

The Water (Prevention and Control of Pollution) Cess Rules, 1978

MINISTRY OF WORKS AND HOUSING

NOTIFICATION

New Delhi, the 24th July, 1978

G.S.R. 378(E)-In exercise of the powers conferred by section 17 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement - (a) These rules may be called the Water (Prevention and Control of Pollution) Cess Rules, 1978;

(b) 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 Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977);

(b) "assessing authority" means-

(i) in relation to a Union Territory the Member Secretary of the Central Pollution Control Board or any person or body of person as the Central Government may specify, and]

(ii) in relation to a State, the member-secretary of the State Board.

(c) "consumer" means a person or local authority by whom the cess under sub-section (1) of section 3 is payable under sub-section (2) of that section;

(d) "form" means a form annexed to these rules;

(e) "section" means a section of the Act;

(f) "State Government", in relation to a Union Territory, means the Administrator thereof appointed under article 239 of the Constitution.

3. Standards of the meters and places where they are to be affixed - (1) For the purposes of measuring and recording the quantity of water consumed, every consumer shall affix water meters, venturi meters or orifice meters with integrators and recorders in conformity with the standards laid down by the Indian Standards Institution and where no standards have been laid down by that institution in conformity with such standard as may be specified by the Board.

(2) Wherever the meters referred to in sub-section (1) are not available, the consumer shall install Vee notches or rectangular notches with indicators and records or pressure gauges and pumping installations, after permission of the assessing authority.

(3) Every consumer shall provide a separate meter for assessing the quantity of water used for each of the four purposes mentioned in column (1) of Schedule II to the Act.

(4) The meters shall be affixed at the entrance of the water supply connections within the premises of the consumer or at any other place to be approved by the assessing authority, so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act:

Provided that the place where the meter is affixed shall, in no case be at a point before which water has been tapped by the consumer for utilisation for any purpose whatsoever.

4. Furnishing of returns -[(1) Every consumer shall furnish on or before the 5th of every calendar month, to the assessing authority, a return in Form 1 showing the quantity of water consumed in the previous month.]

(2) If the Consumer fails to submit the return as specified in sub-rule (1) the assessing authority or the officer authorized in this regard shall issue a notice in Form IA.]

5. Manner of payment of the cess to the Central Government and the time within which it shall be paid - (1) Every State Government shall remit to the Central Government, the amount of cess collected from the consumer before the 10th day of the calendar month succeeding, the month in which it is collected from the consumer.

- The amount of cess referred to in sub rule (1) shall be remitted to the Central Government in the form of a bank draft in favour of the Pay and Accounts Officer, Ministry of Works and Housing, New Delhi in whose books of accounts, the receipts would be adjusted finally.

(3) On receiving the bank draft, the Ministry of Works and Housing shall remit through a Challan into the Reserve Bank of India, New Delhi, for the purpose of crediting under relevant Major Head.

6. Rebate - Where a consumer installs any plant for the treatment of sewage or trade effluent, such consumer shall be entitled to the rebate under section 7 on and from the expiry of fifteen days from the date on which such plant is successfully commissioned and so long as it functions successfully.

Provided that a Consumer shall not be entitled to the rebate if he:

- Consumes water in excess of the maximum quantity specified in column (3) of the First Schedule appended to these rules for the category of industries specified in the corresponding entry in column (3) relating to the specified industry given in column (2) thereto or
- Fails to comply with any of the provisions, of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or any of the standards laid down by the Central Govt. under the Environment (Protection) Act, 1986 (29 of 1986).]

7. Powers to be exercised by the Officer or the Authority of the State Government under section 9 - The Officer or authority of the State Government specially empowered under section 9 shall have, in addition to the powers referred to in clauses (a) and (b) of that section, the power to:-

- (i) inspect the manufacturing process or plants of the consumer;
- (ii) inspect the water supply systems and installations in the plant of the consumer,
- (iii) inspect waste treatment system and installations in the plant of the consumer,
 - inspect the drainage system and installations, including storm water disposal in the plant of the consumer;
 - call for and inspect records relating to the use and consumption of materials and water, and those relating to production, in the plant of the consumer;
- (vi) call for and inspect the records relating to power consumption in the plant of the consumer, and
- (vii) call for any other information or records relating to the supply, consumption and treatment of water in the plant of the consumer;

8. Authority to impose penalty under section 11 - The authority to impose penalty under section 11 shall be the assessing authority.

9. Appeal - (1) Any consumer aggrieved by an order of assessment made under section 6 or by an order imposing penalty made under section 11 may appeal in Form 11 annexed hereto, to a Committee (hereinafter referred to as the appellate committee) consisting of -

- where the assessing authority, is the member-secretary of the Central Board, the Chairman of the Board, who shall be the Chairman of the committee, and two members of that Board, to be nominated by the Chairman thereof;
- where the assessing authority is the member-secretary of the State Board, the Chairman of that Board who shall be chairman of the Committee, and two members of that Board, to be nominated by the Chairman thereof.
- Such appeal shall state the facts of the case and the grounds relied upon by the appellant for preferring the appeal and shall be accompanied by a copy of the order of assessment made under section 6 or a copy of the order imposing penalty made under section 11, as the case may be.
- Such appeal shall be preferred within a period of thirty days from the date of communication of the order of assessment or the order imposing penalty on the appellant:

Provided that if the Chairman of the appellate Committee is satisfied that there was good and sufficient reason for the delay in preferring the appeal, he may, for reasons to be recorded in writing allow the appeal to be preferred after the expiry of the aforesaid period of thirty days and before the expiry of forty-five days from the date of communication of the order of assessment, or the order imposing penalty, on the appellant.

(4) Every appeal shall be accompanied by a fees of rupees fifty.

[No. Q. 17013/1/78-EPC]

MIR NASRULLAH, Jt. Secy.

1. Substituted by Rule 2 of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1991 Published in the Gazette Notification No.G.S.R. 504(E) dated 25-7-1991
2. Renumbered by Rule 2 Of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311(E) dated 28.2.1992.
3. Renumbered by Rule 2 Of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311(E) dated 28.2.1992.
4. Added by Rule 3 of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311(E), dated 28.2.1992