

Bill No. 114 of 2012

THE WATER (PREVENTION AND CONTROL OF POLLUTION)
AMENDMENT BILL, 2012

By

SHRI BHARTRUHARI MAHTAB, M.P.

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BILL

further to amend the Water (Prevention and Control of Pollution) Act, 1974.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Water (Prevention and Control of Pollution) Amendment Act, 2012.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

6 of 1974.

2. In section 2 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the principal Act) —

Amendment of section 2.

(i) the existing clause (a) shall be re-numbered as clause (aa) and before clause (aa) as so re-numbered, the following clause shall be inserted, namely:—

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'(a) "Authority" means in the case of a State, the State River Conservation Authority constituted under section 18B, and in all other cases, the National River Conservation Authority constituted under section 18A;'; and

(ii) after clause (gg), the following clause shall be inserted, namely:—

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“(gga) ‘sewerage authority’ means a corporation, municipality or any other authority, by whatever name called, which is responsible for collection, treatment and disposal of sewage;”.

Amendment of section 16.	3. In section 16 of the principal Act, in sub-section (2), in clause (g), for the words "lay down, modify or annul", the words "subject to the provisions of section 18D, lay down, modify or annul" shall be substituted.	
Amendment of section 17.	4. In section 17 of the principal Act, in sub-section (1), in clause (g), for the words "to lay down, modify or annul effluent standards for the sewage and trade effluents", the words "subject to the provisions of section 18D, to lay down, modify or annul effluent standards for the sewage and trade effluents" shall be substituted.	5
Insertion of new Chapter VIA.	5. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—	
	"CHAPTER VI A	10
	NATIONAL AND STATE RIVER CONSERVATION AUTHORITIES	
Constitution of National River Conservation Authority.	18A. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the National River Conservation Authority. (2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power, to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued. (3) The Authority shall consist of— (a) a Chairperson; and (b) not more than five members, to be appointed by the Central Government. (4) The Chairperson and the members shall be selected from amongst persons who have practical knowledge and experience in the field of environment conservation and advocacy on environmental matters.	15
Constitution of State River Conservation Authority.	18B. (1) Each State Government shall, by notification in the Official Gazette, constitute a State River Conservation Authority: Provided that two or more States may agree to constitute a single authority with such terms and conditions as the State Governments may prescribe. (2) The Authority shall be a body corporate, having perpetual succession and common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued. (3) The Authority shall consist of— (a) a Chairperson; and (b) not more than three members, to be appointed by the State Government. (4) The Chairperson and the members shall be selected from amongst persons who have practical knowledge of and experience in environment conservation and advocacy on environmental matters.	25
Assessment of sewage treatment capacity.	18C. The National River Conservation Authority and the State River Conservation Authorities shall carry out periodic assessment of requisite sewage treatment capacity and, where there is capacity deficit, recommend to the Central Government or the State Government, as the case may be, to enhance sewage treatment capacity to such an extent that the installed capacity is commensurate with the quantum of sewage generated.	40
Laying down parameters for sewage effluent quality.	18D. Notwithstanding anything contained in this Act, the State River Conservation Authority, in the case of a State, and the National River Conservation Authority, in case of Union territories, shall lay down parameters for effluent quality in sewage treatment plants: Provided that different parameters may be laid down for different States and Union territories or parts within a State or a Union territory.	45

18E. (1) The Chairperson and every member of the National River Conservation Authority and the State River Conservation Authority shall hold office for a term of five years and shall be eligible for reappointment.

Term of office, salaries, and allowances of Chairperson and members of National River Conservation Authority and State River Conservation Authority.

(2) Notwithstanding anything in sub-section (1), the Chairperson and the members of the National River Conservation Authority and the State River Conservation Authority shall not be eligible to hold office after attaining the age of seventy years.

(3) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and the members of the National River Conservation Authority and the State River Conservation Authority shall be such as may be prescribed by the Central Government:

Provided that the salary and allowances and other terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage during their tenure.

(4) The Chairperson and members of the National River Conservation Authority or the State River Conservation Authority may be removed from office only on the ground of proved misbehaviour or incapacity:

Provided that the State Government shall consult the National River Conservation Authority before removing the Chairperson or a member of a State River Conservation Authority.

18F. The power to inspect sewage effluent and sewage treatment plants, to take sewage samples and other information, to review plants, specifications or other details relating to such plants, and to evolve methods of treatment and disposal of sewage shall be exercised by the Board under the superintendence, supervision and control of the National River Conservation Authority or the State River Conservation Authority, as the case may be.”.

Superintendence and control over certain functions of Board.

6. In section 24 of the principal Act,—

Amendment of section 24.

(i) in clause (a) of sub-section (1), for the words “laid down by the State Board”, the words “laid down by the State Board or the National River Conservation Authority or the State River Conservation Authority, as the case may be,” shall be substituted; and

(ii) in sub-section (3), the following proviso shall be added at the end, namely:—

“Provided that no exemption under this sub-section shall be granted to a sewerage authority except with the prior approval of the National River Conservation Authority or the State River Conservation Authority, as the case may be.”.

7. In section 34 of the principal Act, for the words “contributions to the Central Board as it may think necessary to enable the Board to perform its functions”, the words “contributions to the National River Conservation Authority and the Central Board as it may think necessary to enable the Authority and the Board to perform their functions” shall be substituted.

Amendment of section 34.

8. In section 35 of the principal Act, for the words “contributions to the State Board as it may think necessary enable the Board to perform its functions”, the words “contributions to the State River Conservation Authority and the State Board as it may think necessary to enable the Authority and the Board to perform their functions” shall be substituted.

Amendment of section 35.

9. In section 43 of the principal Act, for the words “one year and six months but which may extend to six years and with fine”, the words “two years but which may extend to ten years and with fine” shall be substituted.

Amendment of section 43.

Amendment of section 44. **10.** In section 44 of the principal Act, for the words “one year and six months but which may extend to six years and with fine”, the words “two years but which may extend to ten years and with fine” shall be substituted.

Amendment of section 45. **11.** In section 45 of the principal Act, for the words “shall not be less than two years but which may extend to seven years and with fine”, the words “shall not be less than three years but which may extend to twelve years and with fine” shall be substituted. 5

STATEMENT OF OBJECTS AND REASONS

The level of pollution in rivers across India has been on the rise despite the launch of dedicated projects to cleanse rivers. Among various causes of pollution of rivers and streams, municipal sewage is today a major contributor. It is ironical that while new projects are being conceived to effectively cleanse our rivers, various authorities are adding to the problem by discharging untreated sewage into rivers.

The main cause for discharge of sewage into rivers is the lack of treatment capacity. Even after spending huge funds under various action plans, there is a huge deficit in treatment capacity. To make matters worse, the existing treatment plants are being underutilized resulting in inefficient treatment of sewage. The Central and the State Boards constituted under the Water (Prevention and Control of Pollution) Act, 1974 have not been able to make much headway in checking water pollution caused by municipal sewage.

Therefore, in view of alarming level of pollution of rivers in India and increasing contribution of municipal sewage is accentuating the problem, the Bill proposes to amend the Water (Prevention and Control of Pollution) Act, 1974 to achieve the following objectives:—

(i) constitution of the National River Conservation Authority and the State River Conservation Authorities to lay down parameters for effluent quality for sewage treatment plants and to supervise and control the functions of the Central Board and the State Boards in preventing water pollution caused by sewage;

(ii) assessment of requirement of sewage treatment capacity by National River Conservation Authority and the State River Conservation Authorities so as to facilitate further capacity creation to bridge the gap between the existing capacity and the required capacity;

(iii) making prior approval of the National River Conservation Authority or the State River Conservation Authority compulsory for granting exemption to a sewerage authority for using a stream or a well for disposal of polluting matters, etc.; and

(iv) prohibiting discharge of sewage and other polluting matters into a stream and providing rigorous penalties for contravention of the provisions of the Act.

Hence this Bill.

NEW DELHI;
September, 3, 2012.

BHARTRUHARI MAHTAB

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the constitution of the National River Conservation Authority. Clause 7 provides that the Central Government shall make such contributions to the National River Conservation Authority as it may think necessary to enable the Authority to perform its functions.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

ANNEXURE

EXTRACT FROM THE WATER (PREVENTION AND CONTROL OF POLLUTION)
ACT, 1974
(6 OF 1974)

*	*	*	*	*	*	*
	2.	In this Act, unless the context otherwise requires,—				Definitions
		(a) "Board" means the Central Board or a State Board;				
*	*	*	*	*	*	*
	16.	(1)	*	*	*	*
		(2)	*	*	*	*
		(g) lay down, modify or annual, in consultation with the State Government concerned, the standards for a stream or well:				
		Provided that different standards may be laid down for the same stream or well or for different steams or wells, having regard to the quality of water, flow characteristics of the stream or well and the nature of the use of the water in such stream or well or streams or wells;				
*	*	*	*	*	*	*
	17.	(1)	*	*	*	*
		(g) lay down, modify or annual effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;				Functions of State Board
*	*	*	*	*	*	*
	24.	(1) Subject to the provisions of this section,—				Prohibition on use of stream or well for disposal of polluting matter, etc.
		(a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any stream or well or sewer or on land; or				
*	*	*	*	*	*	*
		(3) The State Government may, after consultation with, or on the recommendation of, the State Board, exempt, by notification in the Official Gazette, any person from the operation of sub-section (1) subject to such conditions, if any, as may be specified in the notification and any condition so specified may by a like notification and be altered, varied or amended.				
*	*	*	*	*	*	*
	34.	The Central Government may, after due appropriation made by Parliament by law in this behalf, make in each financial year such contribution to the Central Board as it may think necessary to enable the Board to perform its functions under this Act.				Contributions by Central Government.
	35.	The State Government may, after due appropriation made by the Legislature of the State by law in this behalf, make in each financial year such contributions to the State Board as it may think necessary to enable that Board to perform its functions under this Act.				Contributions by State Government.
*	*	*	*	*	*	*

Penalty for
contravention
of provisions
of section 24.

43. Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.

Penalty for
contravention
of section 25
or section 26.

44. Whoever contravenes the provision of section 25 or section 26 shall be punishable with imprisonment for a term which shall not be less than¹ [one year and six months] but which may extend to six years and with fine.

Enhanced
penalty after
previous
conviction.

45. If any person who has been convicted of any offence under section 24 or 25 or section 26 is again found guilty of an offence involving a contravention of the same provision, he shall, on the second and on every subsequent conviction, be punishable with imprisonment for a term which shall not be less than¹ [two years] but which may extend to seven years and with fine:

Provided that for the purpose of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

LOK SABHA

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BILL

further to amend the Water (Prevention and Control of Pollution) Act, 1974.

(Shri Bhartruhari Mahtab, M.P.)