



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

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SUBJECT: Environmental Laws

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Lecture-12



LECTURE 12: The Water (Prevention and Control of Pollution) Act, 1974

Introduction

Water pollution is said to have occurred when the pollution load exceeds the natural regenerative capacity of a water resource. It is a very serious problem in India where 70 percent of the sources of surface water, such as rivers and lakes, are polluted and there is an alarming increase in groundwater pollution as well. In light of the fact that surface water and groundwater are the major sources of water supply for different uses, their pollution creates a situation where water may be available in sufficient quantity but there is water scarcity due to quality concerns.

The sources of water pollution can be divided into point sources and non-point (or diffuse) sources – the former include disposal of untreated or partly treated industrial effluents and domestic sewage while the latter include agricultural run-off. Water pollution can also result from encroachments, sand mining, religious activities, dumping of waste, etc.

SALIENT FEATURES OF WATER ACT, 1974

The subject water fall under state list but Central Government in exercise of the power vested in it by resolutions passed by two or more State Legislatures in accordance with Article 252 of the Constitution enacted Water (Prevention and Control of Pollution) Act, 1974.

The main objectives of the Water Act are:

- (i) To prevent and control water pollution.
- (ii) To maintain or restore wholesomeness of water.
- (iii) To establish pollution control board.
- (iv) To confer power & functions to Board for prevention and control of pollution.
- (v) Establishment of Boards for the prevention and control of water pollution
- (vi) Conferring powers on such Boards and assigning functions to such Boards

“pollution” means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any

other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms.

The Water Act establishes the Central Pollution Control Board (CPCB) (at the national level) and the State Pollution Control Board (SPCB) or the Pollution Control Committee (at the State/Union Territory level) to carry out the objectives under the Act.

Composition

S.3 The Central Board shall consist of the following members, namely

- (a) a full-time chairman, being a person having special knowledge or practical experience in respect of matters relating to environmental protection or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;
- (b) such number of officials, not exceeding five, to be nominated by the Central Government to represent that Government;
- (c) such number of persons, not exceeding five, to be nominated by the Central Government, from amongst the members of the State Boards, of whom not exceeding two shall be from those referred to in clause (c) of sub-section (2) of section 4;
- (d) such number of non-officials, not exceeding three, to be nominated by the Central Government, to represent the interests of agriculture, fishery or industry or trade or any other interest which, in the opinion of the Central Government, ought to be represented;
- (e) Two persons to represent the companies or corporations owned, controlled or managed by the Central Government, to be nominated by that Government;