

Chite Lui (Prevention and Control of Water Pollution) Act, 2018

MIZORAM

India

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Act 3 of 2018

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Chite Lui (Prevention and Control of Water Pollution) Act, 2018(Act No. 3 of 2018)Last Updated 11th February, 2020[Dated 03.04.2018]An Act to provide for the prevention and control of water pollution in Chite Lui including the river bank on both sides (50 meters from the boundary of the river) and the maintaining or restoring of wholesomeness of the entire river course from its source at Bawngkawn till its confluence with Tuirial River thereby covering the entire length estimated to be around 20 kms approximately.It is enacted by the Legislative Assembly of Mizoram in the Sixty-Ninth Year of the Republic of India, as follows:

1. Short title, extent and commencement.

(1)This Act may be called The Chite Lui (Prevention and Control of Water Pollution) Act, 2018.(2)It extends to the catchment area of Chite Lui from its source at Bawngkawn till its confluence with Tuirial River.(3)It shall come into force on such date as the Government of Mizoram may notify in the Official Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires,-(1)"Animal Carcass" (Ran thi) means a carcass of any domestic animal or wild animal;(2)"Bio-medical waste" means any waste, which is generated during the diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biological;(3)"Biological" means any preparation made from organisms or micro-organisms or product of metabolism and bio-chemical reactions intended for use in the diagnosis, immunization or the treatment of human beings or animals or in research activities pertaining thereto;(4)"Chite Lui" means a river that flows in the eastern side of Aizawl City, traversing through the alluvial valley at an altitude of 800 to 1000 metres;(5)"Earth Spoils" (Leivung) means any excavated earth soils arising from construction of any

kind like building, road, play field, etc; (6) "Garbage" (Bawlhhlawh) means any kind of solid waste which is either degradable or non-degradable biologically; (7) "Pollution" means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage, garbage, earth spoils, animal carcass, bio-medical waste, 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; (8) "Sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sullage from open drains; (9) "Sewer" means any conduit pipe or channel, open or closed, carrying sewage or trade effluent; (10) "Trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any 3 (industry, operation or process, or treatment and disposal system), other than domestic sewage;

3. Enforcement.

(1) Any person or government or urban local body or non-governmental organization (NGO) or corporate body or medical and research institution or any group of persons found to be causing pollution of any kind as defined in sub-section 7 of section 2 shall be a cognizable and non-bailable offence punishable as the term cited in sub-section (8) hereunder. (2) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. (3) Any person, persons or authority entrusted by the Save Chite Lui Coordination Committee (SCLCC) shall keep careful watch and ward over Chite Lui and shall also report any commission of this Act as defined under "Pollution" to the Nodal Officer for further action. (4) The Sub-Divisional Police Officer (SDPO), North (Aizawl) shall act as the Nodal Officer as and when report for any violation under this Act is received. (5) The function of the Save Chite Lui Coordination Committee shall be vigilance and initiating required measures towards prevention and control of water pollution including monitoring the provisions of this Act and it will act as Nodal Agency in the proper implementation of this Act. (6) The Nodal Officer shall make a written report to the Nodal Agency as and when prosecution against offender is made and a copy of such report shall be given to the Chairman, Mizoram Pollution Control Board, Aizawl District Magistrate and Superintendent of Police, Aizawl DEF (District Executive Force). (7) There shall be a quarterly review meeting of the Nodal Officer with the Nodal Agency in order to apprise the situation on implementation of this Act. (8) (a) Whoever contravenes any direction given or order made under this Act within such time as may be specified in the direction or order so given shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both. (b) In case of continuing contravention, an additional fine which may extend to ten thousand rupees may be imposed. (c) In case of subsequent contravention after conviction for any previous contravention under this Act, a fine which may extend to five thousand rupees for every day during which such contravention continues may be imposed.

4. Publication of names of defaulters.

- If any person defaulted under this Act, name of the defaulter, the offence and the penalty imposed shall be published at the offender's expense in a daily newspaper consecutively for three days.

5. Act to have effect in addition to other Acts.

- The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to rivers.

6. Power to make rules.

- The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act. Every rule made by the Government under this Act shall be laid as soon as may be it is made before the State Legislative Assembly.

7. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty. Provided that no such order shall be made after the expiry of a period of three years from the date of the commencement of this Act. (2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislative Assembly.