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THE JAMMU AND KASHMIR KAHCHARAI ACT, 2011

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

G.S.R. 712 (E), dated the 18th November, 1982 – In exercise of the powers conferred by Sec. 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) 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;
 - (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 this Act;
 - (h) “year” means the financial year commencing 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.

COMMENT

General principle of construction – There is one principle on which there is complete unanimity of all the Courts in the world this is that where the words or the language used in a statute are clear and cloudless, plain, simple and explicit, unclouded and unobscured, intelligible and pointed so as to admit of no ambiguity, vagueness, uncertainty or equivocation, there is absolutely no room for deriving support from external aids. In such cases, the statute should be interpreted on the face of the language itself without adding, subtracting or omitting words therefrom, where the language is plain, and unambiguous, the Court is not entitled to go behind the language so as to add or supply omission and thus play the role of a political reformer or of a wise counsel to the Legislature.

CHAPTER II

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 writing 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 special meeting specifying the time and the place at which such meeting is to be held and an agenda of the 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 days' notice to the members-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.

COMMENTS

May – The word “may” should not be read as “shall”. The word “shall” does not make the section permissible. The word “shall” cannot be interpreted as “may”. Where the situation and the context warrants it, the word “shall” used in a section or rule of a statute has to be construed as “may”. The power of the Court however, to ascertain the real intention of the Legislature by carefully examining the scope of the statute to find out whether the provision is directory or mandatory remains unimpaired.

4. Presiding Officers – Every meeting shall be presided over by the Chairman and in his absence, by a presiding officer to be 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.

COMMENT

Sub-rule (2) enables the Chairman or presiding officer to have a second or casting vote in case of an equality of votes.

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 officer shall adjourn 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 meeting.

7. Minutes – (1) Record of the proceedings of every meeting alongwith 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 office 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 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.

11. Procedure for transaction of business of committee constituted by the Board under sub-section (1) of Sec. 11

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

(2) Provisions of Chapter 2 of the rules shall, as far as practicable, apply to the meeting of the committee constituted under Sec. 11.

CHAPTER III

12. Allowances – 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 traveling allowance at such rate as is admissible to a grade 1 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 traveling 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 nay such allowance for the same journey and halts from any other Government source.

CHAPTER IV

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 Sec. 12.- The Central Board may invite any person whose assistance or advice 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 Sec. 12.-

(1) If the person 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 rates as is admissible to a grade 1 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 traveling 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

and traveling allowance 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 V

BUDGET OF THE CENTRAL BOARD

15. Form of budget estimates under Sec. 34.-(1) The form in which and time within which the budget may be prepared and forwarded to the Government shall be as provided in Forms I, II, III and IV of Sch. 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 Sch. II.

COMMENT

Sub-rule (3) requires the budget to be based on the account heads specified in Sch. II.

CHAPTER VI

ANNUAL REPORT OF THE CENTRAL BOARD

16. Form of annual report under Sec. 35.- The annual report in respect of the year last ended giving a true and full account of the activities of the Central Board during the previous financial year shall contain the particulars specified in Sch. III and shall be submitted to the Central Government before 15th May of each year.

CHAPTER VIII

ACCOUNT OF THE CENTRAL BOARD

17. Form of annual statement of accounts of the Central Board under Sec. 36. – The annual statement of accounts of the Central Board shall be in Forms V to IX.

COMMENT

This rule requires that the annual statement of accounts of the Central Board should be given in Form to V to XI.

SCHEDULE-I

FORM-I

CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

Detailed Budget Estimates for the year 19.....

(See rule 15)

ADMINISTRATION

(Expenditure)

Heads of Account	Actuals for the past three years			Sanctioned estimate for the current year 19....	Actuals of last six months i.e. 19....	Actuals of six months of the current year 19...	Revised estimate for the current year 19...	Budget estimate for the next year 19...	Variations between cols. 5&8 19...	Variations between cols. 8&9	Explanations for cols. 10 & 11
	19..	19..	19..								
1	2	3	4	5	6	7	8	9	10	11	12

FORM-II

CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

ESTABLISHMENT

Statement of details of provisions for pay of officers / Establishment for the year 19... . 19...

(See rule 15)

1	2	3	4	5	6	7
Name and Designation	Reference to page of estimate form	<u>Sanctioned pay of the post</u> Minimum / Maximum / Actual pay of the person concerned due on 1st April next year. (a) (b) (c)	Amount of provisions for the year at rate in column 3 (c)	<u>Increment falling due within the year</u> Date of Increment Rate of increment Amount of increment for the year. (a) (b) (c)	Total Provision for the year, i.e. total of cols. 4 & 5 (c)	Remarks

FORM-III
CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION
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	Other allowance	Total
1	2	3	4	5	6	7	8	9	10
TOTAL									

FORM-IV
CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION
(Abstract of nominal rolls)
(See rule 15)

Actual sanctioned strength as on Ist March, 19...	Particulars of post	Sanctioned Budget Grant 19... 19...		Revised Estimates 19... 19...		Budget Estimates 19... 19...		Explanation for the difference between sanctioned Budget Grant. Revised Estimates and Budget Estimates
		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	9
	I. <i>Officers</i> a) Posts filled b) Post vacant c) Total I Officers II. <i>Establishment</i> a) Posts filled b) Post vacant c) Total II Establishment III. <i>Class IV</i> d) Posts filled e) Post vacant a) Total III Class IV							
	GRAND TOTAL-I, II and III							

AIR (PREVENTION & CONTROL OF POLLUTION) RULES, 1982.

**SCHEDULE-II
BUDGET AND ACCOUNT HEADS
[SEE RULE 15 (3)]**

**ADMINISTRATION
HEAD 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, sympathy 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. Payment of Central Government.
 2. Fees.
 3. Fines and other receipts.
-

SCHEDULE-III

(See rule 16)

CENTRAL POLLUTION CONTROL BOARD ANNUAL REPORT FOR THE FINANCIAL YEAR APRIL, 1, 19... TO March 31, 19.....



CHAPTER-1	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	Direction given for closure of polluting industrial units.
CHAPTER-12	Finance and accounts of the Board.
CHAPTER-13	Annual plan for the following year.
CHAPTER-14	Any other important matter dealt with by the Central Board.

ANNEXURES

1. Member of the Board.
 2. Organization chart.
 3. Staff Strength including recruitment.
 4. Publications.
 5. Training Courses / Seminars / Workshops organized or attended.
 6. Consents to establish industries, operations processes-issued / refused.
 7. Consents to operate industries operations & processes-issued / refused.
-

Form -V

CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION
 Receipts and payments for the year ended
 (See rule 17)

Previous year	Receipts	Previous Year	Payments
(1)	(2)	(3)	(4)
Opening Balance.....		1. Captial Expenditure.....	
1. Grants received.....		(i) Works.....	
a) From government		(ii) Fixed Assets.....	
b) From other agencies.....		(iii) Other Assets.....	
II. Fees		a) Laboratory Equipment.....	
		b) Vehicles.....	
		c) Furnitures and Fixtures.....	
		d) Scientific instrument	
		and office appliances.....	
		e) Tools and Plants.....	
III. Fines and Forfeiture		2. Revenue Expenditure.....	
IV. Interest or investments		(A) Administrative.....	
		i) Pay of Officers.....	
		ii) Pay of Establishment.....	
		iii) Allowances and Honorari.....	
		iv) Leaves salary and	
		pension contributions.....	
		v) Contingent Expenditure	
V. Miscellaneous Receipts.		Deduct Recoveries.....	
		(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) Buildings and Land Drainage	
		including rents, if any.....	
		ii) Works.....	
		iii) Furnitures and Fixtures.....	
		iv) Scientific Instruments and	
		office Appliances.....	
VI. Miscellaneous Advances.	Total _____		

Previous year	Receipts	Previous Year	Payments
(1)	(2)	(3)	(4)
		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.

FORM-VI

CENTRAL BOARD FOR MPREVENTION AND CONTROL OF WATER POLLUTION

ANNUAL STATEMENT OF ACCOUNTS

Income 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-Head
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 and Honorarium				less:			
iv) Leave salary and pension				Amount utilized for capital			
Contributions				Expenditure.			

v) Board's contribution to the staff provident fund	Net grant available for revenue expenditure
vi) Contingent 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 investment
(C) Running and Maintenance of vehicles.	(VI) Miscellaneous Receipts
(D) Maintenance and repairs:	(VII) Excess of expenditure over income.
(i) Building and Land Drainage	
(ii) Works	
(iii) Furniture and Fixtures	
(iv) Scientific instruments and office appliances	
(v) Tools and plants.	Total _____

FORM-VII

CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

ANNUAL STATEMENT OF ACCOUNTS

Income 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-Head
1	2	3	4	5	6	7	8
A-Capital Fund-				1. Works-			
(i) Grants received from Government for capital expenditure				(As per Form VIII)			
a) Amount utilized up to 31 st March, 19....				2. Fixed Assets			
b) Un-utilised balance on 31 st March, 19.....				(As per Form IX)			
(ii) Grant for other agencies				a) Value of land provided by Government (at cost).			
				b) Buildings-			

For capital expenditure		Balance as per last
a) Amount utilized up to 31 st March, 19....		balance-sheet
b) Un-utilised balance on 31 st March, 19.....	Total	<u>Additions during the year</u>
(iii) Value of land provided by Government (per contra)		
B-Capital receipts-		Less :
C- (i) Deposits received for Works from outside bodies		Depreciation during the year
Deposits	Total	
Less expenditure		
(ii) Other deposits		3. Other Assets-
D- Amounts due-		(As per Form IX)
(i) Purchases	(a)	Laboratory Equipment
(ii) Others		as per last balance-sheet
E-Excess of income over expenditure-		<u>Additions during the year</u>
(i) Upto 31 st March, 19....	Total	
	Less :	

1	2	3	4	5	6	7	8
(ii)	Add for the year.			Description during the year			
(iii)	Deduct-excess of expenditure			Total			
	Over income			(b) Vehicles as per last			
				Balance sheet			
				Additions during the year	: _____		
				Total	: _____		
				Less: Depreciation during the	: _____		
				Year	: _____		
				Total	: _____		
				(c) Furniture and Fixtures	: _____		
				As per last balance-sheet	: _____		
				Additions during the year	: _____		
				Total	: _____		
				(d) Scientific instruments and	: _____		
				Office appliances-	: _____		
				As per last balance-sheet	: _____		
				Additions during the year	: _____		
				Total	: _____		
				(e) Tools and plants-	: _____		
				As per last balance-sheet	: _____		
				Additions during the year	: _____		
				Total	: _____		
				Less: Depreciation during the year	: _____		
				Total	: _____		
			4.	Sunday debtors-			
				(i) Amount due from outside			
				Bodies from 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	: _____		
				Total	: _____		
					: _____		

Accounts Officer

Member Secretary

Chairman

FORM VIII
CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION
ANNUAL STATEMENT OF ACCOUNTS

Expenditure on works as on 31st March, 19.....

(item I-Assets of the Balance-sheet)

(See rule17)

Sl. No.	Name of work	Upto 31 st March, 19.....			During the year 19.....			Upto 31 st March, 19.....		
		Direct Expenditure	Overhead charges	Total expenditure	Direct Expenditure	Overhead charges	Total expenditure	Direct Expenditure	Overhead charges	Total expenditure
Total										

Accounts Officer

Member Secretary

Chairman

FORM IX
CENTRAL BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION
ANNUAL STATEMENT OF ACCOUNTS

Fixed Assets as on 31st March, 19..... (item 2 Assets of the Balance-Sheet)

Other Assets as on 31st March, 19..... (item 3 Assets of the Balance-Sheet)

(see rule 17)

Sl. No.	Particulars of Assets	Balance as on 31 st March, 19.....	Addition during the year	Total	Depreciation during the year	Sales or write-off during the year	Balance as on 31 st March, 19.....	Cumulative Depreciation as on 31 st March, 19...
Total								

Accounts Officer

Member Secretary

Chairman

Notes:

1. National Ambient Air Quality Standard: The levels of air quality necessary with an adequate margin of safety, to protect the public health, vegetation and property.
2. Whenever and wherever two consecutive values exceed the limit specified above for the respective category, it would be considered adequate reason to institute regular / continuous monitoring and further investigations.
3. The State Government / State Board shall notify the sensitive and other areas in the respective States within a period of six months from the date of notification of National Ambient Air Quality Standards.

Notes:

1. National Ambient Air Quality Standard: The levels of air quality necessary with an adequate margin of safety, to protect the public health, vegetation and property.
2. Whenever and wherever two consecutive values exceed the limit specified above for the respective category, it would be considered adequate reason to institute regular / continuous monitoring and further investigations.
3. The State Government / State Board shall notify the sensitive and other areas in the respective States within a period of six months from the date of notification of National Ambient Air Quality Standards.

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

G.S.R. (E), dated the 21st December, 1983-In exercise of the powers conferred by Sec. 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.

(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) "Appellant Authority" means an Appellate Authority constituted by the Central Government under sub-section (1) of Sec. 31 of the Act;
- (d) "Board" means the Central Board for the Prevention and Control of Water Pollution constituted under Sec. 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 Sec. 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 Sec. 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 Sec. 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 a consultant for a specific period not exceeding six months:

Provided that the Chairman may, with 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.

COMMENTS

Similar provisions relating to power to terminate appointments are found in rule 22 of the AP. Air (Prevention and Control of Pollution) Rules, 1982, in rule 4 of the Air (prevention and Control of Pollution) (Union Territories) Rules, 1983 and in rule 21 of the UP. Air (Prevention and Control of Pollution) Rules, 1983. AP. Rules empower the Board to terminate on unsatisfactory discharge of duties or in public interest but according to Union Territories Rules for the termination of persons appointed with prior approval of the Central Government, prior approval of Central Government is necessary whereas U.P. Rules authorise the Chairman to terminate if in his opinion it becomes desirable.

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:

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 traveling 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 subsection (1) of Sec. 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;
- (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 Sec. 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. 2,00,000 but not exceeding Rs. 1 crore	1,000
(iv) exceeding Rs. 1 crore	2,000

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

COMMENTS

Rule 29 of the A.P. (Air Prevention and Control of Pollution) Rules, 1982, rule 9 of the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983 and rule 27 of the U.P. Air (Prevention and Control of Pollution) Rules, 1982 deal with the same point with the difference that whereas according to A.P. Rules the fee is to be prescribed by the Board the fee according to other rules are prescribed in those rules. Further UP. Rules prescribe the contents and other procedure relating to consent application whereas the other two rules content themselves by prescribing fee only.

10. Procedure for making enquiry on application seeking consent.-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 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 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 Sec. 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.

COMMENTS

The rule enumerates the authorities to be informed in the circumstances mentioned in Sec. 23 (1) of the Act.

CHAPTER VI

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 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 Board or any officer empowered by the Board in this behalf to suit the

13) Form of notice.-Every notice under sub-section (3) of Sec. 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 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 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 of Rs. 200 for each of the Report.

COMMENT

This rule makes provision for the analysis of the samples and fee therefor.

16. Qualification of 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 Sec. 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 authorized 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 Sec. 21,

(iii) any document relating to the appeal, and

(iv) a satisfactory proof of the payment of fees specified in Cl. (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 the such Authority by registered post. When the appeals 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 VIII. While giving such notice to the Board, a copy of the appeal, together with its enclosures, 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 have been granted under Sec. 21.

20. Functions to be performed by the Board.-In addition to the functions specified in sub-sections (1) of Sec. 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. .

CHAPTER IX

20-A. Directions.-(1) Any direction issued under Sec. 31-A shall be in writing, 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 the 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 Government 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.

(6) In a case where the Central Government 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 his Head of the Department and also to the Secretary to the Government, as the case may be, incharge 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, to which it relates, or

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

Explanation-For the purposes 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.

20-B. Manner of giving notice – The manner of giving notice under CI. (b) of sub-section (1) of Sec. 43 shall be as follows, namely: -

- (i) The notice shall be in writing in Form IX.
- (ii) The person giving notice may sent it to -
 - (a) Board, and
 - (b) Ministry of Environment and Forests (represented by Secretary, Government of India).
- (iii) Notice shall be sent by registered post acknowledgment due; and
- (iv) Period of sixty days mentioned in clause (b) of sub-section (1) of sec. 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 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.

BUDGET AND ACCOUNT HEADS
[SEE RULE 15 (3)]
ADMINISTRATION
HEAD 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, sympathy allowances, etc.
12. Pensions / gratuities.
13. Write off / losses.
14. Suspense's
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. Payment of Central Government.
2. Fees.
3. Fines and other receipts.

[SCHEDULE III

(See rule 16)

CENTRAL POLLUTION CONTROL BOARD ANNUAL REPORT FOR

THE FINANCIAL YEAR APRIL, 1, 19..... TO MARCH 31, 19.....

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.
CHAPATER – 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. Organization chart.
3. Staff Strength including recruitment.
4. Publications
5. Training Courses / Seminars / Workshops organized or attended.
6. Consents to establish industries, operations processes – issued / refused.
7. Consents to operate industries operations & processes – Issued / refused.]