power to take for the purpose of analysis samples of water from any stream or well or samples of sewage or trade effluent which is passing from any plant or from over any place into any such stream or well.

#### **28. Form of Notice :-**

A notice under clause (a) of sub-section (3) of section 21 shall be in Form XII.

#### **29. Application for consent :-**

An application for obtaining the consent of the State Board (a) for bringing into use any new or altered outlet for the discharge of sewage or trade effluent into a stream or well or sewer or on land, or; (b) to begin making use of any new discharge or trade effluent into a stream or well or sewer or on land under section 25, or; (c) for containing an existing discharge of sewage or trade effluent into a stream or well or sewer or on land under section 26 of the act

shall be made to the State Board in Form XII. (2) Such application shall be accompanied by the fees as prescribed in the Table below:-

| <b>Sr.</b> | <b>Order of the Slab</b> | <b>Kilo litre of avg. water consumption per day</b> | <b>Fees in Rupees</b> |
|------------|--------------------------|---|-----------------------|
| 1          |                          | 5 or below  | 50                    |
| 2          | More than                | 5 but upto 10                                       | 100                   |
| 3          | More than                | 10 but upto 50                                      | 150                   |
| 4          | More than                | 50 but upto 100                                     | 300                   |
| 5          | More than                | 100 but upto 300                                    | 600                   |
| 6          | More than                | 300 but upto 600                                    | 1000                  |
| 7          | More than                | 600 but upto 1000                                   | 2000                  |
| 8          | More than                | 1000 but upto 3000                                  | 4000                  |
| 9          | More than                | 3000 but upto 6000                                  | 6000                  |
| 10         | More than                | 6000 but upto 10,000                                | 8000                  |
| 11         | More than                | 10,000 but upto 20, 000                             | 10,000                |
| 12         | More than                | 20,000  | 15,000                |

(3) An application not accompanied with the prescribed fee shall not be entertained by the Board. (4) The fee shall be paid through bank draft payable in favour of the State Board.

### **30. Procedure for Making Inquiry in Application for Consent :-**

(1) On receipt of an application for consent under section 25 or section 26 the State Board may depute any of its Officers, accompanied by as many assistants as may be necessary to visit the premises of the applicant to which such application relates for the purpose of verifying the correctness or otherwise of the particulars or informations as such Officer may consider necessary. Such Officer may for the purpose inspect any place where water or sewerage or trade effluents is discharged by the application or treatment plants, purification works or disposal system of the applicant and may require the applicant to furnish to him any plans, specifications and other data relating to such treatments plants, purification works to disposal systems or any part thereof that he considers necessary. (2) Such Officer shall before visiting any premises of the applicant for the purpose of inspection under sub rule (1) above give notice to the applicant of his intention to do so in Form No. XIV. The applicant shall furnish to the officer such necessary information as legitimately required for the purpose. (3) An Officer of the board may, before or after carrying out an inspection under sub rule (1) above require the applicant to furnish to him in writing such additional information or clarification or to produce before him documents, as he may consider necessary for

the purpose investigation of the application and may for that purpose summon the applicant or his authorized agent to the Officer of the State Board.

## CHAPTER 12

### Procedure for Transaction of Business

#### **31. Notice of Meetings :-**

(1) Meeting of the Board shall ordinarily be held at Jaipur on such dates as may be fixed by the Chairman. (2) The Chairman shall, upon the written request of not less than five members of the Board or upon a direction of the State Government call a special meeting of the Board. (3) Seven clear days notice of an ordinary meeting and three clear days notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted therein shall be given by the Member-Secretary to the Members. (4) Notice of a meeting may be given to the Members by delivering the same by messenger or sending it by Registered Post to his last known place or in such other manner as the Chairman may in the circumstance of the case thinks fit. (5) No members shall be entitled to bring forward for consideration of the meeting any matter of which he has not given 10 clear days notice to the Member-Secretary unless the Chairman in his discretion permits him to do so. (6) The State Board may adjourn any meeting from day to day or any particular day and no such fresh notice shall be required for any adjourned meeting. (7) No proceeding shall be invalidated merely on the ground that the provision in this relating to notice is not complied with on account of any technical defect.

#### **32. Presiding officer :-**

Every meeting shall be presided over by the Chairman and in his absence by a Chairman for the meeting to be elected by the Members present from amongst themselves.

#### **33. 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 Presiding Officer shall have a second or casting vote.

#### **34. 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 Presiding Officer shall adjourn the

meeting and if quorum is not present, the Presiding Officer shall adjourn the meeting and if quorum is not present on the expiration of fifteen minutes from such adjournment the Presiding Officer shall adjourn the meeting to such hour on the following or on some other future date as he may fix. (3) No quorum shall be necessary for the adjourned meeting. (4) No matter which had not been on the agenda of the original meeting shall be discussed at such adjourned meeting (5) No fresh notice shall be required for the adjourned meeting.

**35. Minutes :-**

(1) Record shall be kept of the names of members who attend the meeting and of the proceedings of the meeting in a book to be maintained for the purpose by the member-secretary. 1[(2) The minutes of the previous meeting shall be circulated with the Agenda at the beginning of every succeeding meetings. The Minutes shall be confirmed and signed by the Presiding Officer at such meeting. (3) the proceedings shall be open to inspection by any member at the Office of the Board during office hours.

**36. Maintaining Order at Meeting :-**

The Presiding Officer shall preserve order at a meeting.

**37. x x x :-**

**38. Order of business :-**

(1) As far as possible at any meeting business shall be transacted in the order in which it is entered in the Agenda. (2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting the Presiding Officer or a Member may suggest a change in the order of business as entered in the Agenda and if the 1[majority of members agree] such a change shall take place.

**39. Procedure for transaction of Business of Committees constituted by the Board :-**

(1) The time and place of the meeting of the Committee constituted by the Board under sub-section (1) of section 9 shall be as specified by the Chairman. (2) The quorum for a meeting of a Committee constituted under sub-section (1) of section 9 shall comprise at least three Members of the Committee. (3) Subject to sub-rule(1) and sub-rule(2), the meetings of any of the Committees constituted under sub-section (3) of section 9 shall, as far as may be governed by the rules applicable to the meetings of

the Board. Foot Notes: 1. Subs. By Noti. Dt. 18-2-1981 w.e.f. 16-4-1981. 2. Deleted by Noti. Dt. 18-2-1981 w.e.f. 16-4-1981. 3. Subs. By Noti.No. F. 27(5) MPH/Gr. IV/75/Pt. 1/, DT. 1-12-1983; Pub. In Raj Gaz. Ext., Pt. IV-C (I)dt. 2-12-1983, P.251 4. Rule 37 deleted by Noti. Dt. 18-2-1981 w.e.f. 16-4-1981.