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DEPARTMENT OF SCIENCE, TECHNOLOGY AND ENVIRONMENT  
NOTIFICATION  
The 30<sup>th</sup> November 1983

**S.R.O. No. 848/83-** In exercise of powers conferred by section 64 of Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974) the State Government after consultation with the State Board for the Prevention and Control of Water Pollution, hereby make the following rules.

## CHAPTER-I

### 1. Short title and commencement:

- (1) These rules may be called the "Orissa Water (Prevention and Control of Pollution) Rules, 1983".
- (2) They shall come into force on the date of their publication in the Official Gazette

### 2. Definitions:

- (1) In these rules unless the context otherwise requires-
  - (a) "Act" means the Water (Prevention and Control Pollution) Act, 1974 (Act 6 of 1974).
  - (b) "Board" means the State Board constituted under section-4;
  - (c) "Chairman" means the Chairman of the Board;
  - (d) "Committee" means a Committee constituted under section-9;
  - (e) "Form" means a Form set out in Schedule-1;
  - (f) "State Government" means the Government of Orissa;

- (g) “Schedule” means a Schedule appended to these rules;
- (h) “State Board Laboratory” means a Laboratory established or recognized as such under sub-section (2) of section 17.
- (i) “State Water Laboratory” means a Laboratory established or specified as such under sub-section (1) of section-52;
- (j) “Year” means the financial year commencing on the first day of April;

(2) All other words used in these rules but not defined shall have the meaning assigned to them under Act.

## **CHAPTER-II**

**3.** The terms and conditions of service of the members (other than the Chairman and Member-Secretary) of the Board:

(1) (a) The non-official members of the Board shall be paid Travelling Allowance from the Board’s fund for the journeys performed by them for the purposes of the Board at the rate admissible to Grade-I Government servants of the State Government.

(b) The official members of the Board shall be paid Travelling Allowances and daily allowance from the Board’s fund for the journeys performed by them for the purposes of the Board at the rate admissible to them as Government servant of the State Government.

(2) All non-official members shall be entitled to the payment of a sitting fee of Rs. 50/- (Rupees fifty) only for cash day of engagement by the Board.

## **CHAPTER-III**

**4. The time and place of meetings of the Board:**

(1) Meetings of the Board shall ordinarily be held at the headquarters of the Board on such dates as may be fixed by the Chairman.

(2) The Chairman, shall, upon 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) Fifteen clear days notice for an ordinary meeting and three clear days notice for a ‘Special meetings’ specifying the time and place at which such meeting is to be held and the business to be transacted thereat shall be given by the Member-Secretary to the members.

(4) Notice of a meeting may be given to the members 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 Member-Secretary may in the circumstances of the case, deem fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter to which he has not given ten clear days notice to the Member-Secretary, unless the Chairman, in his discretion, permits him to do so.

(6) The Board may adjourn its meeting from day-to-day or any particular day and no fresh notice shall be required for any adjourned meeting.

(7) No proceeding shall be invalidated merely on the ground that the provision in the rule relating to the notice is not strictly complied with.

**5. Presiding Officer:**

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

**6. 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) A member may appoint another person as his proxy in writing and the person so appointed will have the right to vote at the meeting of the Board.

(3) In case of an equality of votes, the presiding officer shall have a second or casting vote.

**7. 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 a quorum is not present on the expiration of fifteen minutes from such adjournment, the presiding officer shall adjourn the meeting to such hours 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.

**8. Minutes:**

(1) Record shall be kept of the names of members who attended the meeting and of the proceedings at the meeting in a book to be maintained for that purpose by the Member-Secretary.

(2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.

(3) The proceedings shall be open to inspection for any member at the office of the Board during office hours.

**9. Business to be transacted at meeting:**

Except with the permission of the 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 rule 4, shall be transacted at any meeting.

**10. Order of Business:**

At any meeting business shall ordinarily be transacted in the order in which it is entered in the agenda.

**11. Constitution of Committees and procedure for transaction of business of Committees constituted by the Board.**

(1) The time and place of the meetings of the Committees shall be as specified by the Chairman.

(2) The quorum for a meeting of the Committees shall be one-half of the total number of members of the Committee.

(3) Subject to sub-rule (1) and sub-rule (2), the meetings of any of the Committees shall, as far as may be governed by the rules applicable to the meetings of the Board.

## **CHAPTER-IV**

**12. The fees and allowances to be paid to such members of a Committee of the Board, who are not members of the Board:**

A member of a Committee of the Board shall be paid in respect of the meetings of the Committee, travelling allowances and sitting fees if he is a non-official, at the rate specified in rule 3, as if he was a member of the Board, and if he is a Government servant, at the rates admissible under the relevant rules of the State Government under which he is serving.

## **CHAPTER-V**

**13. The matter in which and the purposes for which persons may be associated with the Board:**

(1) The 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 its meetings.

(2) Payment of travelling allowance and daily allowance to such persons would be as if they were non-official members of the Board.

## **CHAPTER-VI**

### **14. The terms and conditions of Service of the Chairman and the Member-Secretary of the Board:**

(1) The Chairman shall be paid an honorarium of Rs. 1,500 per month and Rs. 500 per month as houses rent allowance. When official residential accommodation is not provided to the Chairman of the Board, the Chairman would continue to get this house rent allowance even if he stays in his own house.

(2) In addition to the honorarium prescribed in sub-rule (1) the Chairman may also be paid of allowances including travelling allowance as may be decided by Government.

### **15. Member-Secretary:**

(1) The Member-Secretary shall be paid a monthly pay in the scale of pay approved by the Government on the recommendation of the Board.

(2) In addition to the pay prescribed in sub-rule (1), the Member-Secretary will also be paid any other allowance including travelling allowance as may be decided by Government.

(3) When a Government servant is appointed as Member-Secretary, he shall also be paid deputation allowance admissible under State Government rules in addition to the pay and other allowances mentioned under sub-rule (1) and (2).

## **CHAPTER-VII**

### **16. The powers and duties of the Chairman:**

(1) Subject to the policy and principles approved by the Board, the general management of the affair and business of the Board shall be with the Chairman who shall be responsible for the management of affairs and business of the Board in carrying out its objectives.

(2) (i) The Chairman may undertake tours within India for carrying out the functions of the Board . The Chairman shall be Controlling Authority for journey performed by him within and outside the State.

(ii) The Chairman may, with the prior approval of the Government, visit any country outside India.

(3) The Chairman shall have powers to accord Administrative sanction to all estimates without any financial limit in the allocation made for such purposes in the budget of the Board.

(4) In the matter of acceptance of tenders, the Chairman shall have full powers without any monetary limit.

(5) The Chairman shall have authority to make appointment to posts the maximum in the scale of pay of which does not exceed Rs. 1,000 (Rupees one thousand) provided such appointments are reported to the Board at the next meeting. The Chairman with the previous approval of the Board shall appoint the officers and employees of the Board to posts the maximum in the scale of pay of which exceeds Rs. 1,000.

(6) The Chairman shall have full powers in the matters of promotion, confirmation, transfer of the officers and employees appointed by him. He can exercise the said powers with the previous approval of the Board in respect of officers and employees appointed by him.

(7) The Chairman shall have powers to terminate or remove or suspend or otherwise punish or take disciplinary action against such employee of the Board whom he has authority to appoint and with the previous approval of the Board he can exercise such power in respect of officers and employees appointed by him with previous approval of the Board. Due notice and opportunity to the officers and employees shall be given before taking any such action.

(8) Any appeal against the decision of the Chairman or the decision of the Board under sub-rule (6) and (7) shall lie with the Board and the State Government respectively.

(9) The Chairman shall have power to permit employees of the Board to perform journeys within an outside the State and declare officers under him as controlling officer for regulating traveling allowance claimed.

(10) The annual increments of officers appointed by the Chairman shall be sanctioned by him.

#### **17. Powers and Duties of the Member-Secretary:**

The Member-Secretary shall be subordinate to the Chairman and shall be subject to the control of the Chairman, exercise the following powers, namely:

(1) He may undertake tours within India for the performance of duties entrusted to him by the Board:

Provided that he shall keep the Chairman informed of his tours and obtain prior permission from him for his tours.

(2) He shall be in charge of all the confidential papers of the Board and shall be responsible for preserving them.

(3) He shall produce such papers whenever so directed by the Chairman or by the Board.

(4) He shall make available to any member of the Board, for his perusal any record of the Board.

(5) He shall be entitled to call for the service any officer or employee of the Board, and files, papers and documents for study from any department of the Board at any time

including checking of accounts, vouchers, bills and other records and stores pertaining to the Board or regional office thereunder.

(6) He 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.

(7) He shall make all arrangements for holding meetings of the Board and meetings of the Committee constituted by the Board.

(8) He shall sign all orders or instructions issued by the Board on behalf of the Board.

(9) He shall authorise, sanction or pass and make all payment against estimates sanctioned, within the allocation made for such purposes in the Budget on the Board.

(10) He shall write and maintain confidential reports of all subordinate officers of the Board and shall get them countersigned by the Chairman.

(11) He shall sanction the annual increments of the employees of the Board appointed by him.

(12) He shall have full powers for according technical sanction to all estimates.

(13) He shall exercise such other powers and perform such other functions as may be delegated to him from time to time either by the Board or by the Chairman.

(14) He shall have power to execute contracts deeds, instruments and assurances of property and in particular (a) all service agreements (b) security bonds (c) conveyance, lease of houses, land or other immovable property and (d) assurances required by law or as authorised by the Board.

(15) Subject to approval of the Board, the Member-Secretary shall have power to engage legal advisors. Advocates, Attorneys for protecting or assisting the business of the Board on terms and conditions to be approved by the Board.

(16) He shall have power to make and give receipts, release and other discharge for claims and demand on the Board.

(17) He shall have powers to sanction advertisement charges up to Rs. 2,000 (Rupees two thousand) only in each case subject to a limit of Rs. 5,000 (Rupees five thousand) only per year.

(18) He shall have powers to hire private building on rent for office accommodation provided that in case of hiring a building having a rental charge exceeding Rs. 2,000 (Rupees two thousand) per month, the approval of the Board shall be obtained.

(19) He shall have powers to sanction purchase of books and periodicals subject to a monetary limit of Rs. 5,000 (Rupees five thousand) only per annum.

(20) He shall have powers to purchase office furniture and equipment subject to a maximum of Rs. 20,000 (Rupees twenty thousand) only at a time up to a total limit of Rs. 50,000 (Rupees fifty thousand) only per annum.

(21) He shall have powers to purchase materials and equipments for execution of construction work up to limit of the allotments made from time to time.

(22) He shall have powers to sanction installations of telephones in the office of the Board.

(23) (i) In respect of contracts to be let out by the Board, he shall have powers up to a financial limit of Rs. 50,000 (Rupees fifty thousand) only.

(ii) In respect of works and supplies, he shall have powers to accept quotations up to Rs. 50,000 (Rupees fifty thousand) only at a time.

## **CHAPTER-VIII**

### **18. Appointment and conditions of Service of Consulting Engineer:**

(1) For the purpose of assisting the Board in the performance of its function, 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 Board shall not make the appointment without the prior approval of the State Government.

(2) Notwithstanding the appointment of a Consulting Engineer for a specified period under rule 18, the 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 if such a course of action is necessary in the public interest. Due notice and opportunity for representation against termination to the Consulting Engineer will have to be given.

(3) The Board may pay the Consulting Engineer suitable emoluments or fees depending on the nature of work, and the 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 Rs. 2, 00 (Rupees two thousand) only per month.

(4) The Consulting Engineer may undertake tours within the State 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 admissible to Grade-I officer of the State Government. He shall, however, get prior approval of the Chairman to his tour programme.

(5) 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.

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

## **CHAPTER-IX**

### **19. Power to take samples of effluent by the Board and form of notice:**

(1) 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 vessel or from over any place into any such stream or well.

(2) A notice under clause (a) of sub-section (3) of Section-21 shall be in form 1.

## **CHAPTER-X**

### **20. Reports of the 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 analyze the sample and submit to the Board a report in triplicate in Form-II, on the result of such analysis.

## **CHAPTER-XI**

### **21. Reports of the Government Analyst:**

(1) The Government Analyst shall cause to be analyzed any samples of water, sewage or trade effluent received by him from any officer authorised by the Board for the purpose, and findings shall be recorded in triplicate in Form III.

(2) The fees for each such report shall be such as may be fixed by the State Government Analyst.

## **CHAPTER-XII**

### **22. Application for consent of the Board:**

An application for obtaining the consent of Board for bringing into use any new or altered outlet for the discharge of sewage or trade effluent into a stream or well or for beginning to make any new discharge of sewage or trade effluent into a stream or well under Section 25, or continuing an existing discharge of sewage or trade effluent into a stream or well under section 26 shall be made to the Board in Form IV.

## **CHAPTER-XIII**

### **23. Manner in which enquiry under sub-section 3 of Section 25 may be made in respect of application for obtaining consent of the Board and the matter to be taken into account in granting or refusing such consent:**

(1) On receipt of an application for consent under Section 25 or Section 26, the Board may depute any of its officer, 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 furnished in the application or for obtaining such further particulars or information as such officer may consider necessary. Such officer may, for that purpose, inspect any place where water or sewage or trade effluent is discharged by the applicant or treatment plants, purification works or disposal system of the applicant and may require the applicant to furnish to him any plan specification and other data relating to such treatment plants, purification works or disposal systems or any part thereof, be 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 V. The applicant shall furnish to such officer all facilities that such officer may legitimately require 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, orally or in writing such additional information or clarification or to produce before him such documents, as he may consider necessary for the purpose of investigation of the application and may, for the purpose, summon the applicant or his authorised agent to the office of the Board.

## **CHAPTER-XIV**

### **24. Form of Budget Estimate:**

(1) The budget in respect of the year ensuing showing the estimated receipts and expenditure of the Board shall be prepared in Form VI and VII and submitted to the State Government.

(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 Schedule II.

**25. Submission of Budget estimates to the Board:**

(1) The budget estimate prepared under rule 27 shall be placed by the Member-secretary before the Board by the 5<sup>th</sup> October 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 shall be submitted to the State Government by the 15<sup>th</sup> October each year.

**26. Estimates of establishment expenditure and fixed recurring charges:**

(1) The estimates of expenditure on fixed establishment as well as fixed monthly recurring charges on account of rent allowances, etc., shall provided for the gross amount deductions of any kind.

(2) To all estimates referred to in sub-rule (1) shall be added with a suitable provision for leave salary based on past experience with due regard to the intention of the members of the staff in regard to leave as far as the same can be ascertained.

**27. Re-appropriators and Emergent expenditure:**

No expenditure which is not covered by a provision in the 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 reappropriation from some other head under which savings, are firmly established and available.

**28. Power to incur expenditure:**

The Member-Secretary shall have powers to incur expenditure against allotments made in the budget estimates sanctioned by the Board and against sanctioned estimates from out of the funds of the Board subject to observance of the general financial rules of the State Government.

**29. Operation of fund of the Board:**

The fund of the Board shall be operated by the Member-Secretary of the Board or in his absence by any officer of Board who may, subject to the approval of the State Government, be so empowered by the Board.

**30. Saving:**

Nothing in this Chapter shall apply to a budget already finalized before the commencement of these rules.

**31. 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 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 15<sup>th</sup> of May each year.

**CHAPTER-XV**

**32. Form a annual statement of accounts of the Board:**

The annual statement of accounts of the Board shall be maintained in Forms VIII, IX, X, XI, and XII.