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

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**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--
 - ¹[(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 of 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 reconsumed, 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 instal Vee notches or rectangular, notches with indicators and records or pressure gauges and pumping installations, after obtaining the 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 purpose 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.

²[(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.]

³[(2) If the Consumer fails to submit the return as specified in sub-rule (1) the assessing authority or the officer authorised 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.

(2) 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.

⁴[Provided that a Consumer shall not be entitled to the rebate if he;

(a) 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

(b) 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 Government 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 than 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;
- (iv) inspect the drainage system and installations, including storm water disposal in the plant of the consumer;
- (v) 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--

(a) 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;

(b) 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.

(2) 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.

(3) 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 fee of rupees fifty.

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

MIR NASRULLAH, Jt. Secy.

FORM I

(See rule 4)

Return regarding Water consumed during the month of.....

Name and Address of the consumer	Purpose for which water consumed	Reading at the begin- ning of the first day of calendar month under report	Reading at the end of the last day of the calendar month under report,	Quantity of water consumed in Kilo litres,	If the meter was out order onthly consump- tion of water for the previous 3 months working period.	Quantity of water qualif- ing for rebate according to the assessee.	Remark (*)
--	---	--	---	--	--	--	---------------

1	2	3	4	5	6	7	8
1.	Industrial cooling spraying in mine pits or boiler feed.			(i) from Municipal water supply mains (ii) from well/tubewell (iii) from canal (iv) from river (v) from any other source.			
2.	Domestic purpose,			(i) from Municipal water supply mains. (ii) from well/tubewell (iii) from canal (iv) from river. (v) from any other source			
3.	Processing whereby water gets polluted and the pollutants are easily bio- degradable.			(i) from Municipal water supply mains. (ii) from well/tubewell (iii) from canal (iv) from river. (v) from any other source.			
4.	Processing whereby water gets polluted and the pollutants are not easily bio- degradable and are toxic.			(i) from Municipal water supply mains. (ii) from well/tubewell (iii) from canal (iv) from river. (v) from any other source.			

(*) for claiming rebate under col. 7 the assessee shall indicate in this column the analytical and other reports annexed to this return in support of this claim

Signature of the consumer
Name
Address

ANNEXURE TO FORM I

Report of Analysis of treated effluent showing performance of
the treatment plant□For the month of.....

Sample collected on.....
Sample tested on.....
By the laboratories.....

S. No.	Pollutting parameters as mentioned in the conditions imposed under consent granted under section 25/26 of the Water (Prevention and Control of Pollution) act, 1974	Maximum permissible limits or range allowed as per consent conditions	Concent-ration of range of paramet-ers as per report	Dates on which There was break down or failure of the plant	on which On which Performance was noticed
1	2	3	4	5	6

Signature.....
Dale.....
Name.....
Address.....

⁵[FORM IA

[See rule 4(2)]

Name of the Board:

No.

Dated:

Notice under Section 5(2) of the Water (Prevention and Control of Pollution) Cess Act, 1977)
(36 of 1977)

To

Name and Address of the Consumer:

Assessment period:

Whereas you were required to furnish a return as provided under sub-section (1) of Section 5 of the Water (Prevention & Control of Pollution) Cess Act, 1977 (36 of 1977) read with the sub-rule (1) of Rule 4 of the Water (Prevention and Control of Pollution) Cess Rules, 1978, by the 5th of- And whereas you have failed to furnish the return by the said date:

Now, therefore, you are here by called upon to furnish the return within 7 days from the date of receipt of this Notice.

In case no return is received within the said period of 7 days, action will be taken for making assessment as per sub-section (I A) of section 6 of the aforesaid Act, ex-parte. besides initiating any other legal action as per law against you.

Place: Issuing authority
Name :.....
Date: Address:.....
.....

FORM II
(See rule 9)
(FORM OF MEMORANDUM OF APPEAL)

Before.....(**).....
(here mention the name and designation of the authority)

Memorandum of appeal under section 13 of the Water (Prevention and Control of Pollution) Cess Act, 1977.
Appeal No.....of 19.....

(here furnish complete postal address)

.....Appellant

Vs.

(here mention the name and designation of
assessing authority)

.....Respondent

The appellant named above, begs to prefer this memorandum of
appeal against the order dated.....passed by.....
.....on the following facts and grounds:

FACTS

(here briefly mention the facts of the case)

GROUND

(here mention the grounds on which the appeal is made)

- 1.
- 2.
- 3.
- 4.

PRAYER

In the light of what is stated above, the appellant respectfully prays that he/she/it may be exempted from the payment of Cess.

he/she/it may be allowed a rebate of 70 per cent as provided for in the Act and the amount of Cess reduced to Rs.....
the amount of Cess has not been correctly assessed and that it may be reduced to Rs.....

the penalty imposed on him/her/it has been wrongfully imposed and should be set aside.

the penalty imposed on him/her/it is excessive and should be suitably reduced on the basis of the facts as stated.

2. The amount of Rs..... (Rupees.....)
as fee for this appeal has been paid to..... vide receipt
No..... dated.....

Place:
Date:

Signature of the Appellant
Name
Address

⁶SCHEDULE
(See rule 6)

SI. No.	Name of Industry	Category	Maximum quantity of Water
1.	Ferrous Metallurgical steel.	Integrated Iron & Steel	20 Cubic metres per tonne of finished
2.	Non-ferrous Metallurgical produced.	(a) Copper Smelters	100 Cubic metres per tone of copper
		(b) Zinc Smelters	50 Cubic metres per

		tonne of Zinc metal produced.
3. Chemical	(a) Caustic Soda	
	(i) Mercury cell process.	5 Cubic metres per tonne of caustic soda produced (excluding cooling water) and 5 cubic metres per tonne of caustic soda produced for cooling water.
	(ii)	5 Cubic metres per tone of caustic soda including cooling water.
4. Textile	(a) Man made fibre.	
	(i) Nylon & Polyester.	170 Cubic metre per tonne fibre produced.
	(ii) Viscose rayon	200 Cubic metre per tone of fibre produced
5. Paper	(a) Small Pulp and paper	
	(i) Agro-residue based	200 Cubic metre tonne of paper
	(ii) Waste Paper based	75 Cubic metre tonne of paper
	(b) Large Pulp & Paper	
	(i) Pulp and Paper	250 Cubic metre per tonne of paper.
	(ii) Rayon grade paper.	200 Cubic metre per tonne of paper
	(a) Straight nitrogenous fertilizer. equivalent produced.	15 Cubic metre per tonne of urea or
6. Fertilizer	(b) Straight phosphate and Triple super phosphate) excluding manufacture of any acid	2 Cubic metre per tonne of Single Super Phosphate/ Triple super phosphate.

	(c) Complex Fertilizer	15 cubic metre per tonne in case the primary product is nitrogenous fertilizer and 2 cubic metre per tonne in case the primary product is a phosphatic fertilizer.
7. Processing of animal or vegetable products industry including processing of milk meat hides and skins all agricultural products and their waste,	(a) Tanneries	30 cubic metre per tonne of raw hide.
	(b) Natural rubber	6 cubic metre per tonne of rubber
	(c) Starch, glucose and related products	10 cubic metre per tonne of maize
	(d) Dairy	4 cubic metre per kilo litre of milk.
	(e) Jute	1.5 cubic metre per tonne of jute produced.
	(f) Sugar	2 cubic metre per tonne of cane crushed.
	(g) Maltry	8.5 cubic metre per tonne of grain processed.
	(h) Brewery	1 cubic metre per kilo litre of beer produced.
	(i) Distillery	15 Cubic metre per kilo litre of alcohol produced.

[No. 1(14)/91-PL/CPA]

N. BAGCHI, Director Pollution

Footnote :- The Principal Rules were published in the Gazette of India vide Notification G. S. R. 378(E) dated the 4th July, 1978.

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) dt. 25-7-1991.

^{2&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.

⁵ Inserted by Rub 4 of the Water (Prevention & Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311 (E), dated 28.2.1992.

⁶ Added by Rule S of the Water (Prevention and Control of Pollution) Cess Amendment Rules, 1992, G.S.R. 311 (E) dated 28-2-1992.

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 28th February, 1992

S.O. 182(E).-In exercise of the powers conferred by sub-section (2) and sub-section (2A) of section 3 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977) and in supersession of the notification of the Government of India in the Ministry of Works and Housing number G.S.R. 190(E), dated the 23rd March, 1978 except as respects things done or omitted to be done before such supersession, the Central Government hereby specifies-

(a) the rate of cess given in column (2) of the Table below as the rates of cess payable by every person carrying on an industry specified in Schedule I of the aforesaid Act and by every local authority, calculated on the basis of the Water consumed by him or it for the purpose mentioned in the corresponding entry in column (1) thereof; and

(b) the rates of cess given in column (3) of the Table below as the rates of cess payable by a person carrying on an industry specified in Schedule I of the aforesaid Act and by every local authority consuming water for domestic purpose calculated on the basis of the water consumed by him or it, for the purpose mentioned in the corresponding entry in column (1) thereof if he or it fails to comply with any of the provisions of section 25 of the Water (prevention. and Control of Pollution3 Act, 1974 (6 of 1974) or any of the standards laid down by (the Central Government under the Environment (Protection) Act, 1986 (29 of 1986).

TABLE

Purpose for which water is consumed	Rate of cess under sub-section (2) of section 3.	Rate of cess under sub section (2A) of section 3.
1. Industrial cooling, spraying in mine pits or boiler feeds.	One and a half paise per kilolitre	Two and one-fourlh paise per kilolitre
2. Domestic purpose	Two paise per kilo litre	Three paise per kilo litre
3. Processing whereby	Four paise	Seven and a half paise

water gets polluted per kilolitre per kilo litre.
and the pollutants are
easily bio-degradable.

4. Processing whereby Five paise per Nine and a half paise
water gets polluted kilo litre per kilo litre.
and the pollutants
are not easily
bio-degradable.

[No. 1(14)91-PL/CPA]

N. BAGCHI, Director, Control of Pollution

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